

CONSTITUTIONAL AMENDMENT

P1

6lr1534

By: Delegates Gordon and Kagan

Introduced and read first time: January 29, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Attorney General - Appointment to Fill Vacancy**

3 FOR the purpose of specifying that in filling a vacancy in the office of Attorney General,
4 the Governor shall select a person whose name has been submitted by the State
5 central committee of the same political party, if any, with which the vacating
6 Attorney General was affiliated at the time of the election or appointment of the
7 vacating Attorney General; requiring the appointee to be confirmed by the Senate;
8 and submitting this amendment to the qualified voters of the State of Maryland for
9 their adoption or rejection.

10 BY proposing an amendment to the Constitution of Maryland

11 Article V - Attorney-General and State's Attorneys
12 Section 5

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

16 **Article V - Attorney-General and State's Attorneys**

17 5.

18 In case of vacancy in the office of Attorney General, occasioned by death,
19 resignation, removal from the State, or from office, or other disqualification, the
20 Governor, WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND, shall
21 appoint a person to fill the vacancy for the residue of the term. THE GOVERNOR SHALL
22 APPOINT A PERSON WHOSE NAME SHALL BE SUBMITTED IN WRITING BY THE STATE
23 CENTRAL COMMITTEE OF THE POLITICAL PARTY WITH WHICH THE VACATING
24 ATTORNEY GENERAL WAS AFFILIATED AT THE TIME OF THE VACATING ATTORNEY
25 GENERAL'S LAST ELECTION OR APPOINTMENT. IF THE VACATING ATTORNEY
26 GENERAL WAS NOT A MEMBER OF ANY POLITICAL PARTY AT THE TIME OF THAT
27 INDIVIDUAL'S ELECTION OR APPOINTMENT, THE GOVERNOR MAY APPOINT A
28 PERSON OF ANY POLITICAL AFFILIATION.

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

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