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Howard County

Health and Government Operations
Committee

Subcommittees

Government Operations
and Health Facilities

Public Health and
Minority Health Disparities



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SUPPORT - HB822

DECLARATION OF RIGHTS – RELIGIOUS FREEDOM, RELIGIOUS TESTS, AND OATHS AND AFFIRMATIONS

March 4, 2025

Chair Pena-Melnyk, Vice Chair Cullison, and Members of the Health and Government Operations Committee,

HB822 removes unconstitutional provision that are not in practice and updates the language consistent with gender neutral terms in the Maryland Constitution sections related to religious tests, oaths, and affirmations. This bill ensures that Maryland's legal framework reflects long-standing practices, federal constitutional protections and long-standing judicial precedents affirming religious freedom and preventing discrimination based on religious belief.

The United States Constitution explicitly prohibits religious tests as a qualification for public office, a principle reinforced by the U.S. Supreme Court in *Torcardo.v.Watkins*.(1961) and further upheld by Maryland's Court of Appeals in *Schowgurow.v.State*.(1965). Despite these rulings, the Maryland Constitution still contains language that references religious belief as a condition for participation in certain civic functions. HB822 corrects this by repealing or amending those provisions, ensuring that Maryland law fully aligns with the constitutional protections of religious liberty.

The bill eliminates language in Article 36 of the Declaration of Rights that previously conditioned jury service and witness competency on a belief in God. By removing this requirement, HB822 affirms that all individuals, regardless of religious belief, are equally entitled to legal protections and civic participation. This bill also revises Article 37 by striking the unconstitutional provision requiring a declaration of belief in God as a qualification for public office. This change formally codifies the ruling in *Torcardo.v.Watkins*, ensuring that religious affiliation – or lack thereof – cannot be used to disqualify someone from serving in government.

Additionally, HB822 repeals Article 39 which mandates that all oaths and affirmations must reference a "Divine Being." Current legal practice already allows for secular affirmation, making this provision obsolete. Removing this language reinforces the principle that government should not prescribe religious expressions in legal or official settings.

It is imperative that our constitution be accurate to ensure that the freedom and rights of Marylanders are not cast aside. I strongly urge a favorable report of **HB822**.

A handwritten signature in black ink, appearing to read "Terri L. Hill".