

HOUSE BILL 211

P1, L1, L6

CONSTITUTIONAL AMENDMENT

2lr0329

CF 2lr2722

By: **Delegates Ivey, Vaughn, Griffith, Afzali, Alston, Anderson, Arora, Barkley, Barnes, Barve, Beidle, Beitzel, Bohanan, Branch, Braveboy, Burns, Cane, Carr, Carter, Clagett, Clippinger, Cullison, Davis, DeBoy, Feldman, Frick, Frush, Gaines, George, Gilchrist, Glenn, Gutierrez, Guzzone, Haddaway–Riccio, Harrison, Haynes, Healey, Hershey, Hixson, Holmes, Hucker, James, Jameson, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Luedtke, Malone, McConkey, McIntosh, A. Miller, Minnick, Mitchell, Mizeur, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, S. Robinson, Rosenberg, Ross, Rudolph, Schuh, Schulz, Simmons, Smigiel, Stein, Stukes, Summers, Tarrant, V. Turner, Walker, Washington, Wilson, Wood, and Zucker**

Introduced and read first time: January 25, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Elected Officials – Removal from Office – Crimes**

3 FOR the purpose of requiring that an elected official of the State or of a county or
4 municipal corporation who is convicted of or enters a certain plea relating to a
5 felony or certain misdemeanors be removed from office by operation of law;
6 repealing the provision of law that requires an elected official to be suspended
7 from office by operation of law under certain circumstances; making stylistic
8 changes; and submitting this amendment to the qualified voters of the State for
9 their adoption or rejection.

10 BY proposing an amendment to the Maryland Constitution

11 Article XV – Miscellaneous

12 Section 2

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

16 **Article XV – Miscellaneous**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2.

2 Any elected official of the State, or of a county or of a municipal corporation who
3 during [his] **THE ELECTED OFFICIAL'S** term of office is convicted of or enters a plea
4 of **GUILTY OR** nolo contendere to any crime which is a felony, or which is a
5 misdemeanor related to [his] **THE ELECTED OFFICIAL'S** public duties and
6 responsibilities and involves moral turpitude for which the penalty may be
7 incarceration in any penal institution, shall be [suspended by operation of law without
8 pay or benefits from the elective office. During and for the period of suspension of the
9 elected official, the appropriate governing body and/or official authorized by law to fill
10 any vacancy in the elective office shall appoint a person to temporarily fill the elective
11 office, provided that if the elective office is one for which automatic succession is
12 provided by law, then in such event the person entitled to succeed to the office shall
13 temporarily fill the elective office. If the conviction becomes final, after judicial review
14 or otherwise, such elected official shall be] removed from the elective office by
15 operation of Law and the office shall be deemed vacant. If the conviction of the elected
16 official is reversed or overturned, the elected official shall be reinstated by operation of
17 Law to the elective office for the remainder, if any, of the elective term of office during
18 which [he] **THE ELECTED OFFICIAL** was [so suspended or] removed, and all pay and
19 benefits shall be restored.

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
26 proposed as an amendment to the Maryland Constitution shall be submitted to the
27 qualified voters of the State at the next general election to be held in November, 2012
28 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
29 At that general election, the vote on this proposed amendment to the Constitution
30 shall be by ballot, and upon each ballot there shall be printed the words "For the
31 Constitutional Amendment" and "Against the Constitutional Amendment," as now
32 provided by law. Immediately after the election, all returns shall be made to the
33 Governor of the vote for and against the proposed amendment, as directed by Article
34 XIV of the Maryland Constitution, and further proceedings had in accordance with
35 Article XIV.