

HOUSE BILL 96

P5

CONSTITUTIONAL AMENDMENT
(PRE-FILED)

5lr0692

By: **Delegate Bouchat**

Requested: July 29, 2024

Introduced and read first time: January 8, 2025

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Membership, Election Timing for State Senators, and**
3 **Eligibility**

4 FOR the purpose of altering the membership of the Senate and House of Delegates
5 beginning at a certain time; altering the method and timing of the election of State
6 Senators; requiring a Delegate who seeks election for a certain Senate term to vacate
7 the seat of Delegate at a certain time; and submitting this amendment to the
8 qualified voters of the State of Maryland for their adoption or rejection.

9 BY proposing an amendment to the Maryland Constitution
10 Article III – Legislative Department
11 Section 2, 6, 7, and 10

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 (Three-fifths of all the members elected to each of the two Houses concurring), That it be
14 proposed that the Maryland Constitution read as follows:

15 **Article III – Legislative Department**

16 2.

17 **(A)** [The] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** membership
18 of the Senate shall consist of forty-seven (47) Senators. The membership of the House of
19 Delegates shall consist of one hundred forty-one (141) Delegates.

20 **(B) BEGINNING WITH THE 2033 LEGISLATIVE SESSION:**

21 **(1) THE MEMBERSHIP OF THE SENATE SHALL CONSIST OF**
22 **FORTY-EIGHT (48) SENATORS; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE MEMBERSHIP OF THE HOUSE OF DELEGATES SHALL**
2 **CONSIST OF ONE HUNDRED FORTY-FOUR (144) DELEGATES.**

3 6.

4 **[A] EXCEPT FOR SENATORS SERVING A TWO-YEAR TERM AS PROVIDED UNDER**
5 **SECTION 7(A) OF THIS ARTICLE, A member of the General Assembly shall be elected by**
6 **the registered voters of the legislative or delegate district from which [he] THE MEMBER**
7 **seeks election, to serve for a term of four years beginning on the second Wednesday of**
8 **January following [his] THE MEMBER'S election.**

9 7.

10 **(A) THE ELECTION FOR SENATORS SHALL TAKE PLACE ON THE TUESDAY**
11 **NEXT, AFTER THE FIRST MONDAY IN THE MONTH OF NOVEMBER AS FOLLOWS:**

12 **(1) TWO THOUSAND AND TWENTY-EIGHT, FORTY-SEVEN (47)**
13 **SENATORS ELECTED TO A TERM OF FOUR YEARS; AND**

14 **(2) TWO THOUSAND AND THIRTY-TWO, FORTY-EIGHT (48) SENATORS**
15 **ELECTED TO A TERM DETERMINED AS FOLLOWS:**

16 **(I) THE TWENTY-FOUR (24) SENATORS RECEIVING THE**
17 **LOWEST NUMBER OF TOTAL VOTES IN THE ELECTION ELECTED TO A TERM OF TWO**
18 **YEARS, WITH THE ELECTION FOR EACH SENATE SEAT HELD AGAIN IN TWO**
19 **THOUSAND AND THIRTY-FOUR AND IN EVERY FOURTH YEAR THEREAFTER; AND**

20 **(II) THE TWENTY-FOUR (24) SENATORS RECEIVING THE**
21 **HIGHEST NUMBER OF TOTAL VOTES IN THE ELECTION ELECTED TO A TERM OF FOUR**
22 **YEARS, WITH THE ELECTION FOR EACH SENATE SEAT HELD AGAIN IN TWO**
23 **THOUSAND AND THIRTY-SIX AND EVERY FOUR YEARS THEREAFTER.**

24 **(B) The election for [Senators and] Delegates shall take place on the Tuesday**
25 **next, after the first Monday in the month of November, nineteen hundred and fifty-eight,**
26 **and in every fourth year thereafter.**

27 10.

28 **(A) No member of Congress, or person holding any civil, or military office under**
29 **the United States, shall be eligible as a Senator, or Delegate; and if any person shall after**
30 **[his] THE PERSON'S election as Senator, or Delegate, be elected to Congress, or be**
31 **appointed to any office, civil, or military, under the Government of the United States, [his]**
32 **THE PERSON'S acceptance thereof, shall vacate [his] THE PERSON'S seat; except that a**

1 Senator or Delegate may be a member of a reserve component of the armed forces of the
2 United States or a member of the militia of the United States or this State.

3 **(B) A SERVING DELEGATE WHO SEEKS ELECTION AS A SENATOR FOR A**
4 **SENATE TERM THAT BEGINS BEFORE THE EXPIRATION OF THE DELEGATE’S TERM**
5 **SHALL VACATE THE SEAT OF DELEGATE ON THE FIRST DAY OF THE NEXT**
6 **IMMEDIATELY FOLLOWING LEGISLATIVE SESSION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
8 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
9 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
10 Constitution concerning local approval of constitutional amendments do not apply.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
12 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
13 voters of the State at the next general election to be held in November 2026 for adoption or
14 rejection in accordance with Article XIV of the Maryland Constitution. At that general
15 election, the vote on the proposed amendment to the Constitution shall be by ballot, and on
16 each ballot there shall be printed the words “For the Constitutional Amendment” and
17 “Against the Constitutional Amendment”, as now provided by law. Immediately after the
18 election, all returns shall be made to the Governor of the vote for and against the proposed
19 amendment, as directed by Article XIV of the Maryland Constitution, and further
20 proceedings had in accordance with Article XIV.