

SELECTION OF DELEGATES TO A CONSTITUTIONAL CONVENTION

voters.²⁴ Section 12.03(b) of the MODEL STATE CONSTITUTION provides for the calling of constitutional conventions and suggests that "delegates shall be chosen at the next regular election . . . unless the legislature shall by law have provided for election of delegates at the same time that the question is voted on at a special election."²⁵ According to Graves in STATE CONSTITUTIONAL REVISION:

"The convention method, based upon the people's election of delegates for the specific purpose of constitutional revision, carries with it a sanction and a prestige not found in other methods. Historically and legally, the convention is the direct 'voice of the people' in matters affecting general constitutional overhaul."²⁶

²⁴ See also, e.g., J. WHEELER, THE CONSTITUTIONAL CONVENTION 32-33 (1961) where the author discusses the problem of obtaining a fairly apportioned and representative convention.

²⁵ NATIONAL MUNICIPAL LEAGUE, MODEL STATE CONSTITUTION 20, 108-109 (6th ed. 1963).

²⁶ W. GRAVES, STATE CONSTITUTIONAL REVISION 32 (1960). See also Bebout, *Recent Constitutional Writing*, 35 TEX. L. REV. 1071 (1957).

In recent conventions, the delegates have all been elected. In the New York Convention of 1938 there were 168 delegates (15 at large, 3 from each of the 51 senatorial districts), all elected. In the Missouri Convention of 1943 there were 83 delegates (2 from each of the 34 senatorial districts, 15 at large), all elected. In the New Jersey Convention of 1947 there were 81 delegates, all elected precisely in the same manner as the joint meeting of the two houses of the state legislature. In the Hawaiian Convention of 1950 there were 63 delegates, all elected. In the Alaskan Convention of 1956 there were 55 delegates, all elected. In the Michigan Convention of 1961-62 there were 144 delegates (1 from each senatorial district and 1 from each representative district), all elected.²⁷

It appears that both logic and precedent compel a conclusion that all delegates to a Maryland constitutional convention should be elected from among the qualified voters of this State.

²⁷ See also CONSTITUTIONAL CONVENTION OF THE TERRITORY OF HAWAII, MANUAL ON STATE CONSTITUTIONAL PROVISIONS (1950) (especially 319).