

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 96 (Delegate Bouchat)
Rules and Executive Nominations

General Assembly - Membership, Election Timing for State Senators, and
Eligibility

This proposed constitutional amendment (1) beginning with the *2033 legislative session*, increases the size of the Senate from 47 to 48 members, and the House of Delegates from 141 to 144 members; (2) adds off-cycle elections for senators in 2028 and 2032; (3) staggers the terms of senators such that the 24 senators receiving the lowest number of total votes in the 2032 election serve an initial term of two years (followed by four-year terms), and the 24 senators receiving the highest total votes in the 2032 election serve a term of four years, as specified; and (4) makes conforming changes. A serving delegate who seeks election as a senator for a Senate term that begins before the expiration of the delegate's term must vacate the seat of delegate on the first day of the next immediately following legislative session.

Fiscal Summary

State Effect: General fund expenditures may increase by an indeterminate amount in FY 2027 and FY 2028 for an off-cycle election, as discussed below. General fund expenditures increase significantly beginning in FY 2033 for the salaries and benefits of the newly established members of the General Assembly and their staff. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Membership and Terms of the General Assembly

Pursuant to Article III of the Maryland Constitution, the membership of the Senate must consist of 47 senators, and the membership of the House of Delegates must consist of 141 members. In addition, members of the Senate and the House of Delegates serve four-year terms.

Legislative Redistricting in Maryland

Article III of the Maryland Constitution also sets forth requirements for State legislative districts and procedures for legislative redistricting. The Maryland Constitution and federal case law require that the boundaries of the State's 47 legislative districts are redrawn after each decennial census to adjust for population changes. State legislative districts must (1) consist of adjoining territory; (2) be compact in form; (3) be substantially equal in population; and (4) duly reflect natural and political boundaries. Legislative districts may be subdivided into single-member and/or multi-member districts for the purpose of electing delegates. Chapters 66 and 67 of 2010 address the allocation of the State's prison population among legislative districts.

Generally, in the second year following the decennial census, the Governor must, after conducting public hearings, submit a legislative districting plan to the Presiding Officers of the General Assembly on the first day of the legislative session. The Presiding Officers must introduce the plan as a joint resolution to the General Assembly. Unless the General Assembly adopts an alternative plan before the 45th day of the session, the Governor's plan becomes law. The Supreme Court of Maryland has original jurisdiction to review, upon petition by a registered voter, the legislative districting plan and grant relief.

State Expenditures: The State Board of Elections (SBE) may require additional resources to facilitate the new election cycle for the General Assembly, as proposed by the constitutional amendment. Although SBE already oversees the elections for candidates to the General Assembly, the creation of a two-year election cycle for some members of the Senate may generate additional campaign activity necessitating additional oversight. Therefore, general fund expenditures increase by an indeterminate amount only in fiscal 2027 and 2028 for administrative expenses related to the 2028 election and for SBE to monitor any additional campaign activity during that election cycle. It is assumed SBE can handle future election cycles with existing resources.

Any costs associated with the provisions of the proposed constitutional amendment regarding the one additional senator and three additional delegates do not occur until fiscal 2033, concurrent with the 2033 legislative session, and therefore are outside the five-year period covered by this fiscal and policy note. *For illustrative purposes only*, the calendar 2025 salary for a member of the General Assembly is \$55,526. General fund expenditures further increase for the salaries of the new members' personal staff, member allowances, and any other associated personnel costs.

It is assumed the Department of Legislative Services can allocate additional office space for the four additional members and their staff with existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2025
km/mcr

Analysis by: Thomas S. Elder

Direct Inquiries to:
(410) 946-5510
(301) 970-5510