

HOUSE BILL 1505

G1

CONSTITUTIONAL AMENDMENT

7lr2215

By: **Delegates Parrott, Malone, McComas, W. Miller, and Morgan**

Introduced and read first time: February 10, 2017

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Clarification of Referendum Process – Veto**
3 **Override**

4 FOR the purpose of proposing an amendment to the Maryland Constitution requiring that,
5 as to the taking effect of an Act passed by the General Assembly over the veto of the
6 Governor and the filing of the remainder of the signatures required for a referendum
7 petition, the time be extended to a certain day under certain circumstances;
8 requiring that a certain percentage of signatures to a certain referendum petition be
9 submitted within a certain number of days under certain circumstances; making a
10 conforming change; and submitting this amendment to the qualified voters of the
11 State for their adoption or rejection.

12 BY proposing an amendment to the Maryland Constitution
13 Article XVI – The Referendum
14 Section 2 and 3

15 Preamble

16 WHEREAS, The Attorney General has stated that one may not take bill that was
17 subject to a veto override to referendum unless the required signatures for the referendum
18 were obtained during the allowable time period immediately after the bill was originally
19 passed; and

20 WHEREAS, The veto would necessarily occur before the end of the allowable time
21 given for the referendum process; and

22 WHEREAS, That is clearly not the intent of the Maryland Constitution; and

23 WHEREAS, Certain public interest groups disagree with the Attorney General's
24 published position on this issue; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, This amendment to the Maryland Constitution would not be needed at
2 all but for the Attorney General's erroneous position; now, therefore,

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

6 Article XVI – The Referendum

7 2.

8 No law enacted by the General Assembly shall take effect until the first day of June
9 next after the session at which it may be passed, unless it contains a Section declaring such
10 law an emergency law and necessary for the immediate preservation of the public health
11 or safety and is passed upon a yea and nay vote supported by three-fifths of all the members
12 elected to each of the two Houses of the General Assembly. The effective date of a law other
13 than an emergency law may be extended as provided in Section 3(b) **OR (C)** hereof. If before
14 said first day of June, **OR WITHIN 30 DAYS AFTER THE END OF A SPECIAL SESSION IN**
15 **WHICH AN ACT WAS PASSED BY THE GENERAL ASSEMBLY OVER THE VETO OF THE**
16 **GOVERNOR**, there shall have been filed with the Secretary of the State a petition to refer
17 to a vote of the people any law or part of a law capable of referendum, as in this Article
18 provided, the same shall be referred by the Secretary of State to such vote, and shall not
19 become a law or take effect until thirty days after its approval by a majority of the electors
20 voting thereon at the next ensuing election held throughout the State for Members of the
21 House of Representatives of the United States. An emergency law shall remain in force
22 notwithstanding such petition, but shall stand repealed thirty days after having been
23 rejected by a majority of the qualified electors voting thereon. No measure changing the
24 salary of any officer, or granting any franchise or special privilege, or creating any vested
25 right or interest, shall be enacted as an emergency law. No law making any appropriation
26 for maintaining the State Government, or for maintaining or aiding any public institution,
27 not exceeding the next previous appropriation for the same purpose, shall be subject to
28 rejection or repeal under this Section. The increase in any such appropriation for
29 maintaining or aiding any public institution shall only take effect as in the case of other
30 laws, and such increase or any part thereof specified in the petition, may be referred to a
31 vote of the people upon petition.

32 3.

33 (a) The referendum petition against an Act or part of an Act passed by the
34 General Assembly, shall be sufficient if signed by three percent of the qualified voters of
35 the State of Maryland, calculated upon the whole number of votes cast for Governor at the
36 last preceding Gubernatorial election, of whom not more than half are residents of
37 Baltimore City, or of any one County. However, any Public Local Law for any one County
38 or the City of Baltimore, shall be referred by the Secretary of State only to the people of the
39 County or City of Baltimore, upon a referendum petition of ten percent of the qualified
40 voters of the County or City of Baltimore, as the case may be, calculated upon the whole
41 number of votes cast respectively for Governor at the last preceding Gubernatorial election.

1 (b) **[If] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF** more
2 than one-third, but less than the full number of signatures required to complete any
3 referendum petition against any law passed by the General Assembly, be filed with the
4 Secretary of State before the first day of June, the time for the law to take effect and for
5 filing the remainder of signatures to complete the petition shall be extended to the thirtieth
6 day of the same month, with like effect.

7 **[If] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF** an Act is
8 passed less than 45 days prior to June 1, it may not become effective sooner than 31 days
9 after its passage. To bring this Act to referendum, the first one-third of the required
10 number of signatures to a petition shall be submitted within 30 days after its passage. If
11 the first one-third of the required number of signatures is submitted to the Secretary of
12 State within 30 days after its passage, the time for the Act to take effect and for filing the
13 remainder of the signatures to complete the petition shall be extended for an additional 30
14 days.

15 **(C) (1) IF MORE THAN ONE-THIRD BUT LESS THAN THE FULL NUMBER OF**
16 **SIGNATURES REQUIRED TO COMPLETE ANY REFERENDUM PETITION AGAINST ANY**
17 **LAW PASSED BY THE GENERAL ASSEMBLY DURING A REGULAR SESSION OVER THE**
18 **VETO OF THE GOVERNOR BE FILED WITH THE SECRETARY OF STATE BEFORE THE**
19 **FIRST DAY OF JUNE IMMEDIATELY FOLLOWING THE REGULAR SESSION, THE TIME**
20 **FOR THE LAW TO TAKE EFFECT AND FOR FILING THE REMAINDER OF SIGNATURES**
21 **TO COMPLETE THE PETITION SHALL BE EXTENDED TO THE THIRTIETH DAY OF THE**
22 **SAME MONTH, WITH LIKE EFFECT.**

23 **(2) IF AN ACT IS PASSED BY THE GENERAL ASSEMBLY OVER THE**
24 **VETO OF THE GOVERNOR LESS THAN 45 DAYS BEFORE JUNE 1 IMMEDIATELY**
25 **FOLLOWING THE REGULAR SESSION IN WHICH THE VETO WAS OVERRIDDEN OR IF AN**
26 **ACT IS PASSED BY THE GENERAL ASSEMBLY OVER THE VETO OF THE GOVERNOR**
27 **DURING A SPECIAL SESSION, IT MAY NOT BECOME EFFECTIVE SOONER THAN 31**
28 **DAYS AFTER ITS PASSAGE. TO BRING THIS ACT TO REFERENDUM, THE FIRST**
29 **ONE-THIRD OF THE REQUIRED NUMBER OF SIGNATURES TO A PETITION SHALL BE**
30 **SUBMITTED WITHIN 30 DAYS AFTER ITS PASSAGE. IF THE FIRST ONE-THIRD OF THE**
31 **REQUIRED NUMBER OF SIGNATURES IS SUBMITTED TO THE SECRETARY OF STATE**
32 **WITHIN 30 DAYS AFTER ITS PASSAGE, THE TIME FOR THE ACT TO TAKE EFFECT AND**
33 **FOR FILING THE REMAINDER OF THE SIGNATURES TO COMPLETE THE PETITION**
34 **SHALL BE EXTENDED FOR AN ADDITIONAL 30 DAYS.**

35 **[(c)] (D)** In this Article, “pass” or “passed” means any final action upon any Act
36 or part of an Act by both Houses of the General Assembly; and “enact” or “enacted” means
37 approval of an Act or part of an Act by the Governor.

38 **[(d)] (E)** Signatures on a petition for referendum on an Act or part of an Act may
39 be signed at any time after the Act or part of an Act is passed.

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
6 proposed as an amendment to the Maryland Constitution shall be submitted to the
7 qualified voters of the State at the next general election to be held in November 2018 for
8 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
9 general election, the vote on this proposed amendment to the Constitution shall be by
10 ballot, and upon each ballot there shall be printed the words "For the Constitutional
11 Amendment" and "Against the Constitutional Amendment," as now provided by law.
12 Immediately after the election, all returns shall be made to the Governor of the vote for and
13 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
14 and further proceedings had in accordance with Article XIV.