

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 55

(Senator Sydnor)

Education, Health, and Environmental Affairs

Rules and Executive Nominations

**Legislative Department - Eligibility to Serve as Senators and Delegates - Place of
Abode**

This proposed constitutional amendment, if approved by the voters at the next general election, alters eligibility requirements for the office of senator or delegate. Specifically, the proposed amendment requires, beginning January 1, 2024, a person to have *maintained a primary place of abode* in the district he or she has been chosen to represent for at least six months preceding his or her election or, if applicable, as long as the district has been established. The bill also makes stylistic changes.

Fiscal Summary

State Effect: The proposed constitutional amendment does not directly affect governmental finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person is eligible to serve as a senator or delegate if the person (1) is at least age 25 or 21, respectively; (2) is a citizen of the State; (3) has resided in the State for at least one year preceding election; and (4) *has resided in* the district to which he or she has been elected to represent for six months preceding election or, if the district has been established for less than six months prior to the date of election, as long as the district has been established.

In *Blount v. Boston*, 351 Md. 360, 718 A.2d 1111 (1998), the Court of Appeals held that a State senator had not abandoned his long established domicile in the 41st legislative district simply because he also maintained a residence in another jurisdiction where he often slept. The court concluded that the senator was, therefore, eligible to continue serving as senator for the 41st district.

Additional Information

Prior Introductions: SB 433 of 2020, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 2, 2021
an/mcr Third Reader - April 27, 2021
Enrolled - May 3, 2021
Revised - Amendment(s) - May 3, 2021
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