

I am trying to pinpoint your question, Delegate Willoner.

DELEGATE WILLONER: Lines 1, 2, and 3 on page 2.

DELEGATE BOYER: Well, I think it is consistent with the amendment on lines 25 and 26, three-fifths vote of all members of the house. The theory is that the constitutional convention is a specialized group, and probably is, like this group here, devoting its entire time to one particular subject, that is, the constitution; therefore, a majority vote would be sufficient.

The members of the General Assembly, however, are a more diversified group and probably would require larger than a majority or three-fifths vote. This is the only answer I can give you, sir.

DELEGATE JAMES (presiding): Is it not largely a matter of style, to make clear that you need an affirmative vote? It is a clarification, is it not?

DELEGATE WILLONER: My problem simply is that constitutional conventions ordinarily do not amend constitutions, but they write entirely new constitutions.

Is this a new type of proposal?

DELEGATE JAMES (presiding): Would Delegate Boyer mind if the Chair answers that question?

It is perfectly possible to have a limited convention, limited to certain specific areas as defined in the act calling the convention, so that if a limited convention is called, amendments would be submitted to your current constitution.

I believe that is the answer. Delegate Penniman might clarify that.

DELEGATE PENNIMAN: That would seem to be the answer to Delegate Willoner's question, but this is what is happening in Pennsylvania right now, and is about to happen in Virginia.

DELEGATE JAMES (presiding): Delegate Boyer.

DELEGATE BOYER: If I may, Mr. Chairman, this would be supplementing your answer and that of Delegate Penniman, but the Pennsylvania Convention was called specifically for the purpose of amending the constitution, and that is one reason why this could be done in Maryland.

DELEGATE JAMES (presiding): Are there any further questions for clarification?

Delegate Chabot.

DELEGATE CHABOT: In section 10.02 when there is discussion about the proposing of amendments by the General Assembly, there is a reference to "the affirmative vote," and I just wondered what was the thinking of the Committee in striking out "the" and putting in "an affirmative vote" with regard to a convention. Was there some difference in substance thought to be created by this?

DELEGATE JAMES (presiding): Delegate Penniman.

DELEGATE PENNIMAN: I am sorry. I do not know why we made that change. It is obvious that it could be "the", and it is obvious it could be "the" in the second case, too.

DELEGATE CHABOT: In any event, I take it it is clear the only thing the constitution mandates with regard to how the convention votes is to require a majority on the final passage of whatever it is the convention recommends.

DELEGATE PENNIMAN: What is clear is that it is an affirmative vote, and the only thing which was before us came to us from the General Provisions Committee. I will make no comment on your question, which seems to me to again go to Delegate Boyer.

DELEGATE CHABOT: Well, did you understand, then, that by changing the "the" to "an" you were not requiring a majority vote in places where the work of the Committee of the Whole would not have required a majority vote? You are not requiring a majority vote on parts of an amendment or parts of a new constitution?

DELEGATE PENNIMAN: No. Let me say that the change from "the" to "an" was accidental and was in no sense intended to change the meaning that "an affirmative vote" had in the earlier part of the sentence.

Whether this is a typographical error or not I do not know, because I do not have that in front of me. I would be surprised if it were. This was made on Wednesday morning when we were trying to get everything on the floor by Wednesday afternoon, and this article and the legislative branch article suffered I think in both cases, because we did things in a great deal more of a hurry than we had any desire to do it in.

DELEGATE JAMES (presiding): Delegate Sollins.