

HOUSE BILL 158
CONSTITUTIONAL AMENDMENT

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HB 41/96 - CGM

1998 Regular Session
8lr0303

By: **Delegates Leopold, Poole, Kagan, Morgan, and Mossburg**
Introduced and read first time: January 19, 1998
Assigned to: Commerce and Government Matters

Committee Report: Favorable
House action: Adopted
Read second time: February 19, 1998

CHAPTER _____

1 AN ACT concerning

2 **Gubernatorial Term - Commencement**

3 FOR the purpose of altering the date on which the term of the Governor shall
4 commence; repealing the requirement that the election returns for Governor be
5 sealed and delivered to the Speaker of the House of Delegates; adding a new
6 section to the Constitution to ensure that the Constitutional Amendment
7 proposed does not affect the term that begins in 1999; generally relating to the
8 commencement of the Governor's term; and submitting this amendment to the
9 qualified voters of the State of Maryland for their adoption or rejection.

10 BY proposing an amendment to the Constitution of Maryland
11 Article II - Executive Department
12 Section 1 and 2

13 BY proposing a repeal of the Constitution of Maryland
14 Article II - Executive Department
15 Section 3

16 BY proposing an addition to the Constitution of Maryland
17 Article XVIII - Provisions of Limited Duration
18 Section 6

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

1

Article II - Executive Department

2 1.

3 The executive power of the State shall be vested in a Governor, whose term of
4 office shall commence on the [third] FIRST Wednesday of January next ensuing [his]
5 THE GOVERNOR'S election, EXCEPT THAT IF THAT DAY IS THE FIRST OF JANUARY,
6 THE GOVERNOR'S TERM OF OFFICE SHALL COMMENCE ON THE FIRST THURSDAY OF
7 JANUARY, and continue for four years, and until [his] THE GOVERNOR'S successor
8 shall have qualified; and a person who has served two consecutive popular elective
9 terms of office as Governor shall be ineligible to succeed himself OR HERSELF as
10 Governor for the term immediately following the second of said two consecutive
11 popular elective terms.

12 2.

13 An election for Governor and Lieutenant Governor, under this Constitution,
14 shall be held on the Tuesday next after the first Monday of November, in the year
15 nineteen hundred and seventy-four, and on the same day and month in every fourth
16 year thereafter, at the places of voting for Delegates to the General Assembly; and
17 every person qualified to vote for Delegate, shall be qualified and entitled to vote for
18 Governor and Lieutenant Governor; the election to be held in the same manner as the
19 election of Delegates[, and the returns thereof, under seal, to be addressed to the
20 Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of
21 State, and delivered to said Speaker, at the commencement of the session of the
22 General Assembly, next ensuing said election].

23 [3.

24 The Speaker of the House of Delegates shall then open the said Returns, in the
25 presence of both Houses; and the persons having the highest number of votes for
26 these offices, and being constitutionally eligible, shall be the Governor and
27 Lieutenant Governor, and shall qualify, in the manner herein prescribed, on the third
28 Wednesday of January next ensuing his election, or as soon thereafter as may be
29 practicable.]

30

Article XVIII - Provisions of Limited Duration

31 6.

32 THE AMENDMENT TO THE CONSTITUTION OF MARYLAND TO ALTER THE
33 COMMENCEMENT OF THE TERM OF THE GOVERNOR AS PROPOSED BY CHAPTER
34 _____ (H.B. _____)(8LR0303) OF THE ACTS OF THE GENERAL ASSEMBLY OF 1998 DOES
35 NOT AFFECT THE TERM OF THE GOVERNOR THAT BEGINS IN JANUARY 1999.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
37 determines that the amendment to the Constitution of Maryland proposed by this Act
38 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
39 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, 1998 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
7 there shall be printed the words "For the Constitutional Amendments" and "Against
8 the Constitutional Amendments," as now provided by law. Immediately after the
9 election, all returns shall be made to the Governor of the vote for and against the
10 proposed amendment, as directed by Article XIV of the Constitution, and further
11 proceedings had in accordance with Article XIV.