

CONSTITUTIONAL AMENDMENT

G1
HB 1190/96 - CGM

7r2107

By: Delegates Morgan, Kittleman, Getty, and Brinkley

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **The Initiative**

3 FOR the purpose of amending the Constitution of Maryland to provide for the Initiative;
4 recognizing the power of the people to petition to a vote a proposal to add to,
5 amend, and repeal the public general law or Constitution of the State under certain
6 circumstances; prescribing requirements for the petition and for voting on the
7 petitioned proposal; providing that initiated proposals which are adopted may not
8 be amended or repealed for 2 years except under certain circumstances; generally
9 relating to the Initiative process; providing that the Secretary of State shall have
10 certain powers and duties; and submitting this amendment to the qualified voters of
11 the State of Maryland for their adoption or rejection.

12 BY proposing an addition to the Constitution of Maryland
13 New Article XVI-A - The Initiative
14 Section 1 through 4, inclusive

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 read as follows:

18 **ARTICLE XVI-A - THE INITIATIVE**

19 1.

20 THE PEOPLE OF THE STATE, RESERVING TO THEMSELVES THE POWER KNOWN
21 AS THE INITIATIVE, MAY BY PETITION SUBMIT TO THE REGISTERED VOTERS OF THE
22 STATE FOR THEIR APPROVAL OR REJECTION AT THE POLLS, ANY PROPOSED BILL TO
23 ADD TO, REPEAL, OR AMEND THE PUBLIC GENERAL LAWS OR THE CONSTITUTION
24 OF THE STATE THAT WAS NOT APPROVED AT A REGULAR OR SPECIAL SESSION OF
25 THE GENERAL ASSEMBLY.

26 2.

27 (A) BEFORE A PETITION OR ANY PART OF A PETITION IS CIRCULATED
28 AMONG THE VOTERS OF THE STATE:

29 (1) THE TEXT OF THE PROPOSAL CONTAINED IN THE PETITION SHALL
30 BE SUBMITTED TO THE SECRETARY OF STATE; AND

2

1 (2) IF A SUMMARY OF THE PROPOSAL IS INCLUDED IN THE PETITION,
2 THE SUMMARY SHALL BE APPROVED FOR ACCURACY BY THE ATTORNEY GENERAL.

3 (B) (1) AN INITIATIVE PETITION MAY CONSIST OF SEVERAL PAPERS.

4 (2) EACH PAPER OF THE PETITION SHALL CONTAIN THE FULL TEXT OF
5 THE PROPOSAL.

6 (C) EXCEPT THAT NO MORE THAN ONE-HALF OF THE SIGNERS OF A PETITION
7 MAY BE REGISTERED VOTERS IN BALTIMORE CITY OR ANY SINGLE COUNTY, A
8 PETITION TO SUBMIT TO THE VOTERS OF THE STATE A PROPOSAL CONCERNING THE
9 PUBLIC GENERAL LAWS SHALL BE SIGNED BY REGISTERED VOTERS OF THE STATE
10 IN A NUMBER EQUAL TO AT LEAST 10 PERCENT OF THE VOTES CAST IN THE LAST
11 ELECTION FOR GOVERNOR.

12 (D) (1) AN INITIATIVE PETITION SHALL BE FILED WITH THE SECRETARY OF
13 STATE WITHIN 180 DAYS AFTER THE DATE OF THE FINAL ACTION ON THE BILL BY
14 THE GENERAL ASSEMBLY.

15 (2) ATTACHED TO EACH PAPER OF SIGNATURES FILED WITH A
16 PETITION, THERE SHALL BE AN AFFIDAVIT OF THE PERSON PROCURING THOSE
17 SIGNATURES WHICH STATES THAT BASED ON THE PERSON'S BEST KNOWLEDGE AND
18 BELIEF:

19 (I) EVERY SIGNATURE ON THE PAPER IS GENUINE; AND

20 (II) THE SIGNERS ARE REGISTERED VOTERS IN THE STATE AND IN
21 THE LOCAL JURISDICTION INDICATED ON THE PAPER.

22 (3) IF THE SECRETARY OF STATE DETERMINES THAT THE ORIGINAL
23 AND ANY SUPPLEMENTAL PETITIONS BEAR THE REQUISITE NUMBER OF VALID
24 SIGNATURES, THE SECRETARY OF STATE SHALL CERTIFY THE PROPOSAL FOR A
25 VOTE.

26 (E) THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW THE FORM OF THE
27 PETITION FOR AN INITIATIVE PROPOSAL, THE MANNER FOR VERIFYING THE
28 AUTHENTICITY OF PETITIONS, AND OTHER ADMINISTRATIVE PROCEDURES WHICH
29 ARE NECESSARY AND NOT IN CONFLICT WITH THIS ARTICLE.

30 3.

31 (A) (1) AN INITIATIVE PROPOSAL CERTIFIED BY THE SECRETARY OF STATE
32 AT LEAST 90 DAYS BEFORE THE NEXT GENERAL ELECTION SHALL BE SUBMITTED TO
33 THE VOTERS AT THAT ELECTION.

34 (2) A PROPOSAL CERTIFIED BY THE SECRETARY OF STATE LESS THAN
35 90 DAYS BEFORE A GENERAL ELECTION SHALL BE SUBMITTED TO THE VOTERS AT
36 THE NEXT SUCCEEDING GENERAL ELECTION.

37 (B) PRIOR TO THE ELECTION AT WHICH THE INITIATIVE PROPOSAL IS TO BE
38 VOTED ON, THE TEXT OF THE PROPOSAL SHALL BE PUBLISHED IN A MANNER
39 PROVIDED BY LAW.

3

1 (C) ON THE BALLOT USED IN THE ELECTION AT WHICH THE INITIATIVE
2 PROPOSAL IS VOTED ON, EACH INITIATIVE PROPOSAL SHALL:

3 (1) APPEAR AS A SEPARATE ITEM IN A FORMAT, PRESCRIBED BY THE
4 GENERAL ASSEMBLY, THAT SUFFICIENTLY IDENTIFIES THE PROPOSAL; AND

5 (2) BE FOLLOWED BY THE WORDS "FOR THE INITIATIVE PROPOSAL"
6 AND "AGAINST THE INITIATIVE PROPOSAL".

7 (D) (1) THE VOTES CAST FOR AND AGAINST EACH INITIATIVE PROPOSAL
8 SHALL BE RETURNED TO THE GOVERNOR WITHIN 30 DAYS.

9 (2) THE GOVERNOR SHALL MAKE A DETERMINATION OF THE NUMBER
10 OF VOTES CAST FOR AND AGAINST THE PROPOSAL.

11 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE
12 GOVERNOR SHALL IMMEDIATELY BY PROCLAMATION DECLARE THE PROPOSAL TO
13 BE EFFECTIVE IF:

14 (I) IN THE CASE OF PUBLIC GENERAL LAW, AT LEAST 50 PERCENT
15 OF THE VOTES CAST ON THE PROPOSAL HAVE BEEN CAST IN FAVOR OF IT; OR

16 (II) IN THE CASE OF A CHANGE TO THE CONSTITUTION, AT LEAST
17 TWO-THIRDS OF THE VOTES CAST ON THE PROPOSAL HAVE BEEN CAST IN FAVOR OF
18 IT.

19 (4) IF TWO OR MORE INITIATIVE PROPOSALS RECEIVE A FAVORABLE
20 MAJORITY AND THE GOVERNOR, WITH THE ADVICE OF THE ATTORNEY GENERAL,
21 DETERMINES THAT THESE PROPOSALS ARE IN IRRECONCILABLE CONFLICT, THE
22 GOVERNOR SHALL DECLARE ONLY THE PROPOSAL RECEIVING THE HIGHEST
23 NUMBER OF VOTES TO BE PART OF THE PUBLIC GENERAL LAWS OR CONSTITUTION
24 OF THE STATE.

25 (5) A PROPOSAL DECLARED TO BE PART OF THE PUBLIC GENERAL
26 LAWS OR CONSTITUTION OF THE STATE SHALL TAKE EFFECT 30 DAYS AFTER THE
27 ISSUANCE OF THE GOVERNOR'S PROCLAMATION.

28 4.

29 AN INITIATIVE PROPOSAL THAT BECOMES PART OF THE PUBLIC GENERAL
30 LAWS OR CONSTITUTION OF THE STATE MAY BE AMENDED OR REPEALED IN THE 2
31 YEARS IMMEDIATELY FOLLOWING ITS EFFECTIVE DATE ONLY IF THE CHANGE IS
32 APPROVED BY A TWO-THIRDS VOTE OF BOTH HOUSES OF THE GENERAL ASSEMBLY.

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, 1998 for their adoption or rejection in pursuance of directions contained in

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1 Article XIV of the Constitution of this State. At that general election, the vote on this
2 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
3 shall be printed the words "For the Constitutional Amendments" and "Against the
4 Constitutional Amendments," as now provided by law. Immediately after the election, all
5 returns shall be made to the Governor of the vote for and against the proposed
6 amendment, as directed by Article XIV of the Constitution, and further proceedings had
7 in accordance with Article XIV.