



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.