

HOUSE BILL 320

G1, P5

2lr1730
CF SB 63

By: **Delegate Wilkins**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Residency Requirement – Enforcement – Factors**

3 FOR the purpose of specifying factors to be considered when the State Board of Elections
4 or a court determines whether a candidate for or a member of the General Assembly
5 meets the residency requirements of the Maryland Constitution; specifying that a
6 member who is an active duty member of the military may not be considered to have
7 established or abandoned a residence under certain circumstances; requiring the
8 General Assembly Counsel to annually review the compliance of each Senator and
9 Delegate with the residency requirements; clarifying that this Act does not impose
10 any additional requirements on a Senator or Delegate; and generally relating to the
11 residency of candidates for and members of the General Assembly.

12 BY repealing and reenacting, with amendments,
13 Article – Election Law
14 Section 5–202
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Election Law**

20 5–202.

21 **(A) IN THIS SECTION, “MEMBER” MEANS A CANDIDATE FOR OR A MEMBER**
22 **OF THE GENERAL ASSEMBLY.**

23 **(B)** A candidate for public or party office must be a registered voter at an address
24 that satisfies any residence requirement for the office that is imposed by law and, in the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



case of a party office, by party rules.

(C) IN DETERMINING WHETHER A MEMBER IS A RESIDENT OF A DISTRICT AS REQUIRED BY ARTICLE III, SECTION 9 OF THE MARYLAND CONSTITUTION, THE STATE BOARD OR ANY COURT SHALL CONSIDER THE FOLLOWING FACTORS:

(1) THE ADDRESS LISTED ON THE MEMBER'S DRIVER'S LICENSE OR OTHER STATE-ISSUED IDENTIFICATION CARD;

(2) THE STREET ADDRESS WHERE THE MEMBER RECEIVES MAIL, UNLESS THE ADDRESS IS A POST OFFICE BOX;

(3) WHETHER THE BUILDING CLAIMED AS THE MEMBER'S RESIDENCE IS ZONED FOR RESIDENTIAL USE AND COMPLIES WITH ANY APPLICABLE BUILDING CODES;

(4) WHETHER THE MEMBER HAS TRANSFERRED TITLE TO A PREVIOUS ADDRESS;

(5) WHETHER THE MEMBER OWNS, RENTS, OR LEASES RESIDENTIAL PROPERTY CLAIMED AS THE MEMBER'S RESIDENCE;

(6) WHETHER THERE IS PROOF THAT THE MEMBER HAS PAID FOR AND USED UTILITIES AT THE ADDRESS CLAIMED BY THE MEMBER AS THE MEMBER'S RESIDENCE;

(7) WHETHER THE MEMBER RECEIVES MAIL AT THE ADDRESS CLAIMED AS THE MEMBER'S RESIDENCE;

(8) WHETHER THE SCHOOL REGISTRATION OF ANY MINOR CHILDREN OF THE MEMBER LISTS THE ADDRESS CLAIMED AS THE MEMBER'S RESIDENCE;

(9) WHETHER THE MEMBER'S SPOUSE OR ANY OTHER IMMEDIATE FAMILY MEMBERS RESIDE AT THE ADDRESS CLAIMED AS THE MEMBER'S RESIDENCE;

(10) WHETHER THE ADDRESS CLAIMED AS THE MEMBER'S RESIDENCE IS ALSO LISTED AS THE MEMBER'S RESIDENCE IN OTHER EMPLOYMENT RECORDS;

(11) WHETHER THE ADDRESS CLAIMED AS THE MEMBER'S RESIDENCE IS ALSO LISTED ON ANY MOTOR VEHICLE REGISTRATION OR TITLE HELD BY THE MEMBER;

1 **(12) WHETHER THE ADDRESS CLAIMED AS THE MEMBER’S RESIDENCE**
2 **MATCHES THE ADDRESS LISTED ON THE MEMBER’S MARYLAND AND FEDERAL**
3 **INCOME TAX RETURNS; AND**

4 **(13) WHETHER THE MEMBER IS AN ACTIVE DUTY MEMBER OF THE**
5 **MILITARY.**

6 **(D) A MEMBER WHO IS AN ACTIVE DUTY MEMBER OF THE MILITARY MAY NOT**
7 **BE CONSIDERED TO HAVE ESTABLISHED OR ABANDONED A RESIDENCE SOLELY**
8 **BASED ON WHERE THAT MEMBER IS STATIONED.**

9 **(E) THE GENERAL ASSEMBLY COUNSEL SHALL ANNUALLY REVIEW THE**
10 **COMPLIANCE OF EACH SENATOR AND DELEGATE WITH THE REQUIREMENTS OF**
11 **ARTICLE III, SECTION 9 OF THE MARYLAND CONSTITUTION.**

12 **(F) THIS SECTION DOES NOT IMPOSE ANY ADDITIONAL REQUIREMENTS ON**
13 **A MEMBER BEYOND THOSE IMPOSED BY ARTICLE III, SECTION 9 OF THE MARYLAND**
14 **CONSTITUTION.**

15 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
16 **October 1, 2022.**