

tions. The governor shall accompany his plan with a message explaining his reasons for any changes from the recommendations of the board. The governor's redistricting plan shall be published in the manner provided for acts of the legislature and shall have the force of law upon such publication. Upon the application of any qualified voter, the supreme court, in the exercise of original, exclusive and final jurisdiction, shall review the governor's redistricting plan and shall have jurisdiction to make orders to amend the plan to comply with the requirements of this constitution or, if the governor has failed to promulgate a

redistricting plan within the time provided, to make one or more orders establishing such a plan."⁶ The Constitution of Alaska (Article VI, Sections 8-10) adopts a similar approach.

It is recommended that the governor should be given powers similar to those in the MODEL STATE CONSTITUTION. However, since these powers so interrelate with the establishment of legislative districts, a matter of paramount concern to the Committee of the Legislative Department, the Committee on the Executive Department feels that it should not attempt to draft the required constitutional language.

POWER OF THE GOVERNOR TO SUBMIT BILLS WHICH FAIL TO PASS THE LEGISLATURE TO REFERENDUM

The appendix to the MODEL STATE CONSTITUTION contains the following section:

"Section —.02. *Referendum of Legislation.*

"(a) Any bill failing of passage by the legislature may be submitted to referendum by order of the governor, either in its original form or with such amendments as were considered by the legislature as he may designate. Any bill which, having passed the legislature, is returned thereto by the governor with objections and, upon reconsideration, is not approved by a two-thirds vote of all the members but is approved by at least a majority thereof, may be submitted to referendum by a majority of all the members. Bills thus submitted to referendum shall be voted on at the next succeeding regular election occurring at least sixty days after action is taken to submit them, unless

the legislature shall provide for their submission at an earlier date."⁷ This provision is placed in the appendix rather than the body of the MODEL since it is considered to be a "compensatory" device designed to overcome problems which exist in only a few states. It is designed to resolve deadlocks between the governor and the legislature by authorizing a referendum on bills vetoed by the governor or on bills which fail to pass the legislature.

Maryland's experience and prospects indicate no need for such a provision. The section was undoubtedly conceived as a "child of necessity" in an attempt to permit the governor, a statewide elected official, to represent the urban masses effectively and if necessary, pass legislation without the consent of a non-population-based legislature. Now that Maryland has a fairly apportioned legislature, this need is removed.

Furthermore, the section appears undesirable. The electorate cannot be ex-

⁶ NATIONAL MUNICIPAL LEAGUE, MODEL STATE CONSTITUTION 45 (6th ed. 1963) (hereafter cited as MODEL STATE CONSTITUTION).

⁷ MODEL STATE CONSTITUTION 118.