

CONSTITUTIONAL AMENDMENT

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HB 232/95 - CGM

6lr1716

By: Delegates Dembrow, Conroy, Poole, Getty, Kagan, Bobo, and Kittleman

Introduced and read first time: January 24, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly - Filling of Vacancy by Special Election**

3 FOR the purpose of providing that a vacancy occurring in the House of Delegates or
4 Senate of Maryland during a certain period of the term of office shall be filled by a
5 special election to coincide with the next ensuing regular congressional election;
6 establishing certain procedures for the special election; deleting certain obsolete
7 language; making a stylistic change; and submitting this amendment to the qualified
8 voters of the State of Maryland for their adoption or rejection.

9 BY proposing an amendment to the Constitution of Maryland

10 Article III - Legislative Department

11 Section 6, 7, and 13

12 BY proposing an amendment to the Constitution of Maryland

13 Article XVII - Quadrennial Elections

14 Section 1, 2, and 3

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

18 **Article III - Legislative Department**

19 6.

20 [A] EXCEPT AS PROVIDED IN SECTION 13 OF THIS ARTICLE FOR FILLING A
21 VACANCY BY SPECIAL ELECTION, A member of the General Assembly shall be elected
22 by the registered voters of the legislative or delegate district from which he seeks election,
23 to serve for a term of four years beginning on the second Wednesday of January following
24 his election.

25 7.

26 [The] EXCEPT AS PROVIDED IN SECTION 13 OF THIS ARTICLE FOR FILLING A
27 VACANCY BY SPECIAL ELECTION, THE election for Senators and Delegates shall take
28 place on the Tuesday next, after the first Monday in the month of November, nineteen
29 hundred and fifty-eight, and in every fourth year thereafter.

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
4 who shall have been chosen as a Delegate or Senator, or in case of a tie between two or
5 more such qualified persons, the Governor shall appoint a person to fill such vacancy
6 from a person whose name shall be submitted to him in writing, within thirty days after
7 the 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
10 from which he or she was appointed or elected, provided that the appointee shall be of
11 the same political party, if any, as was that of the Delegate or Senator, whose office is to
12 be filled, at the time of the last election or appointment of the vacating Delegate or
13 Senator, and it shall be the duty of the Governor to make said appointment within fifteen
14 days after the 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
17 shall appoint a person, who shall be affiliated with the same political party, if any as was
18 that of the Delegate or Senator, whose office is to be filled, at the time of the last election
19 or appointment of the vacating Delegate or Senator, and who is otherwise properly
20 qualified 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] THE APPOINTMENT OF EACH person [is] so
28 appointed by the Governor[, his appointment] shall be deemed to be for the unexpired
29 term of the person whose office has become vacant OR, WHEN APPLICABLE, UNTIL THE
30 VACANCY IS FILLED BY A SPECIAL ELECTION.

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

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

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

40 (3) If the vacancy occurs in a district which has boundaries comprising a
41 portion or all of two or more counties, the Central Committee of each county involved
42 shall have one vote for submitting the name of a resident of the district; and if there is a

3

1 tie vote between or among the Central Committees, the list of names there proposed shall
2 be submitted to the Governor, and he shall make the appointment from the list.

3 (C) (1) THIS SUBSECTION APPLIES ONLY TO A VACANCY IN THE OFFICE OF
4 SENATOR OR DELEGATE THAT OCCURS AT LEAST 7 DAYS BEFORE THE DEADLINE
5 FOR FILING A CERTIFICATE OF CANDIDACY FOR THE ELECTION OF
6 REPRESENTATIVES TO CONGRESS THAT IS HELD IN THE SECOND YEAR OF THE
7 TERM OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY.

8 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
9 CONSTITUTION RELATING TO THE TIMING AND FREQUENCY OF ELECTIONS AND TO
10 THE PERIODS FOR WHICH OFFICERS ARE ELECTED, A VACANCY OCCURRING
11 DURING THE PERIOD SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
12 FILLED, FOR THE BALANCE OF THE UNEXPIRED TERM, AT A SPECIAL ELECTION TO
13 BE HELD AT THE SAME TIME AS, AND CONDUCTED PURSUANT TO THE PROCESS
14 ESTABLISHED BY LAW FOR, THE NEXT STATEWIDE ELECTION AT WHICH
15 REPRESENTATIVES TO CONGRESS ARE ELECTED.

16 **Article XVII - Quadrennial Elections**

17 1.

18 The purpose of this Article is to reduce the number of elections by providing that all
19 State and county elections shall be held only in every fourth year, and at the time
20 provided by law for holding congressional elections, and to bring the terms of appointive
21 officers into harmony with the changes effected in the time of the beginning of the terms
22 of elective officers. [The] EXCEPT AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO
23 SPECIAL ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, THE administrative
24 and judicial officers of the State shall construe the provisions of this Article so as to
25 effectuate that purpose. For the purpose of this Article only the word "officers" shall be
26 construed to include those holding positions and other places of employment in the
27 [state] STATE and county governments whose terms are fixed by law, but it shall not
28 include any appointments made by the Board of Public Works, nor appointments by the
29 Governor for terms of three years.

30 2.

31 [Elections] EXCEPT AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO
32 SPECIAL ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, ELECTIONS by
33 qualified voters for State and county officers shall be held on the Tuesday next after the
34 first Monday of November, in the year nineteen hundred and twenty-six, and on the same
35 day in every fourth year thereafter.

36 3.

37 [All] EXCEPT AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO SPECIAL
38 ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, ALL State and county officers
39 elected by qualified voters (except judges of the Circuit Courts, judges of the Supreme
40 Bench of Baltimore City, judges of the Court of Appeals and judges of any intermediate
41 courts of appeal) shall hold office for terms of four years, and until their successors shall
42 qualify.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
2 determines that the amendment to the Constitution of Maryland proposed by this Act
3 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
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 Constitution of Maryland shall be submitted to the
7 legal and qualified voters of this State at the next general election to be held in
8 November, 1996 for their adoption or rejection in pursuance of directions contained in
9 Article XIV of the Constitution of this State. At that general election, the vote on this
10 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
11 shall be printed the words "For the Constitutional Amendments" and "Against the
12 Constitutional Amendments," as now provided by law. Immediately after the election, all
13 returns shall be made to the Governor of the vote for and against the proposed
14 amendment, as directed by Article XIV of the Constitution, and further proceedings had
15 in accordance with Article XIV.