

CONSTITUTIONAL AMENDMENT

P1

6lr1481

CF 6lr1040

By: Delegate Bobo (Task Force on Dual Office Holding) and Delegate Curran

Introduced and read first time: January 24, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 20, 1996

CHAPTER ____

1 AN ACT concerning

2 **Dual Office Holding - Exceptions**

3 FOR the purpose of providing for exceptions to the constitutional prohibition against
4 holding more than one "office of profit"; repealing a certain dual office holding
5 provision applicable to members of the General Assembly; removing from the oath
6 of office language relating to dual office holding; generally relating to dual office
7 holding; and submitting this amendment to the qualified voters of the State of
8 Maryland for their adoption or rejection.

9 BY proposing an amendment to the Constitution of Maryland
10 Declaration of Rights
11 Article 35

12 BY proposing an amendment to the Constitution of Maryland
13 Article I - Elective Franchise
14 Section 9

15 BY proposing a repeal of the Constitution of Maryland
16 Article III - Legislative Department
17 Section 11

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

2

1 **Declaration of Rights**

2 Article 35.

3 That no person shall hold, at the same time, more than one office of profit, created
4 by the Constitution or Laws of this State, EXCEPT AS MAY BE PROVIDED BYLAW; nor
5 shall any person in public trust receive any present from any foreign Prince or State, or
6 from the United States, or any of them, without the approbation of this State. The
7 position of Notary Public shall not be considered an office of profit within the meaning of
8 this Article. Membership in the militia of this State shall not be considered an office of
9 profit within the meaning of this Article; nor shall any remuneration received as a
10 consequence of membership in a reserve component of the armed forces of the United
11 States or of membership in the militia of the United States or of this State be considered
12 a present within the meaning of this Article.

13 **Article I - Elective Franchise**

14 9.

15 Every person elected[,] or appointed[,] to any office of profit or trust [,] under
16 this Constitution[,] or under the Laws[,] made pursuant [thereto, shall] TO IT, before
17 [he] THE PERSON enters upon the duties of [such] THE office TO WHICH THE PERSON
18 IS ELECTED OR APPOINTED, SHALL take and subscribe the following oath, or
19 affirmation: I,, do swear, (or affirm, as the case may be,) that I will support the
20 Constitution of the United States; and that I will be faithful and bear true allegiance to
21 the State of Maryland, and support the Constitution and Laws [thereof] OF THIS STATE;
22 and that I will, to the best of my skill and judgment, diligently and faithfully, without
23 partiality or prejudice, execute the office of, according to the Constitution and
24 Laws of this State[, (and, if a Governor, Senator, Member of the House of Delegates, or
25 Judge,) that I will not directly or indirectly, receive the profits or any part of the profits of
26 any other office during the term of my acting as].

27 **Article III - Legislative Department**

28 [11.

29 No person holding any civil office of profit, or trust, under this State shall be eligible
30 as Senator or Delegate.]

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

35 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
36 proposed as an amendment to the Constitution of Maryland shall be submitted to the
37 legal and qualified voters of this State at the next general election to be held in
38 November, 1996 for their adoption or rejection in pursuance of directions contained in
39 Article XIV of the Constitution of this State. At that general election, the vote on this
40 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
41 shall be printed the words "For the Constitutional Amendments" and "Against the
42 Constitutional Amendments," as now provided by law. Immediately after the election, all

HOUSE BILL 292

3

1 returns shall be made to the Governor of the vote for and against the proposed
2 amendment, as directed by Article XIV of the Constitution, and further proceedings had
3 in accordance with Article XIV.