

SENATE BILL 664
CONSTITUTIONAL AMENDMENT

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P5

2004 Regular Session
4r1219

By: **Senator Colburn**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative Districts - County Representatives for the House of Delegates**

3 FOR the purpose of authorizing certain county commissioners or county councils to
4 appoint a registered voter from their county to represent the county in the
5 House of Delegates under certain circumstances by a certain date; providing the
6 term of office for the representative; providing for the powers of the
7 representative; providing for the compensation of the representative; and
8 submitting this amendment to the qualified voters of the State of Maryland for
9 their adoption or rejection.

10 BY proposing an addition to the Maryland Constitution

11 Article III - Legislative Department

12 Section 6A

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

16 **Article III - Legislative Department**

17 6A.

18 (A) (1) IN A GENERAL ELECTION FOR THE ELECTION OF MEMBERS OF THE
19 GENERAL ASSEMBLY, IF THE REGISTERED VOTERS OF A LEGISLATIVE DISTRICT DO
20 NOT ELECT AN INDIVIDUAL WHO IS A RESIDENT OF A COUNTY INCLUDED WITHIN
21 THE LEGISLATIVE DISTRICT, EITHER THE COUNTY COMMISSIONERS OR THE COUNTY
22 COUNCIL OF THAT COUNTY MAY APPOINT A RESIDENT OF THAT COUNTY TO
23 REPRESENT THE COUNTY IN THE HOUSE OF DELEGATES.

24 (2) IF A COUNTY IS INCLUDED IN MORE THAN ONE LEGISLATIVE
25 DISTRICT, THIS SECTION ONLY APPLIES IF NO INDIVIDUAL WHO IS A RESIDENT OF
26 THAT COUNTY IS ELECTED IN ANY OF THE LEGISLATIVE DISTRICTS THAT INCLUDE A
27 PORTION OF THAT COUNTY.

28 (B) THE APPOINTMENT UNDER THIS SECTION SHALL BE MADE FOLLOWING
29 THE GENERAL ELECTION FOR THE ELECTION OF MEMBERS OF THE GENERAL

1 ASSEMBLY, BUT PRIOR TO THE SECOND WEDNESDAY OF JANUARY FOLLOWING THE
2 GENERAL ELECTION.

3 (C) THE REPRESENTATIVE APPOINTED BY THE COUNTY SHALL SERVE FOR A
4 TERM OF FOUR YEARS BEGINNING ON THE SECOND WEDNESDAY OF JANUARY
5 FOLLOWING THE GENERAL ELECTION.

6 (D) THE REPRESENTATIVE SHALL:

7 (1) HAVE THE RIGHT TO DEBATE, BUT NOT TO VOTE;

8 (2) EXCEPT AS PROVIDED IN ITEM (1) OF THIS SUBSECTION, HAVE ALL
9 THE PRIVILEGES GRANTED TO A DELEGATE UNDER THIS ARTICLE; AND

10 (3) BE SUBJECT TO THE SAME RESTRICTIONS AND REGULATIONS THAT
11 ARE IMPOSED BY LAW OR RULES ON A DELEGATE.

12 (E) THE REPRESENTATIVE:

13 (1) MAY NOT RECEIVE THE COMPENSATION AFFORDED A MEMBER
14 OF THE GENERAL ASSEMBLY; BUT

15 (2) MAY RECEIVE COMPENSATION AS PROVIDED BY THE COUNTY.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
17 determines that the amendment to the Maryland Constitution proposed by this Act
18 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
19 Maryland Constitution concerning local approval of constitutional amendments do
20 not apply.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
22 proposed as an amendment to the Maryland Constitution shall be submitted to the
23 legal and qualified voters of this State at the next general election to be held in
24 November, 2004 for their adoption or rejection in pursuance of directions contained in
25 Article XIV of the Maryland Constitution. At that general election, the vote on this
26 proposed amendment to the Constitution shall be by ballot, and upon each ballot
27 there shall be printed the words "For the Constitutional Amendment" and "Against
28 the Constitutional Amendment," as now provided by law. Immediately after the
29 election, all returns shall be made to the Governor of the vote for and against the
30 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
31 further proceedings had in accordance with Article XIV.