

DELEGATE WHITE: I yield the remainder of the time to Delegate Herbert Chabot.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, it was pointed out that the same arguments that are made here for municipalities can be just as logically made for counties and the comment by Delegate Fox that voting in the county election means that you must be permitted to vote for additional delegates for the House of Delegates and you must be permitted to get additional votes for the governor, of course does not apply because if the elections are held the same day, as a minority report which we are going to get later on would suggest, or on different years, as this same Committee has reported, the voting machines can be so arranged that the person who is only qualified to vote for the county election would be limited to voting for those offices. Consequently, if we accept the principle for the municipalities, there is no logical reason for rejecting it for the counties.

Let me say also with regard to the statement from the Attorney General's office, the statement was prepared by Edward L. Blanton, Jr. I know him well. He was at one time also a tax lawyer. Nevertheless if his opinion on this matter is to be considered, and I respectfully suggest that he was wrong, he was considering a Supreme Court opinion which was a one-paragraph per curia affirmance in 1952 immediately after *Baker v. Carr*, when the Supreme Court and all the courts were under great pressure to decide how far the one man, one vote principle went, and the courts were trying to find the way that the legislature could be given as much power as possible without the courts interfering.

Let us look at the 1966 opinion in which the Supreme Court struck down the Virginia poll tax. They did not do it on the basis that the poll tax operated to discriminate against the Negro, which they very well could have done based on the history of the introduction of the poll tax in that state. They said rather "Voter qualifications have no relation to wealth nor to paying this or any other tax. The principle that denies the state the right to dilute the citizen's vote on account of the economic status or such other factors by analogy bars a system which excludes those unable to pay a fee to vote or fail to pay."

Mr. Chairman, the Committee's Report would permit the municipality to say that

the only non-residents who can vote are those who own taxable properties within its limit. This can be set at \$100 or \$1 or \$1000.

I suggest that we are by this language permitting municipalities to discriminate among non-residents on account of their wealth, on account of their property.

We have said that this is improper for all the other elections that we deal with from every level of government. We should say it is improper here too.

THE CHAIRMAN: The Chair recognizes Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Mr. Chairman, the majority rests on the experience of the communities that have this provision and take advantage of it, and on the very excellent statements provided by Delegates Grant, Pascal and Fox.

THE CHAIRMAN: Now we have a period of uncontrolled but limited debate.

Does any delegate desire to speak in favor of the amendment?

Delegate Boileau.

DELEGATE BOILEAU: In American politics one of the most insidious crimes that can be permitted anywhere is to buy a vote, and if section 2 is adopted, in essence you allow certain citizens of this State the right to buy a vote in municipal elections.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Della.

DELEGATE DELLA: Mr. Chairman and fellow delegates, I am not interested in whether we have property rights in Ocean City or whether Ocean City gives to its non-residents the right to vote.

I am interested though that the citizens of Ocean City have selected this form of government. I think they have a right to select whatever form of government they want as long as they do not discriminate.

I have not heard one word of discrimination on this floor. I think that is the question. Those people in Ocean City have a right to govern themselves as they see fit as long as there is no fraud.

We are not talking about Hague or Johnny Kenny up in Hudson County. We are talking about Ocean City, mainly, and how that power was granted to Ocean City