

HOUSE BILL 307

P5, G1
HB 361/17 – W&M

CONSTITUTIONAL AMENDMENT

8lr0401

By: **Delegates Moon, Parrott, Angel, Barkley, Barron, Brooks, Carr, Corderman, Ebersole, Gutierrez, Hill, Korman, Kramer, Krimm, Lierman, Luedtke, Malone, A. Miller, Pena–Melnyk, Platt, Proctor, Tarlau, Valderrama, and Valentino–Smith**

Introduced and read first time: January 22, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Special Election to Fill a Vacancy in Office**

3 FOR the purpose of requiring an individual appointed by the Governor to fill a vacancy in
4 the office of Delegate or Senator in the General Assembly to serve for the remainder
5 of the term if the vacancy occurs after a certain date; requiring that a special election
6 be held at the same time as a certain regular statewide election to fill a vacancy in
7 the office of Delegate or Senator in the General Assembly if the vacancy occurs on or
8 before a certain date; providing that a special election to fill a vacancy in the office
9 of Delegate or Senator in the General Assembly is not subject to a requirement that
10 elections for State and county officers occur on certain dates; making conforming
11 changes; submitting this amendment to the qualified voters of the State for their
12 adoption or rejection; and generally relating to special elections to fill a vacancy in
13 the office of Delegate or Senator in the General Assembly.

14 BY proposing an amendment to the Maryland Constitution
15 Article III – Legislative Department
16 Section 13

17 BY proposing an amendment to the Maryland Constitution
18 Article XVII – Quadrennial Elections
19 Section 2

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

23 **Article III – Legislative Department**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 13.

2 (a) (1) In case of death, disqualification, resignation, refusal to act, expulsion,
3 or removal from the county or city for which he shall have been elected, of any person who
4 shall have been chosen as a Delegate or Senator, or in case of a tie between two or more
5 such qualified persons, the Governor shall appoint a person to fill such vacancy from a
6 person whose name shall be submitted to him in writing, within thirty days after the
7 occurrence of the vacancy, by the Central Committee of the political party, if any, with
8 which the Delegate or Senator, so vacating, had been affiliated, at the time of the last
9 election or appointment of the vacating Senator or Delegate, in the County or District from
10 which he or she was appointed or elected, provided that the appointee shall be of the same
11 political party, if any, as was that of the Delegate or Senator, whose office is to be filled, at
12 the time of the last election or appointment of the vacating Delegate or Senator, and it shall
13 be the duty of the Governor to make said appointment within fifteen days after the
14 submission thereof to him.

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

21 (3) In the event there is no Central Committee in the County or District
22 from which said vacancy is to be filled, the Governor shall within fifteen days after the
23 occurrence of such vacancy appoint a person, from the same political party, if any, as that
24 of the vacating Delegate or Senator, at the time of the last election or appointment of the
25 vacating Senator or Delegate, who is otherwise properly qualified to hold the office of
26 Delegate or Senator in such District or County.

27 [(4) In every case when any person is so appointed by the Governor, his
28 appointment shall be deemed to be for the unexpired term of the person whose office has
29 become vacant.]

30 (b) In addition, and in submitting a name to the Governor to fill a vacancy in a
31 Legislative or Delegate district, as the case may be, in any of the twenty-three counties of
32 Maryland, the Central Committee or committees shall follow these provisions:

33 (1) If the vacancy occurs in a district having the same boundaries as a
34 county, the Central Committee of the county shall submit the name of a resident of the
35 district.

36 (2) If the vacancy occurs in a district which has boundaries comprising a
37 portion of one county, the Central Committee of that county shall submit the name of a
38 resident of the district.

1 **(2) TO FILL A VACANCY IN THE OFFICE OF DELEGATE OR SENATOR IN**
2 **THE GENERAL ASSEMBLY UNDER ARTICLE III, § 13(C) OF THE CONSTITUTION.**

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
8 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
9 voters of the State at the next general election to be held in November 2018 for adoption or
10 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
11 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
12 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
13 the Constitutional Amendment,” as now provided by law. Immediately after the election,
14 all returns shall be made to the Governor of the vote for and against the proposed
15 amendment, as directed by Article XIV of the Maryland Constitution, and further
16 proceedings had in accordance with Article XIV.