

CONSTITUTIONAL AMENDMENT

P1

6lr1040

CF 6lr1481

---

**By: Senator Astle (Task Force on Dual Office Holding)**

Introduced and read first time: January 18, 1996

Assigned to: Economic and Environmental Affairs

---

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 27, 1996

---

CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Dual Office Holding - Exceptions**

3 FOR the purpose of ~~providing for exceptions to the constitutional prohibition against~~  
4 ~~holding more than one "office of profit"; repealing a certain dual office holding~~  
5 ~~provision applicable to members of the General Assembly; removing from the oath~~  
6 ~~of office language relating to dual office holding~~ providing for exceptions to  
7 constitutional prohibitions against holding more than one office for law  
8 enforcement officers, firefighters, or rescue squad members; generally relating to  
9 dual office holding; and submitting this amendment to the qualified voters of the  
10 State of Maryland for their adoption or rejection.

11 BY proposing an amendment to the Constitution of Maryland

12 Declaration of Rights

13 Article 35

14 ~~BY proposing an amendment to the Constitution of Maryland~~

15 ~~Article I - Elective Franchise~~

16 ~~Section 9~~

17 BY proposing a ~~repeal of~~ an amendment to the Constitution of Maryland

18 Article III - Legislative Department

19 Section 11

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

2

1 **Declaration of Rights**

2 Article 35.

3 That no person shall hold, at the same time, more than one office of profit, created  
4 by the Constitution or Laws of this State, ~~EXCEPT AS MAY BE PROVIDED BY LAW~~; nor  
5 shall any person in public trust receive any present from any foreign Prince or State, or  
6 from the United States, or any of them, without the approbation of this State. The  
7 position of Notary Public shall not be considered an office of profit within the meaning of  
8 this Article. Membership in the militia of this State, A LAW ENFORCEMENT AGENCY, A  
9 FIRE DEPARTMENT OR AGENCY, OR A RESCUE SQUAD shall not be considered an  
10 office of profit within the meaning of this Article; nor shall any remuneration received as  
11 a consequence of membership in a reserve component of the armed forces of the United  
12 States or of membership in the militia of the United States or of this State be considered  
13 a present within the meaning of this Article.

14 **Article I - Elective Franchise**

15 9-

16 Every person elected[,] or appointed[,] to any office of profit or trust [,] under  
17 this Constitution[,] or under the Laws[,] made pursuant [thereto, shall] ~~TO IT,~~ before  
18 [he] ~~THE PERSON~~ enters upon the duties of [such] ~~THE~~ office ~~TO WHICH THE PERSON~~  
19 ~~IS ELECTED OR APPOINTED,~~ SHALL take and subscribe the following oath, or  
20 affirmation: I, ....., do swear, (or affirm, as the case may be,) that I will support the  
21 Constitution of the United States; and that I will be faithful and bear true allegiance to  
22 the State of Maryland, and support the Constitution and Laws [thereof] ~~OF THIS STATE;~~  
23 and that I will, to the best of my skill and judgment, diligently and faithfully, without  
24 partiality or prejudice, execute the office of ....., according to the Constitution and  
25 Laws of this State[, (and, if a Governor, Senator, Member of the House of Delegates, or  
26 Judge,) that I will not directly or indirectly, receive the profits or any part of the profits of  
27 any other office during the term of my acting as .....].

28 **Article III - Legislative Department**

29 ~~11.~~

30 No person holding any civil office of profit, or trust, under this State shall be eligible  
31 as Senator or Delegate; HOWEVER, A SENATOR OR DELEGATE MAY BE A LAW  
32 ENFORCEMENT OFFICER, A FIREFIGHTER, OR A RESCUE SQUAD MEMBER.~~]~~

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

37 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
38 proposed as an amendment to the Constitution of Maryland shall be submitted to the  
39 legal and qualified voters of this State at the next general election to be held in  
40 November, 1996 for their adoption or rejection in pursuance of directions contained in  
41 Article XIV of the Constitution of this State. At that general election, the vote on this  
42 proposed amendment to the Constitution shall be by ballot, and upon each ballot there

SENATE BILL 165

3

1 shall be printed the words "For the Constitutional Amendments" and "Against the  
2 Constitutional Amendments," as now provided by law. Immediately after the election, all  
3 returns shall be made to the Governor of the vote for and against the proposed  
4 amendment, as directed by Article XIV of the Constitution, and further proceedings had  
5 in accordance with Article XIV.