

tutionally valid apportionment scheme prior to the 1966 elections.<sup>84</sup>

The subsequent 1965 regular session of the legislature did not enact a new apportionment scheme, but a special session called by Governor Tawes in 1966 did. In fact, two apportionment plans, Senate Bill 5 and Senate Bill 8, were enacted. Senate Bill 8 gave the less populous areas of the State more favorable representation in the Senate than they were given by Senate Bill 5. Senate Bill 8 also provided that if it, Senate Bill 8, were held valid by the Court of Appeals, Senate Bill 5 was not to become effective. Governor Tawes signed both bills, stating that although he thought Senate Bill 8 to be unconstitutional, this was a matter on which the legislature was entitled to a decision by the Court of Appeals.

Senate Bill 5 and Senate Bill 8 had identical provisions for the apportionment of the House of Delegates. The House of Delegates was to have 142 members, with each county and Baltimore City having a minimum of one representative. This accounted for 24 of the 142 seats. The remaining 118 seats were to be distributed among the counties and Baltimore City on the basis of population. This procedure gave Kent County, with a population of 15,481, one representative. Dorchester County, with a population of 29,666,

<sup>84</sup> 377 U.S. 656, 676 (1964).

also received one representative. In Baltimore County, with 22 delegates representing 492,428 persons, each delegate represented an average of 22,383 persons. In the six legislative districts of Baltimore City, the number of persons represented by each delegate varied from a low of 20,895 to a high of 23,205. Looking at the House of Delegates as a whole, 49.5 per cent of the population of the State could elect one-half of the delegates, while the remaining 50.5 per cent of the population could elect the other one-half.

Senate Bill 8 provided for a 53-member Senate elected from 29 senatorial districts. One senator was allocated to each of 19 of Maryland's 23 counties. The remaining 34 seats were allocated to the remaining more populous counties and Baltimore City. Under this bill, Kent and Calvert counties, with populations of 15,481 and 15,826, respectively, were each entitled to one senator. Allegany County, with 84,169 persons, and Washington County, with 91,219, were also entitled to one senator apiece. The representation of Kent County was thus six times that of Washington County. Baltimore City, with 939,024 population, had 12 senators, a more favorable representation than that allocated to Washington County.

Senate Bill 5 provided for 43 senators to be elected from 16 senatorial districts, as follows: