

## ARTICLE III.

## LEGISLATIVE DEPARTMENT.

**SECTION 1.** The Legislature shall consist of two distinct branches; a Senate, and a House of Delegates; and shall be styled the General Assembly of Maryland.

**SEC. 2.**<sup>38</sup> The membership of the Senate shall consist of forty-seven (47) Senators. The membership of the House of Delegates shall consist of one hundred forty-one (141) Delegates.

**SEC. 3.**<sup>39</sup> The State shall be divided by law into legislative districts for the election of members of the Senate and the House of Delegates. Each legislative district shall contain one (1) Senator and three (3) Delegates. Nothing herein shall prohibit the subdivision of any one or more of the legislative districts for the purpose of electing members of the House of Delegates into three (3) single-member delegate districts or one (1) single-member delegate district and one (1) multi-member delegate district.

**SEC. 4.**<sup>40</sup> Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions.

**SEC. 5.**<sup>41</sup> Following each decennial census of the United States and after public hearings, the Governor shall prepare a plan setting forth the boundaries of the legislative districts for electing of the members of the Senate and the House of Delegates.

The Governor shall present the plan to the President of the Senate and Speaker of the House of Delegates who shall introduce the Governor's plan as a joint resolution to the General Assembly, not later than the first day of its regular session in the second year following every census, and the Governor may call a special session for the presentation of his plan prior to the regular session. The plan shall conform to Sections 2, 3 and 4 of this Article. Following each decennial census the General Assembly may by joint resolution adopt a plan setting forth the boundaries of the legislative districts for the election of members of the Senate and the House of Delegates, which plan shall conform to Sections 2, 3 and 4 of this Article. If a plan has been adopted by the General Assembly by the 45th day after the opening of the regular session of the General Assembly in the second year following every census, the plan adopted by the General Assembly shall become law. If no plan has been adopted by the General Assembly for these purposes by the 45th day after the opening of the regular session of the General Assembly in the second year following every census, the Governor's plan presented to the General Assembly shall become law.

<sup>38</sup> Thus amended by Chapter 363, Acts of 1972, ratified November 7, 1972.

<sup>39</sup> Thus amended by Chapter 363, Acts of 1972, ratified November 7, 1972.

<sup>40</sup> Thus amended by Chapter 363, Acts of 1972, ratified November 7, 1972.

<sup>41</sup> Thus amended by Chapter 681, Acts of 1977, ratified November 7, 1978.

Upon petition of any registered voter, the Court of Appeals shall have original jurisdiction to review the legislative districting of the State and may grant appropriate relief, if it finds that the districting of the State is not consistent with requirements of either the Constitution of the United States of America, or the Constitution of Maryland.

**SEC. 6.**<sup>42</sup> A member of the General Assembly shall be elected by the registered voters of the legislative or delegate district from which he seeks election, to serve for a term of four years beginning on the second Wednesday of January following his election.

**SEC. 7.**<sup>43</sup> The election for Senators and Delegates shall take place on the Tuesday next, after the first Monday in the month of November, nineteen hundred and fifty-eight, and in every fourth year thereafter.

**SEC. 8.**<sup>44</sup> Vacant.

**SEC. 9.**<sup>45</sup> A person is eligible to serve as a Senator or Delegate, who on the date of his election, (1) is a citizen of the State of Maryland, (2) has resided therein for at least one year next preceding that date, and (3) if the district which he has been chosen to represent has been established for at least six months prior to the date of his election, has resided in that district for six months next preceding that date.

If the district which the person has been chosen to represent has been established less than six months prior to the date of his election, then, in addition to (1) and (2) above, he shall have resided in the district for as long as it has been established.

A person is eligible to serve as a Senator, if he has attained the age of twenty-five years, or as a Delegate, if he has attained the age of twenty-one years, on the date of his election.

**SEC. 10.** No member of Congress, or person holding any civil, or military office under the United States, shall be eligible as a Senator, or Delegate; and if any person shall after his election as Senator, or Delegate, be elected to Congress, or be appointed to any office, civil, or military, under the Government of the United States, his acceptance thereof, shall vacate his seat.

**SEC. 11.**<sup>46</sup> No person holding any civil office of profit, or trust, under this State shall be eligible as Senator or Delegate.

**SEC. 12.** No Collector, Receiver, or Holder of public money shall be eligible as Senator or Delegate, or to any office of profit, or trust, under this State, until he shall have accounted for, and paid into the Treasury all sums on the books thereof, charged to, and due by him.

<sup>42</sup> Thus amended by Chapter 681, Acts of 1977, ratified November 7, 1978.

<sup>43</sup> Thus amended by Chapter 99, Acts of 1956, ratified November 6, 1956.

<sup>44</sup> Repealed by Chapter 99, Acts of 1956, ratified November 6, 1956.

<sup>45</sup> Thus amended by Chapter 681, Acts of 1977, ratified November 7, 1978.

<sup>46</sup> Thus amended by Chapter 681, Acts of 1977, ratified November 7, 1978.