

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.

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>47</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>48</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>49</sup> Vacant.

**SEC. 9.**<sup>50</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.**<sup>51</sup> 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; except that a Senator or Delegate may be a member of a reserve component of the armed forces of the United States or a member of the militia of the United States or this State.

**SEC. 11.**<sup>52</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.

**SEC. 13.**<sup>53</sup> (a) (1) In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a Delegate or Senator, or in case of a tie between two or more such qualified persons, the Governor shall appoint a person to fill such vacancy from a person whose name shall be submitted to him in writing, within thirty days after the occurrence of the vacancy, by the Central Committee of the political party, if any, with which the Delegate or Senator, so vacating, had been affiliated, at the time of the last election or appointment of the vacating Senator or Delegate, in the County or District from which he or she was appointed or elected, provided that the appointee shall be of the same political party, if any, as was that of the Delegate or Senator, whose office is to be filled, at the time of the last election or appointment of the vacating Delegate or Senator, and it shall be the duty of the Governor to make said appointment within fifteen days after the submission thereof to him.

(2) If a name is not submitted by the Central Committee within thirty days after the occurrence of the vacancy, the Governor within another period of fifteen days shall appoint a person, who shall be affiliated with the same political party, if any as was that of the Delegate or Senator, whose office is to be filled, at the time of the last election or appointment of the vacating Delegate or Senator, and who is otherwise properly qualified to hold the office of Delegate or Senator in the District or County.

(3) In the event there is no Central Committee in the County or District from which said vacancy is to be filled, the Governor shall within fifteen days after the occurrence of such vacancy appoint a person, from the same political party, if any, as that of the vacating Delegate or Senator, at the time of the last election or appointment of the vacating Senator or Delegate, who is otherwise properly qualified to hold the office of Delegate or Senator in such District or County.

(4) In every case when any person is so appointed by the Governor, his appointment shall be deemed to be for the unexpired term of the person whose office has become vacant.

(b) In addition, and in submitting a name to the Governor to fill a vacancy in a legislative or delegate district, as the case may be, in any of the twenty-three counties of Maryland, the Central Committee or committees shall follow these provisions:

(1) If the vacancy occurs in a district having the same boundaries as a county, the Central Committee of the county shall submit the name of a resident of the district.

(2) If the vacancy occurs in a district which has boundaries comprising a portion of one county, the Central

47 Amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956; Chapter 785, Acts of 1969, ratified Nov. 3, 1970; Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

48 Amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956.

49 Repealed by Chapter 99, Acts of 1956, ratified Nov. 6, 1956.

50 Amended by Chapter 880, Acts of 1974, ratified Nov. 5, 1974; Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

51 Amended by Chapter 61, Acts of 1990, ratified Nov. 6, 1990.

52 Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

53 Amended by Chapter 584, Acts of 1935, ratified Nov. 3, 1936; Chapter 162, Acts of 1966, ratified Nov. 8, 1966; Chapter 681, Acts of 1977, ratified Nov. 7, 1978; Chapter 649, Acts of 1986, ratified Nov. 4, 1986.