

HOUSE BILL 1288

G1
HB 1667/06 – HRU

CONSTITUTIONAL AMENDMENT

4lr3390

By: **Delegate McComas**

Introduced and read first time: February 9, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Initiative Process**

3 FOR the purpose of authorizing the people to petition to a vote a proposal to add to, amend,
4 and repeal the public general laws or the Maryland Constitution under certain
5 circumstances; and establishing the Initiative process.

6 BY proposing an addition to the Maryland Constitution
7 New Article XVI–A – The Initiative
8 Section 1 through 4

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

12 **ARTICLE XVI–A – THE INITIATIVE**

13 **1.**

14 **THE PEOPLE OF THE STATE, RESERVING TO THEMSELVES THE POWER KNOWN**
15 **AS THE INITIATIVE, MAY BY PETITION SUBMIT TO THE REGISTERED VOTERS OF THE**
16 **STATE FOR THEIR APPROVAL OR REJECTION AT THE POLLS ANY PROPOSED BILL TO**
17 **ADD TO, REPEAL, OR AMEND THE PUBLIC GENERAL LAWS OR THE MARYLAND**
18 **CONSTITUTION THAT WAS NOT APPROVED AT A REGULAR OR SPECIAL SESSION OF**
19 **THE GENERAL ASSEMBLY.**

20 **2.**

21 **(A) BEFORE A PETITION OR ANY PART OF A PETITION IS CIRCULATED**
22 **AMONG THE VOTERS OF THE STATE:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) THE TEXT OF THE PROPOSAL CONTAINED IN THE PETITION SHALL**
2 **BE SUBMITTED TO THE SECRETARY OF STATE; AND**

3 **(2) IF A SUMMARY OF THE PROPOSAL IS INCLUDED IN THE PETITION,**
4 **THE SUMMARY SHALL BE APPROVED FOR ACCURACY BY THE ATTORNEY GENERAL.**

5 **(B) (1) AN INITIATIVE PETITION MAY CONSIST OF SEVERAL PAPERS.**

6 **(2) EACH PAPER OF THE PETITION SHALL CONTAIN THE FULL TEXT**
7 **OF THE PROPOSAL.**

8 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PETITION**
9 **TO SUBMIT TO THE VOTERS OF THE STATE A PROPOSAL CONCERNING THE PUBLIC**
10 **GENERAL LAWS SHALL BE SIGNED BY REGISTERED VOTERS OF THE STATE IN A**
11 **NUMBER EQUAL TO AT LEAST 10% OF THE VOTES CAST IN THE LAST ELECTION FOR**
12 **GOVERNOR.**

13 **(2) NOT MORE THAN 50% OF THE SIGNERS OF A PETITION MAY BE**
14 **REGISTERED VOTERS IN BALTIMORE CITY OR ANY SINGLE COUNTY.**

15 **(D) (1) AN INITIATIVE PETITION SHALL BE FILED WITH THE SECRETARY**
16 **OF STATE WITHIN 180 DAYS AFTER THE DATE OF THE FINAL ACTION ON THE BILL BY**
17 **THE GENERAL ASSEMBLY.**

18 **(2) ATTACHED TO EACH PAPER OF SIGNATURES FILED WITH A**
19 **PETITION, THERE SHALL BE AN AFFIDAVIT OF THE PERSON PROCURING THOSE**
20 **SIGNATURES THAT STATES THAT BASED ON THE PERSON'S BEST KNOWLEDGE AND**
21 **BELIEF:**

22 **(i) EVERY SIGNATURE ON THE PAPER IS GENUINE; AND**

23 **(ii) THE SIGNERS ARE REGISTERED VOTERS IN THE STATE AND**
24 **IN THE LOCAL JURISDICTION INDICATED ON THE PAPER.**

25 **(3) IF THE SECRETARY OF STATE DETERMINES THAT THE ORIGINAL**
26 **AND ANY SUPPLEMENTAL PETITIONS BEAR THE REQUISITE NUMBER OF VALID**
27 **SIGNATURES, THE SECRETARY OF STATE SHALL CERTIFY THE PROPOSAL FOR A**
28 **VOTE.**

29 **(E) THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW THE FORM OF THE**
30 **PETITION FOR AN INITIATIVE PROPOSAL, THE MANNER FOR VERIFYING THE**

1 AUTHENTICITY OF PETITIONS, AND OTHER ADMINISTRATIVE PROCEDURES THAT
2 ARE NECESSARY AND NOT IN CONFLICT WITH THIS ARTICLE.

3 **3.**

4 (A) (1) AN INITIATIVE PROPOSAL CERTIFIED BY THE SECRETARY OF
5 STATE AT LEAST 90 DAYS BEFORE THE NEXT GENERAL ELECTION SHALL BE
6 SUBMITTED TO THE VOTERS AT THAT ELECTION.

7 (2) A PROPOSAL CERTIFIED BY THE SECRETARY OF STATE LESS
8 THAN 90 DAYS BEFORE A GENERAL ELECTION SHALL BE SUBMITTED TO THE VOTERS
9 AT THE NEXT SUCCEEDING GENERAL ELECTION.

10 (B) BEFORE THE ELECTION AT WHICH THE INITIATIVE PROPOSAL IS TO BE
11 VOTED ON, THE TEXT OF THE PROPOSAL SHALL BE PUBLISHED IN A MANNER
12 PROVIDED BY LAW.

13 (C) ON THE BALLOT USED IN THE ELECTION AT WHICH THE INITIATIVE
14 PROPOSAL IS VOTED ON, EACH INITIATIVE PROPOSAL SHALL:

15 (1) APPEAR AS A SEPARATE ITEM IN A FORMAT, PRESCRIBED BY THE
16 GENERAL ASSEMBLY, THAT SUFFICIENTLY IDENTIFIES THE PROPOSAL; AND

17 (2) BE FOLLOWED BY THE WORDS "FOR THE INITIATIVE PROPOSAL"
18 AND "AGAINST THE INITIATIVE PROPOSAL".

19 (D) (1) THE VOTES CAST FOR AND AGAINST EACH INITIATIVE PROPOSAL
20 SHALL BE RETURNED TO THE GOVERNOR WITHIN 30 DAYS.

21 (2) THE GOVERNOR SHALL MAKE A DETERMINATION OF THE
22 NUMBER OF VOTES CAST FOR AND AGAINST THE PROPOSAL.

23 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,
24 THE GOVERNOR SHALL IMMEDIATELY BY PROCLAMATION DECLARE THE PROPOSAL
25 TO BE EFFECTIVE IF:

26 (I) IN THE CASE OF PUBLIC GENERAL LAW, AT LEAST 50% OF
27 THE VOTES CAST ON THE PROPOSAL HAVE BEEN CAST IN FAVOR OF IT; OR

28 (II) IN THE CASE OF A CHANGE TO THE MARYLAND
29 CONSTITUTION, AT LEAST TWO-THIRDS OF THE VOTES CAST ON THE PROPOSAL
30 HAVE BEEN CAST IN FAVOR OF IT.

1 **(4) IF TWO OR MORE INITIATIVE PROPOSALS RECEIVE A FAVORABLE**
2 **MAJORITY AND THE GOVERNOR, WITH THE ADVICE OF THE ATTORNEY GENERAL,**
3 **DETERMINES THAT THESE PROPOSALS ARE IN IRRECONCILABLE CONFLICT, THE**
4 **GOVERNOR SHALL DECLARE ONLY THE PROPOSAL RECEIVING THE HIGHEST**
5 **NUMBER OF VOTES TO BE PART OF THE PUBLIC GENERAL LAWS OR THE MARYLAND**
6 **CONSTITUTION.**

7 **(5) A PROPOSAL DECLARED TO BE PART OF THE PUBLIC GENERAL**
8 **LAWS OR THE MARYLAND CONSTITUTION SHALL TAKE EFFECT 30 DAYS AFTER THE**
9 **ISSUANCE OF THE GOVERNOR’S PROCLAMATION.**

10 **4.**

11 **AN INITIATIVE PROPOSAL THAT BECOMES PART OF THE PUBLIC GENERAL**
12 **LAWS OR THE MARYLAND CONSTITUTION MAY BE AMENDED OR REPEALED IN THE 2**
13 **YEARS IMMEDIATELY FOLLOWING ITS EFFECTIVE DATE ONLY IF THE CHANGE IS**
14 **APPROVED BY A TWO–THIRDS VOTE OF BOTH HOUSES OF THE GENERAL ASSEMBLY.**

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

19 **SECTION 3. AND BE IT FURTHER ENACTED,** That the amendment to the
20 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
21 voters of the State at the next general election to be held in November 2024 for adoption or
22 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
23 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
24 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
25 the Constitutional Amendment”, as now provided by law. Immediately after the election,
26 all returns shall be made to the Governor of the vote for and against the proposed
27 amendment, as directed by Article XIV of the Maryland Constitution, and further
28 proceedings had in accordance with Article XIV.