

CONSTITUTIONAL AMENDMENT

(PRE-FILED)

P5
HB 1161/90 - CAL

6lr0881

By: Senator Colburn

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

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.