

CONSTITUTIONAL AMENDMENT

P5
HB 232/95 - CGM

6lr2093

By: Senator Craig

Introduced and read first time: February 1, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 1996

CHAPTER _____

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.

2

1 7.

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

6 13.

7 (a) (1) In case of death, disqualification, resignation, refusal to act, expulsion,
8 or removal from the county or city for which he shall have been elected, of any person
9 who shall have been chosen as a Delegate or Senator, or in case of a tie between two or
10 more such qualified persons, the Governor shall appoint a person to fill such vacancy
11 from a person whose name shall be submitted to him in writing, within thirty days after
12 the occurrence of the vacancy, by the Central Committee of the political party, if any, with
13 which the Delegate or Senator, so vacating, had been affiliated, at the time of the last
14 election or appointment of the vacating Senator or Delegate, in the County or District
15 from which he or she was appointed or elected, provided that the appointee shall be of
16 the same political party, if any, as was that of the Delegate or Senator, whose office is to
17 be filled, at the time of the last election or appointment of the vacating Delegate or
18 Senator, and it shall be the duty of the Governor to make said appointment within fifteen
19 days after the submission thereof to him.

20 (2) If a name is not submitted by the Central Committee within thirty days
21 after the occurrence of the vacancy, the Governor within another period of fifteen days
22 shall appoint a person, who shall be affiliated with the same political party, if any as was
23 that of the Delegate or Senator, whose office is to be filled, at the time of the last election
24 or appointment of the vacating Delegate or Senator, and who is otherwise properly
25 qualified to hold the office of Delegate or Senator in the District or County.

26 (3) In the event there is no Central Committee in the County or District
27 from which said vacancy is to be filled, the Governor shall within fifteen days after the
28 occurrence of such vacancy appoint a person, from the same political party, if any, as that
29 of the vacating Delegate or Senator, at the time of the last election or appointment of the
30 vacating Senator or Delegate, who is otherwise properly qualified to hold the office of
31 Delegate or Senator in such District or County.

32 (4) [In every case when any] THE APPOINTMENT OF EACH person [is] so
33 appointed by the Governor[, his appointment] shall be deemed to be for the unexpired
34 term of the person whose office has become vacant OR, WHEN APPLICABLE, UNTIL THE
35 VACANCY IS FILLED BY A SPECIAL ELECTION.

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

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

3

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

4 (3) If the vacancy occurs in a district which has boundaries comprising a
5 portion or all of two or more counties, the Central Committee of each county involved
6 shall have one vote for submitting the name of a resident of the district; and if there is a
7 tie vote between or among the Central Committees, the list of names there proposed shall
8 be submitted to the Governor, and he shall make the appointment from the list.

9 (C) (1) THIS SUBSECTION APPLIES ONLY TO A VACANCY IN THE OFFICE OF
10 SENATOR OR DELEGATE THAT OCCURS AT LEAST SEVEN DAYS BEFORE THE
11 DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE ELECTION OF
12 REPRESENTATIVES TO CONGRESS THAT IS HELD IN THE SECOND YEAR OF THE
13 TERM OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

22 **Article XVII - Quadrennial Elections**

23 1.

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

36 2.

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

4

1 3.

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

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

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