

Chapter 147

(House Bill 211)

AN ACT concerning

Elected Officials – Removal from Office – Crimes

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

BY proposing an amendment to the Maryland Constitution

Article XV – Miscellaneous
Section 2

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

Article XV – Miscellaneous

2.

Any elected official of the State, or of a county or of a municipal corporation who during [his] **THE ELECTED OFFICIAL'S** term of office is ~~convicted of or enters a plea of GUILTY OR nolo contendere to~~ **FOUND GUILTY OF** any crime which is a felony, or which is a misdemeanor related to [his] **THE ELECTED OFFICIAL'S** public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be ~~is~~ suspended by operation of law without pay or benefits from the elective office. During and for the period of suspension of the elected official, the appropriate governing body and/or official authorized by law to fill any vacancy in the elective office shall appoint a person to temporarily fill the elective office, provided that if the elective office is one for which automatic succession is provided by law, then in such event the person entitled to succeed to the office shall temporarily fill the elective office. If the ~~conviction~~ **FINDING OF GUILT** becomes A final **CONVICTION**, after judicial review or otherwise, such elected official shall be ~~is~~ removed from the elective office by operation of Law and the office shall be deemed

vacant. If the ~~conviction~~ **FINDING OF GUILT** of the elected official is reversed or overturned, the elected official shall be reinstated by operation of Law to the elective office for the remainder, if any, of the elective term of office during which [he] **THE ELECTED OFFICIAL** was ~~also suspended or~~ removed, and all pay and benefits shall be restored. **ANY ELECTED OFFICIAL OF THE STATE, OR OF A COUNTY OR OF A MUNICIPAL CORPORATION WHO DURING THE ELECTED OFFICIAL'S TERM OF OFFICE ENTERS A GUILTY PLEA OR A PLEA OF NOLO CONTENDERE TO ANY CRIME WHICH IS A FELONY, OR WHICH IS A MISDEMEANOR RELATED TO THE ELECTED OFFICIAL'S PUBLIC DUTIES AND RESPONSIBILITIES AND INVOLVES MORAL TURPITUDE FOR WHICH THE PENALTY MAY BE INCARCERATION IN ANY PENAL INSTITUTION, SHALL BE REMOVED FROM THE ELECTIVE OFFICE BY OPERATION OF LAW AND THE OFFICE SHALL BE DEEMED VACANT.**

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

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

Assigned a chapter number, enactment subject to constitutional referendum, April 20, 2012.