

**HOUSE BILL 16**  
CONSTITUTIONAL AMENDMENT

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HB 45/00 - CGM

2001 Regular Session  
11r0343

(PRE-FILED)

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By: **Delegate Arnick**  
Requested: July 27, 2000  
Introduced and read first time: January 10, 2001  
Assigned to: Commerce and Government Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: February 6, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Comptroller - Rules of Succession**

3 FOR the purpose of proposing an amendment to the Constitution of Maryland that  
4 changes the rules of succession for the office of State Comptroller in case of a  
5 vacancy, or if the Comptroller is removed under certain circumstances, to  
6 require that the Chief Deputy Comptroller acts as Comptroller until a successor  
7 is elected at the next regularly scheduled general election and the successor  
8 qualifies and takes office; 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 VI - Treasury Department  
12 Section 1 and 6

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

16 **Article VI - Treasury Department**

17 1.

18 There shall be a Treasury Department, consisting of a Comptroller chosen by  
19 the qualified electors of the State, who shall receive such salary as may be fixed by  
20 law; and a Treasurer, to be appointed on joint ballot by the two Houses of the  
21 Legislature at each regular session in which begins the term of the Governor, who  
22 shall receive such salary as may be fixed by law. The terms of office of the Comptroller

1 and Treasurer shall be for four years, and until their successors shall qualify; and  
2 neither of the officers shall be allowed, or receive any fees, commissions or perquisites  
3 of any kind in addition to his salary for the performance of any duty or services  
4 whatsoever. In case of a vacancy in the office of the Comptroller by death or  
5 otherwise, [the Governor, by and with the advice and consent of the Senate, shall fill  
6 such vacancy by appointment, to continue until another election and until the  
7 qualification of the successor] THE CHIEF DEPUTY COMPTROLLER SHALL ACT AS  
8 COMPTROLLER UNTIL A SUCCESSOR IS ELECTED AT THE NEXT REGULARLY  
9 SCHEDULED GENERAL ELECTION, AND THE SUCCESSOR QUALIFIES AND TAKES  
10 OFFICE. In case of a vacancy in the office of the Treasurer by death or otherwise, the  
11 Deputy Treasurer shall act as Treasurer until the next regular or extraordinary  
12 session of the Legislature following the creation of the vacancy, whereupon the  
13 Legislature shall choose a successor to serve for the duration of the unexpired term of  
14 office. The Comptroller and the Treasurer shall keep their offices at the seat of  
15 government, and shall take such oaths and enter into such bonds for the faithful  
16 discharge of their duties as are now or may hereafter be prescribed by law.

17 6.

18 Whenever during the recess of the Legislature charges shall be preferred to the  
19 Governor against the Comptroller or Treasurer, for incompetency, malfeasance in  
20 office, willful neglect of duty, or misappropriation of the funds of the State, it shall be  
21 the duty of the Governor forthwith to notify the party so charged, and fix a day for a  
22 hearing of said charges; and if, in the case of the Comptroller, from the evidence  
23 taken, under oath, on said hearing before the Governor, the said allegations shall be  
24 sustained, it shall be the duty of the Governor to remove the [Comptroller and  
25 appoint another in his place, who shall hold the office for the unexpired term of the  
26 Comptroller so removed] COMPTROLLER, AND THE CHIEF DEPUTY COMPTROLLER  
27 SHALL ACT AS COMPTROLLER UNTIL A SUCCESSOR IS ELECTED AT THE NEXT  
28 REGULARLY SCHEDULED GENERAL ELECTION, AND THE SUCCESSOR QUALIFIES  
29 AND TAKES OFFICE. However, if, in the case of the Treasurer, from the evidence taken  
30 under oath in the hearing before the Governor, the allegations are sustained, it is the  
31 duty of the Governor to remove the Treasurer, and the deputy treasurer shall act as  
32 Treasurer until the next regular or extraordinary session of the Legislature following  
33 the appointment, whereupon a successor shall be chosen by the Legislature who shall  
34 serve for the unexpired term of the Treasurer so removed.

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 multiple jurisdictions and that the provisions of Article XIV, Section 1 of the  
38 Constitution concerning local approval of constitutional amendments do not 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  
41 legal and qualified voters of this State at the next general election to be held in  
42 November, 2002 for their adoption or rejection in pursuance of directions contained in  
43 Article XIV of the Constitution of this State. At that general election, the vote on this  
44 proposed amendment to the Constitution shall be by ballot, and upon each ballot  
45 there shall be printed the words "For the Constitutional Amendments" and "Against

1 the Constitutional Amendments," as now provided by law. Immediately after the  
2 election, all returns shall be made to the Governor of the vote for and against the  
3 proposed amendment, as directed by Article XIV of the Constitution, and further  
4 proceedings had in accordance with Article XIV.