

SENATE BILL 555

G1, P1

CONSTITUTIONAL AMENDMENT

6lr2803
CF HB 288

By: **Senator Pinsky**

Introduced and read first time: February 4, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2016

CHAPTER _____

1 AN ACT concerning

2 ~~Attorney General~~ **United States Senator, Attorney General, and Comptroller –**
3 **Temporary Appointments and Special Elections to Fill a Vacancy**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to require the
5 Governor to appoint an individual to fill a vacancy on a temporary basis, under
6 certain circumstances, in the office of Attorney General or Comptroller from a list of
7 names submitted by the State Central Committee of the political party of the
8 vacating officeholder; altering certain provisions of law to require that the Governor
9 appoint an individual to fill a vacancy on a temporary basis, under certain
10 circumstances, in the office of United States Senator from a list of names submitted
11 by the State Central Committee of the political party of the vacating officeholder;
12 requiring individuals whose names are submitted to the Governor to have been
13 affiliated with the political party, if any, of the vacating officeholder before the
14 vacancy occurred; providing for the appointment of an individual to fill a vacancy in
15 the office of United States Senator, Attorney General, or Comptroller if the political
16 party of the vacating officeholder fails to submit names to the Governor within a
17 certain period of time or the vacating officeholder was not affiliated with a political
18 party; proposing an amendment to the Maryland Constitution to require an
19 individual appointed by the Governor to fill a vacancy in the offices of either the
20 Attorney General or the Comptroller to serve until a successor is elected to fill the
21 remainder of the term, except in certain circumstances; requiring an individual
22 appointed by the Governor to fill a vacancy in the offices of either the Attorney
23 General or the Comptroller to serve for the remainder of the term if the vacancy
24 occurs after a certain date; requiring that a special election be held at the same time
25 as a certain regular statewide election to fill a vacancy in the offices of either the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Attorney General or the Comptroller if the vacancy occurs on or before a certain date;
 2 generally relating to ~~filling temporary appointments and the filling of vacancies in~~
 3 the offices of ~~either the Attorney General~~ United States Senator, the Attorney
 4 General, or the Comptroller ~~by special election~~ and a special election to fill a vacancy
 5 in the office of either the Attorney General or the Comptroller; and submitting this
 6 amendment to the qualified voters of the State for their adoption or rejection.

7 BY repealing and reenacting, with amendments,
 8 Article – Election Law
 9 Section 8–602
 10 Annotated Code of Maryland
 11 (2010 Replacement Volume and 2015 Supplement)

12 BY proposing an amendment to the Maryland Constitution
 13 Article V – Attorney–General and State’s Attorneys
 14 Section 5

15 BY proposing an amendment to the Maryland Constitution
 16 Article VI – Treasury Department
 17 Section 1

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 19 That the Laws of Maryland read as follows:

20 Article – Election Law

21 8–602.

22 (a) (1) (I) If there is a vacancy in the office of United States Senator, the
 23 Governor shall appoint an eligible individual to fill the vacancy AS PROVIDED IN THIS
 24 PARAGRAPH.

25 (II) THE GOVERNOR SHALL APPOINT ONE OF THREE
 26 INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING,
 27 WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE
 28 CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE
 29 VACATING SENATOR HAD BEEN AFFILIATED AT THE TIME OF THE SENATOR’S LAST
 30 ELECTION OR APPOINTMENT.

31 (III) EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE
 32 GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE
 33 POLITICAL PARTY OF THE VACATING SENATOR ON THE DATE IMMEDIATELY
 34 PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

35 (IV) THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN
 36 15 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF
 37 THE APPROPRIATE POLITICAL PARTY.

1 (V) IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL
2 COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE
3 OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER
4 PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER
5 AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING SENATOR ON THE DATE
6 IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

7 (VI) IF THE VACATING SENATOR WAS NOT AFFILIATED WITH A
8 POLITICAL PARTY AT THE TIME OF THE SENATOR'S LAST ELECTION OR
9 APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL
10 WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY.

11 (2) Except as provided in paragraph (3) of this subsection, the appointed
12 individual shall serve until a successor is elected pursuant to subsection (b) of this section
13 to fill the remainder of the term.

14 (3) The appointed individual shall serve for the remainder of the term if
15 the vacancy occurs after the date that is 21 days before the deadline for filing certificates
16 of candidacy for the election that is held in the fourth year of the term.

17 (b) If the vacancy occurs before the date that is 21 days before the deadline for
18 filing certificates of candidacy for the next succeeding regular statewide election, the
19 Governor shall issue a proclamation immediately after the occurrence of the vacancy
20 declaring that a special primary election and a special general election shall be held at the
21 same time as the next regular statewide primary election and regular statewide general
22 election.

23 SECTION ~~1~~ 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
25 concurring), That it be proposed that the Maryland Constitution read as follows:

26 **Article V – Attorney-General and State's Attorneys**

27 5.

28 **(A) (1)** In case of A vacancy in the office of Attorney General, occasioned by
29 death, resignation, removal from the State, or from office, or other disqualification, the
30 Governor shall appoint [a person] **AN ELIGIBLE INDIVIDUAL** to fill the vacancy [for the
31 residue of the term] **AS PROVIDED IN THIS SUBSECTION.**

32 **(2) THE GOVERNOR SHALL APPOINT ONE OF THE THREE**
33 **INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING,**
34 **WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE**
35 **CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE**

1 VACATING ATTORNEY GENERAL HAD BEEN AFFILIATED AT THE TIME OF THE
2 ATTORNEY GENERAL'S LAST ELECTION OR APPOINTMENT.

3 (3) EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE
4 GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE
5 POLITICAL PARTY OF THE VACATING ATTORNEY GENERAL ON THE DATE
6 IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

7 (4) THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15
8 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE
9 APPROPRIATE POLITICAL PARTY.

10 (5) IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL
11 COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE
12 OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER
13 PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER
14 AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING ATTORNEY GENERAL
15 ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY
16 OCCURRED.

17 (6) IF THE VACATING ATTORNEY GENERAL WAS NOT AFFILIATED
18 WITH A POLITICAL PARTY AT THE TIME OF THE ATTORNEY GENERAL'S LAST
19 ELECTION OR APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED
20 INDIVIDUAL WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY.

21 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
22 INDIVIDUAL APPOINTED UNDER SUBSECTION (A) OF THIS SECTION SHALL SERVE
23 UNTIL A SUCCESSOR IS ELECTED UNDER SUBSECTION (D) OF THIS SECTION TO FILL
24 THE REMAINDER OF THE TERM.

25 (C) THE INDIVIDUAL APPOINTED UNDER SUBSECTION (A) OF THIS SECTION
26 SHALL SERVE FOR THE REMAINDER OF THE TERM IF THE VACANCY OCCURS AFTER
27 THE DATE THAT IS 21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF
28 CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND
29 YEAR OF THE TERM.

30 (D) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS 21 DAYS
31 BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE
32 REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM,
33 THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE
34 OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION
35 AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE
36 REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL
37 ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.

1 **Article VI – Treasury Department**

2 1.

3 **(A)** There shall be a Treasury Department, consisting of a Comptroller chosen by
4 the qualified electors of the State, who shall receive such salary as may be fixed by law; and
5 a Treasurer, to be appointed on joint ballot by the two Houses of the Legislature at each
6 regular session in which begins the term of the Governor, who shall receive such salary as
7 may be fixed by law.

8 **(B)** The terms of office of the Comptroller and Treasurer shall be for four years,
9 and until their successors shall qualify; and neither of the officers shall be allowed, or
10 receive any fees, commissions or perquisites of any kind in addition to his salary for the
11 performance of any duty or services whatsoever.

12 **(C) (1)** In case of a vacancy in the office of the Comptroller by death or
13 otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such
14 vacancy by appointment[, to continue until another election and until the qualification of
15 the successor] **OF AN ELIGIBLE INDIVIDUAL AS PROVIDED IN THIS SUBSECTION.**

16 **(2) THE GOVERNOR SHALL APPOINT ONE OF THE THREE**
17 **INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING,**
18 **WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE**
19 **CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE**
20 **VACATING COMPTROLLER HAD BEEN AFFILIATED AT THE TIME OF THE**
21 **COMPTROLLER’S LAST ELECTION OR APPOINTMENT.**

22 **(3) EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE**
23 **GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE**
24 **POLITICAL PARTY OF THE VACATING COMPTROLLER ON THE DATE IMMEDIATELY**
25 **PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

26 **(4) THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15**
27 **DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE**
28 **APPROPRIATE POLITICAL PARTY.**

29 **(5) IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL**
30 **COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE**
31 **OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER**
32 **PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER**
33 **AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING COMPTROLLER ON THE**
34 **DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

1 **(6) IF THE VACATING COMPTROLLER WAS NOT AFFILIATED WITH A**
 2 **POLITICAL PARTY AT THE TIME OF THE COMPTROLLER'S LAST ELECTION OR**
 3 **APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL**
 4 **WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY.**

5 ~~(2)~~ **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH ~~(3)~~ (2) OF THIS**
 6 **SUBSECTION, THE INDIVIDUAL APPOINTED UNDER ~~PARAGRAPH (1) OF THIS~~**
 7 **~~SUBSECTION~~ SUBSECTION (C) OF THIS SECTION SHALL SERVE UNTIL A SUCCESSOR**
 8 **IS ELECTED UNDER PARAGRAPH ~~(4)~~ (3) OF THIS SUBSECTION TO FILL THE**
 9 **REMAINDER OF THE TERM.**

10 ~~(3)~~ **(2) THE INDIVIDUAL APPOINTED UNDER ~~PARAGRAPH (1) OF~~**
 11 **~~THIS SUBSECTION~~ SUBSECTION (C) OF THIS SECTION SHALL SERVE FOR THE**
 12 **REMAINDER OF THE TERM IF THE VACANCY OCCURS AFTER THE DATE THAT IS 21**
 13 **DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE**
 14 **REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM.**

15 ~~(4)~~ **(3) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS**
 16 **21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE**
 17 **REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM,**
 18 **THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE**
 19 **OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION**
 20 **AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE**
 21 **REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL**
 22 **ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.**

23 ~~(D)~~ **(E)** In case of a vacancy in the office of the Treasurer by death or otherwise,
 24 the Deputy Treasurer shall act as Treasurer until the next regular or extraordinary session
 25 of the Legislature following the creation of the vacancy, whereupon the Legislature shall
 26 choose a successor to serve for the duration of the unexpired term of office.

27 ~~(E)~~ **(F)** The Comptroller and the Treasurer shall keep their offices at the seat
 28 of government, and shall take such oaths and enter into such bonds for the faithful
 29 discharge of their duties as are now or may hereafter be prescribed by law.

30 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the General Assembly
 31 determines that the amendment to the Maryland Constitution proposed by this Act affects
 32 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
 33 Constitution concerning local approval of constitutional amendments do not apply.

34 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That the ~~foregoing section~~
 35 ~~proposed as an~~ amendment to the Maryland Constitution proposed by Section 2 of this Act
 36 shall be submitted to the qualified voters of the State at the next general election to be held
 37 in November 2016 for their adoption or rejection pursuant to Article XIV of the Maryland
 38 Constitution. At that general election, the vote on this proposed amendment to the

1 Constitution shall be by ballot, and upon each ballot there shall be printed the words “For
2 the Constitutional Amendment” and “Against the Constitutional Amendment,” as now
3 provided by law. Immediately after the election, all returns shall be made to the Governor
4 of the vote for and against the proposed amendment, as directed by Article XIV of the
5 Maryland Constitution, and further proceedings had in accordance with Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.