

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 664 (Senator Colburn)
Education, Health, and Environmental Affairs

Legislative Districts - County Representatives for the House of Delegates

This constitutional amendment authorizes a county commission or county council to appoint a county resident to represent the county in the House of Delegates whenever, in a general election, the registered voters in a legislative district do not elect an individual who is a resident of the county included within the district. If the county is included in more than one legislative district, the bill's provisions would only apply if no county resident is elected in any of the legislative districts that include a portion of that county. The appointed representative has the right to debate and all privileges granted to a delegate under the Maryland Constitution except for the right to vote. The appointed representative may receive compensation from the county that he/she was appointed by, but would not receive the compensation afforded to a member of the General Assembly. The term of the representative is four years beginning on the second Wednesday of January following the general election.

Fiscal Summary

State Effect: Potential general fund expenditure increase of \$18,600 beginning in FY 2007. Revenues would not be affected.

Local Effect: Potential minimal increase in local expenditures beginning in FY 2007 if a local jurisdiction does not elect a resident in the 2006 election and decides to provide compensation to an appointed county representative to the General Assembly.

Small Business Effect: None.

Analysis

Current Law: The State of Maryland is divided into 47 districts for the election of members of the General Assembly of Maryland. Each legislative district elects one senator and three delegates. Each legislative district may be subdivided into three single-member delegate districts or into one single-member delegate district and one two-member delegate district.

In any legislative district which contains more than two counties where delegates are to be elected at large by the voters of the entire district, a county, or part of a county, may not have more than one delegate residing in that district. Where delegates are to be elected by the voters of a multimember subdistrict which contains more than two counties or parts of more than two counties, a county or a part of a county may not have more than one delegate residing in that subdistrict.

The composition of Maryland's 47 legislative districts is determined every 10 years following the census. There are no provisions in State law authorizing a county to appoint a resident to the House of Delegates. Under the current legislative districting plan only Caroline County has no residents who are members of the House of Delegates.

Background: State legislative district boundaries are required under the Maryland Constitution and federal case law to be redrawn every 10 years after the decennial census, to adjust for population changes. Legislative districts can be subdivided for the purpose of electing one or two delegates from a subdistrict, and each legislative district is required to be contiguous, compact, and of "substantially equal" population. The drawing of legislative boundaries fall under the requirements of the U.S. Constitution's fourteenth amendment which requires districts to be equally populated. The Governor's Legislative Districting Plan (HJ 3/SJ 3) became effective on February 22, 2002 but was invalidated by the Court Appeals primarily on grounds that too many of the plan's legislative districts crossed political boundaries in the Baltimore area. The court established a modified plan that took effect June 21, 2002.

State Fiscal Effect: The bill prohibits a county representative from receiving compensation as a member of the General Assembly. The Attorney General advises that "compensation" does not include district office expenses. Therefore, a county representative could be eligible to receive a district office account which is currently budgeted at \$18,625 per delegate. These funds could be used to maintain a staff and other office expenses. Caroline County is the only jurisdiction currently affected by the bill. General fund expenditures could increase by \$18,625 as a result of the bill in fiscal 2007 and in future years provided that Caroline County remains without a resident delegate after the 2006 election. There are five additional jurisdictions that could potentially be without a resident delegate (however remote) as a result of the 2006

general election; Dorchester County, Kent County, Queen Anne's County, Talbot County, and Wicomico County.

Any additional expenses for office equipment, furniture, and a seat on the House floor could be handled within the existing resources of the Department of Legislative Services.

Local Fiscal Effect: The Maryland Constitution requires that proposed amendments to the constitution be publicized either: (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the fiscal 2005 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2004 general election in newspapers or on specimen ballots.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Attorney General's Office, Carroll County, Cecil County, Prince George's County, Harford County, Department of Legislative Services

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lc/mdr

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