

# SENATE BILL 161

P5

CONSTITUTIONAL AMENDMENT

5lr0769

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By: **Senator Simonaire**

Introduced and read first time: January 30, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

AN ACT concerning

### **General Assembly – Legislators’ Right to Vote Act**

FOR the purpose of proposing an amendment to the Maryland Constitution prohibiting a member of the General Assembly from being expelled from or denied voting rights on the standing committee on which the member serves except under certain circumstances; making a conforming change; submitting an amendment to the Maryland Constitution to the qualified voters of the State for their adoption or rejection; providing for the effective dates of this Act; providing for the termination of certain provisions of this Act under certain circumstances; making certain stylistic changes; and generally relating to standing committee members in the General Assembly.

BY proposing an amendment to the Maryland Constitution  
Article III – Legislative Department  
Section 19

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 2–1101  
Annotated Code of Maryland  
(2014 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

### **Article III – Legislative Department**

19.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**(A)** [Each] **SUBJECT TO SUBSECTION (B) OF THIS SECTION**, EACH House shall be judge of the qualifications and elections of its members, as prescribed by the Constitution and Laws of the State, and shall appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful [behaviour] **BEHAVIOR** and with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same [offence] **OFFENSE**.

**(B)** **A MEMBER MAY NOT BE EXPELLED FROM OR DENIED THE RIGHT TO VOTE ON ANY LEGISLATION OR OTHER MATTER BEFORE THE STANDING COMMITTEE ON WHICH THE MEMBER SERVES, UNLESS:**

**(1)** **THE MEMBER IS APPOINTED TO AN ALTERNATE STANDING COMMITTEE AND IS GRANTED VOTING RIGHTS ON THAT STANDING COMMITTEE;**

**(2)** **AT LEAST TWO-THIRDS OF THE ELECTED MEMBERS OF THE HOUSE IN WHICH THE MEMBER SERVES CONSENTS TO THE EXPULSION OR DENIAL OF VOTING RIGHTS; OR**

**(3)** **THE MEMBER IS PROHIBITED FROM VOTING UNDER:**

**(I)** **A LAW ENACTED BY THE GENERAL ASSEMBLY; OR**

**(II)** **A REGULATION ADOPTED BY AN ETHICS BODY TO WHICH THE MEMBERS OF THE GENERAL ASSEMBLY ARE SUBJECT.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – State Government**

2-1101.

**(a)** [When] **SUBJECT TO ARTICLE III, § 19 OF THE MARYLAND CONSTITUTION**, WHEN the General Assembly is not in session, any decision that relates to or affects a member of a committee of the General Assembly shall be made:

**(1)** as to a Senate member, by the President; and

**(2)** as to a House member, by the Speaker.

**(b)** The responsibilities of the President and the Speaker under this section include:

**(1)** appointing members of committees;

- (2) appointing officers of committees; and
- (3) setting the dates, times, and places for committee meetings.

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2016 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Section 1 of this Act. If Section 1 of this Act does not take effect, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Sections 3, 4, and 5 of this Act, this Act shall take effect October 1, 2015.