

CONSTITUTIONAL AMENDMENT

D1  
SB 3/95 - JPR

6lr1541

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**By: Delegate M. Burns**

Introduced and read first time: January 24, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

**2 Circuit Court Judges - Gubernatorial Appointments - Senate Confirmation**

3 FOR the purpose of proposing an amendment to the Constitution of Maryland to require  
4 the Governor to obtain the advice and consent of the Senate when appointing a  
5 judge of a circuit court; generally relating to the gubernatorial appointments of  
6 judges of the circuit court and the confirmation of such appointments by the Senate  
7 of Maryland; and submitting this amendment to the qualified voters of the State of  
8 Maryland for their adoption or rejection.

9 BY proposing an amendment to the Constitution of Maryland  
10 Article IV - Judiciary Department  
11 Section 5

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

15 **Article IV - Judiciary Department**

16 5.

17 Upon every occurrence or recurrence of a vacancy through death, resignation,  
18 removal, disqualification by reason of age or otherwise, or expiration of the term of  
19 fifteen years of any judge of a circuit court, or creation of the office of any such judge, or  
20 in any other way, the Governor, WITH THE ADVICE AND CONSENT OF THE SENATE,  
21 shall appoint a person duly qualified to fill said office, who shall hold the same until the  
22 election and qualification of [his] A successor. CONFIRMATION BY THE SENATE SHALL  
23 BE MADE UPON A MAJORITY VOTE OF ALL MEMBERS OF THE SENATE. A JUDGE  
24 APPOINTED BY THE GOVERNOR MAY TAKE OFFICE UPON QUALIFICATION AND  
25 BEFORE CONFIRMATION BY THE SENATE, BUT SHALL CEASE TO HOLD OFFICE AT  
26 THE CLOSE OF THE REGULAR ANNUAL SESSION OF THE GENERAL ASSEMBLY NEXT  
27 FOLLOWING THE APPOINTMENT OR DURING THE SESSION IN WHICH THE JUDGE  
28 WAS APPOINTED BY THE GOVERNOR, IF THE SENATE SHALL NOT HAVE CONFIRMED  
29 THE APPOINTMENT BEFORE THEN. [His] A successor shall be elected at the first  
30 biennial general election for Representatives in Congress after the expiration of the term  
31 of fifteen years (if the vacancy occurred in that way) or the first such general election  
32 after one year after the occurrence of the vacancy in any other way than through  
33 expiration of such term. Except in case of reappointment of a judge upon expiration of

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1 [his] THE term of fifteen years, no person shall be appointed who will become  
2 disqualified by reason of age and thereby unable to continue to hold office until the  
3 prescribed time when [his] A successor would have been elected.

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

8           SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
9 proposed as an amendment to the Constitution of Maryland shall be submitted to the  
10 legal and qualified voters of this State at the next general election to be held in  
11 November, 1996 for their adoption or rejection in pursuance of directions contained in  
12 Article XIV of the Constitution of this State. At that general election, the vote on this  
13 proposed amendment to the Constitution shall be by ballot, and upon each ballot there  
14 shall be printed the words "For the Constitutional Amendments" and "Against the  
15 Constitutional Amendments," as now provided by law. Immediately after the election, all  
16 returns shall be made to the Governor of the vote for and against the proposed  
17 amendment, as directed by Article XIV of the Constitution, and further proceedings had  
18 in accordance with Article XIV.