

CONSTITUTIONAL AMENDMENT

P5  
HB 1161/90 - CAL

6lr1257  
CF SB 61

**By: Delegate Eckardt**

Introduced and read first time: January 18, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **House of Delegates - Resident Delegates**

3 FOR the purpose of ensuring that each county in the State shall be represented by at  
4 least one resident delegate in the House of Delegates; requiring that in certain  
5 legislative districts, delegates may not be residents of the same county within the  
6 district; permitting an increase in the size of the House of Delegates under certain  
7 limited circumstances; providing for the election of one or more additional  
8 delegates under certain limited circumstances; clarifying language; generally  
9 relating to ensuring the representation in the General Assembly of each county in  
10 Maryland; making provisions of this Act severable; and submitting this amendment  
11 to the qualified voters of the State of Maryland for their adoption or rejection.

12 BY proposing an amendment to the Constitution of Maryland  
13 Article III - Legislative Department  
14 Section 2 and 3

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

18 **Article III - Legislative Department**

19 2.

20 The membership of the Senate shall consist of forty-seven (47) Senators. [The]  
21 EXCEPT AS PROVIDED IN § 3(D) OF THIS ARTICLE, THE membership of the House of  
22 Delegates shall consist of one hundred forty-one (141) Delegates.

23 3.

24 (A) The State shall be divided by law into legislative districts forthe election of  
25 members of the Senate and the House of Delegates. [Each] EXCEPT AS PROVIDED IN  
26 SUBSECTION (B) OF THIS SECTION, EACH legislative district shall containone (1)  
27 Senator and three (3) Delegates. Nothing [herein] IN THIS SECTION shallprohibit the  
28 subdivision of any one or more of the legislative districts for the purpose of electing  
29 members of the House of Delegates into three (3) single-member delegatedistricts or  
30 one (1) single-member delegate district and one (1) multi-member delegate district.

1 (B) IN A LEGISLATIVE DISTRICT THAT CONTAINS MORE THAN THREE  
2 COUNTIES, IN WHOLE OR IN PART, AND IN WHICH THE VOTERS OF THE DISTRICT  
3 ELECT DELEGATES AT LARGE, NONE OF THE DELEGATES REPRESENTING THE  
4 LEGISLATIVE DISTRICT MAY RESIDE IN THE SAME COUNTY.

5 (C) FOLLOWING A GENERAL ELECTION FOR MEMBERS OF THE GENERAL  
6 ASSEMBLY, IF A COUNTY IS WITHOUT A RESIDENT DELEGATE, THE CANDIDATE FOR  
7 DELEGATE FROM THAT COUNTY, IF ANY, WHO RECEIVED THE GREATEST NUMBER  
8 OF VOTES IN THE GENERAL ELECTION, REGARDLESS OF THE DISTRICT IN WHICH  
9 THE CANDIDATE RAN, SHALL SERVE AS AN ADDITIONAL DELEGATE FROM THE  
10 CANDIDATE'S DISTRICT.

11 (D) THE SIZE OF THE HOUSE OF DELEGATES SHALL INCREASE AS NECESSARY  
12 TO ACCOMMODATE ANY DELEGATE WHO IS ELECTED IN ACCORDANCE WITH  
13 SUBSECTION (B) OF THIS SECTION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That if the provisions of this  
15 Amendment are found to be unconstitutional, or to have an unconstitutional result, they  
16 are declared severable.

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

21 SECTION 4. AND BE IT FURTHER ENACTED, That the foregoing section  
22 proposed as an amendment to the Constitution of Maryland shall be submitted to the  
23 legal and qualified voters of this State at the next general election to be held in  
24 November, 1996 for their adoption or rejection in pursuance of directions contained in  
25 Article XIV of the Constitution of this State. At that general election, the vote on this  
26 proposed amendment to the Constitution shall be by ballot, and upon each ballot there  
27 shall be printed the words "For the Constitutional Amendments" and "Against the  
28 Constitutional Amendments," as now provided by law. Immediately after the election, all  
29 returns shall be made to the Governor of the vote for and against the proposed  
30 amendment, as directed by Article XIV of the Constitution, and further proceedings had  
31 in accordance with Article XIV.