

SENATE BILL 876
Constitutional Amendment

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2002 Regular Session
2lr2940

By: **Senator McFadden**

Introduced and read first time: February 26, 2002

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Orphans' Court Judges - Terms**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to alter
4 the length of a term for judges of the Orphans' Courts; submitting this
5 amendment to the qualified voters of the State of Maryland for their adoption or
6 rejection; and generally relating to the term of office for judges of the Orphans'
7 Courts.

8 BY proposing an amendment to the Constitution of Maryland
9 Article IV - Judiciary Department
10 Section 40
11 Annotated Code of Maryland
12 (1981 Replacement Volume and 2001 Supplement)

13 BY proposing an amendment to the Constitution of Maryland
14 Article XVII - Quadrennial Elections
15 Section 3
16 Annotated Code of Maryland
17 (1981 Replacement Volume and 2001 Supplement)

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

21 **Article IV - Judiciary Department**

22 40.

23 The qualified voters of the City of Baltimore, and of the several Counties, except
24 Montgomery County and Harford County, shall elect three Judges of the Orphans'
25 Courts of City and Counties, respectively, who shall be citizens of the State and
26 residents, for the twelve months preceding, in the City or County for which they may
27 be elected. EACH JUDGE SHALL HOLD THE OFFICE OF JUDGE OF THE ORPHANS'
28 COURT FOR A TERM OF TEN YEARS FROM THE TIME OF ELECTION, AND UNTIL A

1 SUCCESSOR IS ELECTED AND QUALIFIED. They shall have all the powers now vested
2 in the Orphans' Courts of the State, subject to such changes as the Legislature may
3 prescribe. Each of the Judges shall be paid such compensation as may be regulated by
4 Law, to be paid by the City or Counties, respectively. In case of a vacancy in the office
5 of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or
6 rejection by the Senate, some suitable person to fill the vacancy for the residue of the
7 term.

8

Article XVII - Quadrennial Elections

9 3.

10 All State and county officers elected by qualified voters (except JUDGES OF THE
11 ORPHANS' COURTS, judges of the Circuit Courts, judges of the Supreme Bench of
12 Baltimore City, judges of the Court of Appeals and judges of any intermediate courts
13 of appeal) shall hold office for terms of four years, and until their successors shall
14 qualify.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
16 determines that the amendment to the Constitution of Maryland proposed by this Act
17 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
18 Constitution concerning local approval of constitutional amendments do not apply.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
20 proposed as an amendment to the Constitution of Maryland shall be submitted to the
21 legal and qualified voters of this State at the next general election to be held in
22 November, 2002 for their adoption or rejection in pursuance of directions contained in
23 Article XIV of the Constitution of this State. At that general election, the vote on this
24 proposed amendment to the Constitution shall be by ballot, and upon each ballot
25 there shall be printed the words "For the Constitutional Amendment" and "Against
26 the Constitutional Amendment," as now provided by law. Immediately after the
27 election, all returns shall be made to the Governor of the vote for and against the
28 proposed amendment, as directed by Article XIV of the Constitution, and further
29 proceedings had in accordance with Article XIV.