

HOUSE BILL 338
CONSTITUTIONAL AMENDMENT

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HB 633/98 - CGM

1999 Regular Session
9lr0251

By: **Prince George's County Delegation**

Introduced and read first time: February 5, 1999

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**
3 **Special Election**
4 **PG 400-99**

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

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

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

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

20 **Article III - Legislative Department**

21 6.

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

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

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

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

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

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

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

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

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

13 (C) (1) THIS SUBSECTION APPLIES ONLY TO A VACANCY THAT IS IN THE
14 OFFICE OF SENATOR OR DELEGATE FOR A DISTRICT THAT LIES WHOLLY WITHIN
15 PRINCE GEORGE'S COUNTY AND THAT OCCURS AT LEAST SEVEN DAYS BEFORE THE
16 DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE ELECTION OF
17 REPRESENTATIVES TO CONGRESS THAT IS HELD IN THE SECOND YEAR OF THE TERM
18 OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

27 **Article XVII - Quadrennial Elections**

28 2.

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

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

39 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
40 proposed as an amendment to the Constitution of Maryland shall be submitted to the

1 legal and qualified voters of this State at the next general election to be held in
2 November, 2000 for their adoption or rejection in pursuance of directions contained in
3 Article XIV of the Constitution of this State. At that general election, the vote on this
4 proposed amendment to the Constitution shall be by ballot, and upon each ballot
5 there shall be printed the words "For the Constitutional Amendments" and "Against
6 the Constitutional Amendments," as now provided by law. Immediately after the
7 election, all returns shall be made to the Governor of the vote for and against the
8 proposed amendment, as directed by Article XIV of the Constitution, and further
9 proceedings had in accordance with Article XIV.