

Department of Legislative Services
2012 Session

FISCAL AND POLICY NOTE

House Joint Resolution 3 (Delegate Morhaim, *et al.*)

Rules and Executive Nominations

Education, Health, and Environmental Affairs

Maryland Ratification of the 17th Amendment to the United States Constitution

This joint resolution establishes that the 17th Amendment to the U.S. Constitution is ratified by the State of Maryland as part of the U.S. Constitution.

Fiscal Summary

State Effect: The joint resolution does not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Background: The 17th Amendment, ratified in 1913, specifies that U.S. Senators be elected by the people of each state. Under the original U.S. Constitution, Senators were elected by the state legislatures. The amendment also specifies that when vacancies occur in the Senate representation of a state, the executive authority has to issue writs of election (requiring that an election be held) to fill such vacancies. However, the legislature of a state may empower the executive to make temporary appointments until the vacancy is filled by election as the legislature may direct.

In the latter half of the 1800s, difficulties in the election of Senators by state legislatures, including voting deadlocks that kept seats vacant for extended periods of time, were experienced in a number of states. Momentum for reform built, and in the early 1900s a number of states implemented direct election processes on their own. Increasing support for direct election of Senators eventually led to the 17th Amendment's approval in the

Senate in 1911 and House of Representatives in 1912. Ratification by three-fourths of the states necessary for it to become part of the U.S. Constitution occurred on April 8, 1913.

The Delaware General Assembly recently ratified the 17th Amendment in 2010.

Additional Information

Prior Introductions: SJ 1 of 2009 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: SJ 2 (Senators Raskin and Forehand) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2012
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