

# HOUSE BILL 1469

P1

## CONSTITUTIONAL AMENDMENT

0lr3212

By: Delegates Hornberger, Boteler, Kittleman, and Wivell

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

## A BILL ENTITLED

## 1 AN ACT concerning

**2 Governor, Lieutenant Governor, Senators, Delegates, Attorney General, and**  
**3 Comptroller – Age Limits**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to establish  
5 that a person is eligible for the office of Governor or Lieutenant Governor or to serve  
6 as a Senator or Delegate if the person has not yet attained a certain age; proposing  
7 an amendment to the Maryland Constitution to establish that a person is eligible for  
8 the office of Attorney General or Comptroller if the person has attained a certain age  
9 but not yet attained another certain age; and submitting this amendment to the  
10 qualified voters of the State for their adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution  
12           Article II – Executive Department  
13           Section 5

14 BY proposing an amendment to the Maryland Constitution  
15       Article III – Legislative Department  
16       Section 9

17 BY proposing an amendment to the Maryland Constitution  
18       Article V – Attorney-General and State's Attorneys  
19       Section 4

20 BY proposing an amendment to the Maryland Constitution  
21           Article VI – Treasury Department  
22           Section 1

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

**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW**

[Brackets] indicate matter deleted from existing law.



1                   **Article II – Executive Department**

2     5.

3       A person to be eligible for the office of Governor or Lieutenant Governor must have  
4       attained the age of thirty years **AND NOT YET ATTAINED THE AGE OF NINETY YEARS**,  
5       and must have been a resident and registered voter of the State for five years next  
6       immediately preceding his election.

7                   **Article III – Legislative Department**

8     9.

9       A person is eligible to serve as a Senator or Delegate, who on the date of his election,  
10      (1) is a citizen of the State of Maryland, (2) has resided therein for at least one year next  
11      preceding that date, and (3) if the district which he has been chosen to represent has been  
12      established for at least six months prior to the date of his election, has resided in that  
13      district for six months next preceding that date.

14       If the district which the person has been chosen to represent has been established  
15      less than six months prior to the date of his election, then in addition to (1) and (2) above,  
16      he shall have resided in the district for as long as it has been established.

17       A person is eligible to serve as a Senator, if he has attained the age of twenty-five  
18      years **AND NOT YET ATTAINED THE AGE OF NINETY YEARS**, or as a Delegate, if he has  
19      attained the age of twenty-one years **AND NOT YET ATTAINED THE AGE OF NINETY**  
20      **YEARS**, on the date of his election.

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

22     4.

23       No person shall be eligible to the office of Attorney General, who is not a citizen of  
24       this State, and a qualified voter therein, and has not resided and practiced Law in this  
25       State for at least ten years, **OR WHO HAS NOT YET ATTAINED THE AGE OF THIRTY**  
26       **YEARS OR ATTAINED THE AGE OF NINETY YEARS**.

27                   **Article VI – Treasury Department**

28     1.

29       (a)    **(1)**   There shall be a Treasury Department, consisting of a Comptroller  
30       chosen by the qualified electors of the State, who shall receive such salary as may be fixed  
31       by law; and a Treasurer, to be appointed on joint ballot by the two Houses of the Legislature  
32       at each regular session in which begins the term of the Governor, who shall receive such  
33       salary as may be fixed by law.

1                   **(2) A PERSON IS ELIGIBLE FOR THE OFFICE OF COMPTROLLER IF THE**  
2 **PERSON HAS ATTAINED THE AGE OF THIRTY YEARS AND NOT YET ATTAINED THE AGE**  
3 **OF NINETY YEARS.**

4                 (b) The terms of office of the Comptroller and Treasurer shall be for four years,  
5 and until their successors shall qualify; and neither of the officers shall be allowed, or  
6 receive any fees, commissions or perquisites of any kind in addition to his salary for the  
7 performance of any duty or services whatsoever.

8                 (c) (1) In case of a vacancy in the office of the Comptroller by death or  
9 otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such  
10 vacancy by appointment as provided in this subsection.

11                 (2) The Governor shall appoint one of three individuals whose names are  
12 submitted to the Governor in writing, within 30 days after the occurrence of the vacancy,  
13 by the State Central Committee of the political party, if any, with which the vacating  
14 Comptroller had been affiliated at the time of the Comptroller's last election or  
15 appointment.

16                 (3) Each individual whose name is submitted to the Governor must have  
17 been a registered voter affiliated with the political party of the vacating Comptroller on the  
18 date immediately preceding the date on which the vacancy occurred.

19                 (4) The Governor shall make the appointment within 15 days after names  
20 are submitted by the State Central Committee of the appropriate political party.

21                 (5) If names are not submitted by the State Central Committee of the  
22 appropriate political party within 30 days after the occurrence of the vacancy, the Governor  
23 shall appoint within another period of 15 days any qualified individual who was a  
24 registered voter affiliated with the political party of the vacating Comptroller on the date  
25 immediately preceding the date on which the vacancy occurred.

26                 (6) If the vacating Comptroller was not affiliated with a political party at  
27 the time of the Comptroller's last election or appointment, the Governor shall appoint any  
28 qualified individual within 15 days after the occurrence of the vacancy.

29                 (7) Except as provided in paragraph (8) of this subsection, an individual  
30 appointed under this subsection shall serve until a successor is elected under paragraph (9)  
31 of this subsection to fill the remainder of the term.

32                 (8) An individual appointed under this subsection shall serve for the  
33 remainder of the term if the vacancy occurs after the date that is 21 days before the deadline  
34 for filing certificates of candidacy for the regular statewide election that is held in the  
35 second year of the term.

36                 (9) If the vacancy occurs on or before the date that is 21 days before the

1 deadline for filing certificates of candidacy for the regular statewide election that is held in  
2 the second year of the term, the Governor shall issue a proclamation immediately after the  
3 occurrence of the vacancy declaring that a special primary election and a special general  
4 election shall be held at the same time as the regular statewide primary election and  
5 regular statewide general election that are held in the second year of the term.

6 (d) In case of a vacancy in the office of the Treasurer by death or otherwise, the  
7 Deputy Treasurer shall act as Treasurer until the next regular or extraordinary session of  
8 the Legislature following the creation of the vacancy, whereupon the Legislature shall  
9 choose a successor to serve for the duration of the unexpired term of office.

10 (e) The Comptroller and the Treasurer shall keep their offices at the seat of  
11 government, and shall take such oaths and enter into such bonds for the faithful discharge  
12 of their duties as are now or may hereafter be prescribed by law.

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

17 **SECTION 3. AND BE IT FURTHER ENACTED**, That the amendment to the  
18 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
19 voters of the State at the next general election to be held in November 2020 for adoption or  
20 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
21 the vote on the proposed amendment to the Constitution shall be by ballot, and on each  
22 ballot there shall be printed the words "For the Constitutional Amendment" and "Against  
23 the Constitutional Amendment", as now provided by law. Immediately after the election,  
24 all returns shall be made to the Governor of the vote for and against the proposed  
25 amendment, as directed by Article XIV of the Maryland Constitution, and further  
26 proceedings had in accordance with Article XIV.