

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1337
Ways and Means

(Delegate Hornberger)

**Elections - Delegate Contests - Repeal of Residency Prohibition and Ballot
Content Requirement**

This emergency bill repeals a provision of law that prohibits, in any legislative district that contains two or more counties, (1) a county or part of a county from having more than one delegate residing in that district, if delegates are to be elected at large by the voters of the entire district, or (2) a county or part of a county from having more than one delegate residing in a multimember subdistrict that contains more than two counties or parts of more than two counties. The bill makes conforming changes to ballot requirements in affected legislative districts.

Fiscal Summary

State Effect: The bill's changes do not materially affect State finances or operations.

Local Effect: The bill's changes do not materially affect the finances or operations of local boards of elections.

Small Business Effect: None.

Analysis

Current Law: For a legislative district that contains more than two counties where delegates are to be elected at large by the voters of the entire district, a county, or part of a county, may not have more than one delegate residing in that district. Similarly, where delegates are to be elected by the voters of a multimember subdistrict that contains more than two counties or parts of more than two counties, a county, or part of a county, may

not have more than one delegate residing in that subdistrict. (*Under the bill*, these residency prohibitions are repealed.)

If there is an election for members of the House of Delegates who are required to live in a specific county and only a certain number of delegates may be elected from that county, the ballot must provide that a voter may not vote for more than that number of candidates from that specific county. (*Under the bill*, this requirement is repealed.) In a legislative district where the delegates are to be elected by the voters of a multimember subdistrict that contains more than two counties or parts of more than two counties, a voter may cast a vote for the specified number of delegates to be elected in the subdistrict without regard to the county of residence of the candidate.

The above provisions are generally applicable to Legislative District 36 and Delegate District 37B, as enacted under the Legislative Districting Plan of 2022. District 36, from which delegates are to be elected at large, contains Kent and Queen Anne's counties and parts of Caroline and Cecil counties. Delegate District 37B, a two-member delegate district within Legislative District 37, contains Talbot County and parts of Caroline, Dorchester, and Wicomico counties.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Planning; Maryland State Board of Elections; Department of Legislative Services

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