

Testimony Sen Sydnor SB 55 - Place of Abode.pdf

Uploaded by: Clark, Eugene

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony Regarding SB 55
Legislative Department – Eligibility to Serve as Senators and Delegates – Place of Abode
Before the Senate Education, Health, and Environmental Affairs Committee
February 4, 2021

Good afternoon Mr. Chairman, members of the Education, Health, and Environmental Affairs Committee.

It is important for a legislator to maintain a place of abode in the district they are representing. Allowing anything less allows a person living in any part of the state to represent any district they want. Unfortunately, the Court of Appeals of Maryland decided in *Blount v. Boston*¹ that absent legislation to the contrary, a legislator may “reside” in the legislative district they represent without having a place of abode there. How can a resident of one area of the state understand the needs of the community in another part of the state in which they do not live and do not spend any time?

While “intent” seems like it should be a straightforward standard that fairly represents someone’s domicile, in reality one can provide evidence suggesting their intent to domicile in one place while actually spending most of their time at a place of abode located elsewhere. Allowing legislators to do this will prevent a true understanding of the issues that their constituents’ day to day experiences. Ultimately, the ruling in *Blount* harms constituents because it opens up the possibility that they may be represented by someone who does not understand the needs of their community and may not have their best interests at heart.

In 1998, the Court of Appeals of Maryland ruled in *Blount v. Boston*² that “any inquiry into whether a member of or a candidate for the Maryland General Assembly meets the ‘residency’ requirements set forth in Article III, § 9, must focus upon the member’s or candidate’s domicile.”³ Currently, the Maryland Constitution states that the representative or person seeking office needs to “reside” in the district they represent in order to qualify as a representative for that district.⁴ In this case, Maryland State Senator Blount lived in his legislative district in Baltimore City for 30 years, maintained an apartment there, voted there, registered his cars there, filed his tax returns and financial disclosures there, and had his apartment in his legislative district listed as his address on his driver’s license, but he bought a condominium outside of his legislative district in Baltimore

¹ 351 Md. 360 (1998).

² *Id.*

³ *Id.* at 366

⁴ Md. Const. art. III, § 9.

County, where he slept. The Court of Appeals held that the definition of ‘residency’ is unclear.⁵ The Court stated, although there are multiple factors to consider, the controlling factor is which location the person intended to make his or her domicile.⁶

The Court noted that “[i]f the residency requirement for representing a particular legislative district in the General Assembly were that one must have his or her primary place of abode in that district, we would have affirmed the judgment [that Blount no longer resided in the district he represented]”⁷ This amendment fills this constitutional gap and requires that representatives or individuals seeking office not only reside in the district they represent, but also maintain a place of abode there.

Too often, we hear rumors about legislators living outside of the district that they represent. We must amend the current constitutional language to require representatives and individuals seeking office to maintain a place of abode in the district they represent. I urge the committee to vote in favor of SB 55.

⁵ *Blount* at 367.

⁶ *Id.* at 380.

⁷ *Id.* at 384.

PGCYD Press Release 2_2_21 (1).pdf

Uploaded by: Elliott, Richard DeShay

Position: FAV



NEWS RELEASE

FOR IMMEDIATE RELEASE
2021 LEGISLATIVE SESSION

Contact: Martin Mitchell

President
410-493-7966/president@pgcyd.com

Prince George's County Young Democrats

Prince George's County, MD - The membership of the Prince George's County Young Democrats Legislative Committee have voted to support the following coalitions and legislation:

Coalitions

- UMD Black Student Leaders
- Sunrise Movement- Baltimore

Resolutions in SUPPORT

DELEGATE JULIAN IVEY (D47A)

- HB332: Renewable Energy Portfolio Standard - Eligible Sources
- HB702: Higher Education - Standardized Tests - Prohibition of Use in Student Admissions
- HB142: Income Tax - Student Loan Debt Relief Tax Credit - Alterations
- HB722: Procurement - Disparity Studies - African American-Owned Businesses
- HB723: Public Institutions of Higher Education – Incarcerated and Formerly Incarcerated Individuals – Academic and Employment Opportunities
- HB703: Transportation - I-270 and I-495 - Prohibition on Adding New Lanes
- HB705: Transportation – I-270 and I-495 – Prohibition on Toll Lanes (Stop Unnecessary Toll Lanes Act of 2021)

CANTU AMENDMENT: In the event of said toll lanes, that the fines generated by toll lanes contribute to public transportation and air quality improvement, including tree planting.

- HB725: Constitutional Amendment - Legislative Sessions

FRIAS AMENDMENT: This legislation will appropriate ½ of current appropriations for staff and associated workers as is appropriated for the 90 day session, for each of said newly created legislative sessions.

SENATOR CHARLES SYDNOR (D44)

- SB187: Criminal Procedure – Forensic Genetic Genealogical DNA Analysis, Searching, Regulation, and Oversight
- SB55: Legislative Department - Eligibility to Serve as Senators and Delegates - Place of Abode
- SB166: Criminal Procedure - Police Officers - Duty to Report Misconduct (Maryland Police Accountability Act)

Written By:

Phylicia Henry, *Chair of Legislative Affairs as a Whole.*

Janna Parker, *Chair of County Affairs.*

Hugo E. Cantu, *Vice Chair of County Affairs.*

Richard DeShay Elliott, *Chair of State Affairs.*

Interested members of the general public are encouraged to engage with PGCYD, regardless of geographic location, as long as they meet two criteria: they are registered Democrats or Independents and are interested in serving the greater good for our communities.

PGCYD.COM



- **SB590: Criminal Procedure - Required Disclosures - Brady Material**
- **SB456: Office of the State's Attorney - Collection and Publication of Prosecutorial Information**
- **SB588: Law Enforcement Officers - Creditability of Witnesses and Misconduct Database (Maryland Police Accountability Act of 2021)**

ELLIOTT AMENDMENT: Said database has the requirement to transfer in data from other states' misconduct databases.

SENATOR JILL P. CARTER (D41)
- **SB482: Public Safety - Law Enforcement Officers - Whistleblower Protections**
- **SB419: No-Knock Warrants - Elimination**

CANTU/PARKER AMENDMENT: If a Sheriff's office or other policing agency is found to be executing or pursuing a no-knock warrant following the passage of this bill, there will be a fine of no less than \$10,000 than it is earmarked for the jurisdiction's Public Defender's Office with said funding coming from their operating budget of said policing agencies without the ability to supplement or supplant said fines in future budgets.

DELEGATE C.T. WILSON (D28)
- **HB11: Public Schools - African American History - Development of Content Standards and Implementation**
- **HB106: Office of the Attorney General - Website to Report Robocalls and Other Spam Calls**

SENATOR CLARENCE LAM (D12)
- **SB234: Personal Information - State and Local Agencies - Restrictions on Access**

PRINCE GEORGE'S COUNTY HOUSE DELEGATION CHAIR, DELEGATE EREK BARRON (D24)
- **PG-414: Prince George's County – Public Safety and Behavioral Health Surcharges – Behavioral Health Programs**

ELLIOTT/CANTU AMENDMENT: This legislation will disallow the purchase of firearms and/or tactical gear with this surcharge's revenue.

DELEGATE JAZZ LEWIS (D24)
- **HB409: Juveniles Convicted as Adults - Sentencing - Limitations and Reduction (Juvenile Restoration Act)**

DELEGATE ALONZO WASHINGTON (D22)
- **PG-506-21: Prince George's County – Board of Education – Student Member Voting and Member Candidacy**

DELEGATE DEBRA M. DAVIS (D28)
- **HB414: Southern Maryland Rapid Transit Project – Funding**

Written By:

Phylicia Henry, *Chair of Legislative Affairs as a Whole.*

Janna Parker, *Chair of County Affairs.*

Hugo E. Cantu, *Vice Chair of County Affairs.*

Richard DeShay Elliott, *Chair of State Affairs.*

Interested members of the general public are encouraged to engage with PGCYD, regardless of geographic location, as long as they meet two criteria: they are registered Democrats or Independents and are interested in serving the greater good for our communities.

PGCYD.COM



DELEGATE ANDREA FLETCHER-HARRISON (D24)

- **HB448: State Government - Legal and Employee Holiday - Juneteenth National Freedom Day**

DELEGATE SHEREE SAMPLE-HUGHES (D37A)

- **HB667: General Provisions - State Song - Repeal**

DELEGATE BRIAN CROSBY (D29B)

- **HB655: Local Government – County Commissioner Elections – District Voting**

DELEGATE BROOKE LIERMAN (D46)

- **HB114: Maryland Transit Administration - Funding (Transit Safety and Investment Act)**

DELEGATE DARRYL BARNES (D25)

- **HB453: Health - Medical Cannabis Reauthorization Act**

DELEGATE ROBIN GRAMMER (D6)

- **HB415: Firearms – Right to Purchase, Own, Possess, and Carry – Medical Cannabis**

Resolutions in OPPOSITION

SPEAKER ADRIENNE FERGUSON (D10) & SENATE PRESIDENT BILL FERGUSON (D46)

- **HB0740/SB0576: Building Opportunity Act of 2021**

CANTU AMENDMENT: The Maryland Stadium Authority will be granted at least one member on the Governing Board by a majority vote among the Prince George's County House Delegation, with recommendations coming from Prince George's County stakeholders.

DELEGATE DAN COX (D4)

- **HB17: Public Safety - Emergency Powers Limitations (Consent of the Governed Act)**
- **OPPOSING the in-person reopening of the Prince George's County Public Schools system, as COVID is even more contagious and dangerous than when schools first closed down, and many teachers and community elders remain unvaccinated.**

CANTU/HARRIS AMENDMENT: Dedicated resources to close the virtual learning gap, establishing guidelines for school resources to assist students, such as providing food and laptops, and using best practices from other successful virtual learning programs

“The members of PGCYD remain committed to amplifying their voices on potential policy decisions that could impact their communities and daily life. We look forward to working with our elected leaders to ensure that public policy presented before us, is for us and for the betterment of everyone, and not just a select few”

Chair of Legislative Affairs As A Whole, Phylicia Henry

#####

Written By:

Phylicia Henry, *Chair of Legislative Affairs as a Whole.*

Janna Parker, *Chair of County Affairs.*

Hugo E. Cantu, *Vice Chair of County Affairs.*

Richard DeShay Elliott, *Chair of State Affairs.*

Interested members of the general public are encouraged to engage with PGCYD, regardless of geographic location, as long as they meet two criteria: they are registered Democrats or Independents and are interested in serving the greater good for our communities.

PGCYD.COM