P5

CONSTITUTIONAL AMENDMENT

5lr1353

By: **Delegates Miele, Moon, and Tarlau** Introduced and read first time: February 13, 2015 Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

$\mathbf{2}$

General Assembly – Vacancies – Special Elections

3 FOR the purpose of proposing an amendment to the Maryland Constitution requiring a 4 special election to fill a vacancy in the office of Delegate or Senator if the vacancy $\mathbf{5}$ occurs at a certain time during the term of office; requiring that a special election be 6 held concurrently with the next ensuing regular presidential and congressional 7 election; establishing certain procedures for the special election; specifying the term 8 of office for a member elected by special election; making certain clarifying changes; 9 making certain stylistic changes; submitting this amendment to the qualified voters of the State for their adoption or rejection; and generally relating to special elections 1011 to fill vacancies in the General Assembly.

- 12 BY proposing an amendment to the Maryland Constitution
- 13 Article III Legislative Department
- 14 Section 6, 7, and 13
- 15 BY proposing an amendment to the Maryland Constitution
- 16 Article XVII Quadrennial Elections
- 17 Section 1 through 3

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 (Three-fifths of all the members elected to each of the two Houses concurring), That it be 20 proposed that the Maryland Constitution read as follows:

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Article III – Legislative Department

22 **6**.

[A] EXCEPT AS PROVIDED IN SECTION 13 OF THIS ARTICLE FOR FILLING A
 VACANCY BY SPECIAL ELECTION, A member of the General Assembly shall be elected by

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



1 the registered voters of the legislative or delegate district from which [he] THE MEMBER

2 seeks election, to serve for a term of four years beginning on the second Wednesday of
3 January following [his] THE MEMBER'S election.

4 7.

5 [The] EXCEPT AS PROVIDED IN SECTION 13 OF THIS ARTICLE FOR FILLING A 6 VACANCY BY SPECIAL ELECTION, THE election for Senators and Delegates shall take 7 place on the Tuesday next, after the first Monday in the month of November, nineteen 8 hundred and fifty-eight, and in every fourth year thereafter.

9 13.

10 (a) (1)[In] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN case of A VACANCY IN THE GENERAL ASSEMBLY DUE TO death, disgualification, 11 12resignation, refusal to act, expulsion, or removal from the county or city for which [he] A **DELEGATE OR SENATOR** shall have been elected, of any person who shall have been 13chosen as a Delegate or Senator,] or in case of a tie between two or more such qualified 14 persons, the Governor shall appoint a person to fill such vacancy from a person whose name 15shall be submitted to [him] THE GOVERNOR in writing, within [thirty] 30 days after the 1617occurrence of the vacancy, by the Central Committee of the political party, if any, with 18 which the Delegate or Senator, so vacating, had been affiliated, at the time of the last 19election or appointment of the vacating Senator or Delegate, in the County or District from 20which [he or she] THE DELEGATE OR SENATOR was appointed or elected, provided that 21the appointee shall be of the same political party, if any, as was that of the Delegate or 22Senator, whose office is to be filled, at the time of the last election or appointment of the 23vacating Delegate or Senator, and it shall be the duty of the Governor to make [said] THE 24appointment within [fifteen] 15 days after the [submission thereof to him] CENTRAL COMMITTEE SUBMITS ITS NOMINEES TO THE GOVERNOR. 25

26 (2) If a name is not submitted by the Central Committee within [thirty] **30** 27 days after the occurrence of the vacancy, the Governor within another period of [fifteen] **15** 28 days shall appoint a person, who shall be affiliated with the same political party, if any as 29 was that of the Delegate or Senator, whose office is to be filled, at the time of the last 30 election or appointment of the vacating Delegate or Senator, and who is otherwise properly 31 qualified to hold the office of Delegate or Senator in the District or County.

32 (3) In the event there is no Central Committee in the County or District 33 from which [said] THE vacancy is to be filled, the Governor shall within [fifteen] **15** days 34 after the occurrence of such vacancy appoint a person, from the same political party, if any, 35 as that of the vacating Delegate or Senator, at the time of the last election or appointment 36 of the vacating Senator or Delegate, who is otherwise properly qualified to hold the office 37 of Delegate or Senator in such District or County.

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1 (4) [In every case when any] **THE APPOINTMENT OF EACH** person [is] so 2 appointed by the [Governor, his appointment] **GOVERNOR** shall be deemed to be for the 3 unexpired term of the person whose office has become vacant **OR**, **WHEN APPLICABLE**, 4 **UNTIL THE VACANCY IS FILLED BY A SPECIAL ELECTION**.

5 (b) In addition, and in submitting a name to the Governor to fill a vacancy in a 6 Legislative or Delegate district, as the case may be, in any of the twenty-three counties of 7 Maryland OR IN THE CITY OF BALTIMORE, the Central Committee or committees shall 8 follow these provisions:

9 (1) If the vacancy occurs in a district having the same boundaries as a 10 county OR THE CITY OF BALTIMORE, the Central Committee of the county OR THE CITY 11 OF BALTIMORE shall submit the name of a resident of the district.

12 (2) If the vacancy occurs in a district which has boundaries comprising a 13 portion of one county OR THE CITY OF BALTIMORE, the Central Committee of that county 14 OR THE CITY OF BALTIMORE shall submit the name of a resident of the district.

15 (3) If the vacancy occurs in a district which has boundaries comprising a 16 portion or all of two or more counties OR THE CITY OF BALTIMORE, the Central 17 Committee of each county [involved] OR THE CITY OF BALTIMORE shall have one vote 18 for submitting the name of a resident of the district; and if there is a tie vote between or 19 among the Central Committees, the list of names there proposed shall be submitted to the 20 Governor, and [he] THE GOVERNOR shall make the appointment from the list.

(c) (1) THIS SUBSECTION APPLIES ONLY TO A VACANCY IN THE OFFICE
 OF DELEGATE OR SENATOR FOR THE GENERAL ASSEMBLY THAT OCCURS BY
 JANUARY 1 OF THE YEAR IMMEDIATELY FOLLOWING THE YEAR THAT THE MEMBER
 TAKES OFFICE.

25(2) **NOTWITHSTANDING** ANY **OTHER** PROVISION OF THIS 26**CONSTITUTION RELATING TO THE TIMING AND FREQUENCY OF ELECTIONS AND TO** 27THE PERIODS FOR WHICH OFFICERS ARE ELECTED, A VACANCY IN THE OFFICE OF 28**DELEGATE OR SENATOR FOR THE GENERAL ASSEMBLY OCCURRING DURING THE** 29PERIOD SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE FILLED, FOR THE BALANCE OF THE UNEXPIRED TERM OF THE DELEGATE OR SENATOR, AT A 30 31SPECIAL ELECTION TO BE HELD AT THE SAME TIME AS, AND CONDUCTED IN 32ACCORDANCE WITH THE PROCESS ESTABLISHED BY LAW FOR, THE NEXT STATEWIDE 33 PRIMARY AND GENERAL ELECTIONS AT WHICH THE PRESIDENT OF THE UNITED 34STATES AND REPRESENTATIVES TO CONGRESS ARE ELECTED.

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Article XVII – Quadrennial Elections

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1 The purpose of this Article is to reduce the number of elections by providing that all $\mathbf{2}$ State and county elections shall be held only in every fourth year, and at the time provided 3 by law for holding congressional elections, and to bring the terms of appointive officers into 4 harmony with the changes effected in the time of the beginning of the terms of elective officers. [The] EXCEPT AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO SPECIAL $\mathbf{5}$ 6 ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, THE administrative and judicial 7 officers of the State shall construe the provisions of this Article so as to effect that 8 purpose. For the purpose of this Article only the word "officers" shall be construed to include 9 those holding positions and other places of employment in the state and county 10 governments whose terms are fixed by law, but it shall not include any appointments made 11 by the Board of Public Works, nor appointments by the Governor for terms of three years.

12 2.

Except AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO SPECIAL ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, AND EXCEPT for a special election that may be authorized to fill a vacancy in a County Council or a vacancy in the office of chief executive officer or County Executive, under Article XI–A, Section 3 of the Constitution, elections by qualified voters for State and county officers shall be held on the Tuesday next after the first Monday of November, in the year nineteen hundred and twenty–six, and on the same day in every fourth year thereafter.

20 3.

[All] EXCEPT AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO SPECIAL ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, ALL State and county officers elected by qualified voters (except judges of the Circuit Courts, judges of the Supreme Bench of Baltimore City, judges of the Court of Appeals and judges of any intermediate courts of appeal) shall hold office for terms of four years, and until their successors shall qualify.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly 28 determines that the amendment to the Maryland Constitution proposed by this Act affects 29 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland 30 Constitution concerning local approval of constitutional amendments do not apply.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the aforegoing section 32proposed as an amendment to the Maryland Constitution shall be submitted to the 33 qualified voters of the State at the next general election to be held in November 2016 for 34 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that 35general election, the vote on this proposed amendment to the Constitution shall be by 36 ballot, and upon each ballot there shall be printed the words "For the Constitutional 37 Amendment" and "Against the Constitutional Amendment," as now provided by law. 38 Immediately after the election, all returns shall be made to the Governor of the vote for and 39 against the proposed amendment, as directed by Article XIV of the Maryland Constitution, 40 and further proceedings had in accordance with Article XIV.