

CONSTITUTIONAL AMENDMENT

G1

7lr1325

By: Prince George's County Delegation

Introduced and read first time: January 29, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Senators and Delegates - Filling of Vacancy by Special Election**
3 **PG 435-97**

4 FOR the purpose of providing that a vacancy occurring in the office of Senator or
5 Delegate for a district that lies wholly within Prince George's County during a
6 certain period of time shall be filled by a special election to coincide with the next
7 regular Congressional election; establishing certain procedures for the special
8 election; making stylistic changes; and submitting this amendment to the qualified
9 voters of the State of Maryland for their adoption or rejection.

10 BY proposing an amendment to the Constitution of Maryland
11 Article III - Legislative Department
12 Section 6, 7, and 13

13 BY proposing an amendment to the Constitution of Maryland
14 Article XVII - Quadrennial Elections
15 Section 2

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

19 **Article III - Legislative Department**

20 6.

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

26 7.

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

2

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 THAT IS IN THE
4 OFFICE OF SENATOR OR DELEGATE FOR A DISTRICT THAT LIES WHOLLY WITHIN
5 PRINCE GEORGE'S COUNTY AND THAT OCCURS AT LEAST SEVEN DAYS BEFORE THE
6 DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE ELECTION OF
7 REPRESENTATIVES TO CONGRESS THAT IS HELD IN THE SECOND YEAR OF THE
8 TERM OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

17 **Article XVII - Quadrennial Elections**

18 2.

19 Except for a special election that may be authorized [to fill a vacancy in a County
20 Council] under Article XI-A, Section 3 of the Constitution OR UNDER ARTICLE III,
21 SECTION 13(C) OF THE CONSTITUTION, elections by qualified voters for State and county
22 officers shall be held on the Tuesday next after the first Monday of November, in the year
23 nineteen hundred and twenty-six, and on the same day in every fourth year thereafter.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
25 determines that the amendment to the Constitution of Maryland proposed by this Act
26 affects only one county and that the provisions of Article XIV, Section 1 of the
27 Constitution concerning local approval of constitutional amendments apply.

28 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
29 proposed as an amendment to the Constitution of Maryland shall be submitted to the
30 legal and qualified voters of this State at the next general election to be held in
31 November, 1998 for their adoption or rejection in pursuance of directions contained in
32 Article XIV of the Constitution of this State. At that general election, the vote on this
33 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
34 shall be printed the words "For the Constitutional Amendments" and "Against the
35 Constitutional Amendments," as now provided by law. Immediately after the election, all
36 returns shall be made to the Governor of the vote for and against the proposed
37 amendment, as directed by Article XIV of the Constitution, and further proceedings had
38 in accordance with Article XIV.