
By: **Delegate Bobo**

Introduced and read first time: February 14, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly - Filling of Vacancy by Special Election**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to provide
4 that a vacancy occurring in the House of Delegates or the Senate of Maryland
5 during a certain period of the term of office shall be filled by a special election to
6 coincide with the next ensuing regular congressional election; establishing
7 certain procedures for the special election; deleting certain obsolete language;
8 and submitting this amendment to the qualified voters of the State of Maryland
9 for their adoption or rejection.

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

13 BY proposing an amendment to the Constitution of Maryland
14 Article XVII - Quadrennial Elections
15 Section 1, 2, and 3

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

19 **Article III - Legislative Department**

20 6.

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

26 7.

27 [The] EXCEPT AS PROVIDED IN SECTION 13 OF THIS ARTICLE FOR FILLING A
28 VACANCY BY SPECIAL ELECTION, THE election for Senators and Delegates shall take

1 place on the Tuesday next, after the first Monday in the month of November, nineteen
2 hundred and fifty-eight, and in every fourth year thereafter.

3 13.

4 (a) (1) In case of death, disqualification, resignation, refusal to act,
5 expulsion, or removal from the county or city for which he shall have been elected, of
6 any person who shall have been chosen as a Delegate or Senator, or in case of a tie
7 between two or more such qualified persons, the Governor shall appoint a person to
8 fill such vacancy from a person whose name shall be submitted to him in writing,
9 within thirty days after the occurrence of the vacancy, by the Central Committee of
10 the political party, if any, with which the Delegate or Senator, so vacating, had been
11 affiliated, at the time of the last election or appointment of the vacating Senator or
12 Delegate, in the County or District from which he or she was appointed or elected,
13 provided that the appointee shall be of the same political party, if any, as was that of
14 the Delegate or Senator, whose office is to be filled, at the time of the last election or
15 appointment of the vacating Delegate or Senator, and it shall be the duty of the
16 Governor to make said appointment within fifteen days after the submission thereof
17 to him.

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

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

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

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

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

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

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

10 (C) (1) THIS SUBSECTION APPLIES ONLY TO A VACANCY IN THE OFFICE OF
11 SENATOR OR DELEGATE THAT OCCURS PRIOR TO THE COMPLETION OF 18 MONTHS
12 OF A TERM OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY.

13 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONSTITUTION
14 RELATING TO THE TIMING AND FREQUENCY OF ELECTIONS AND TO THE PERIODS
15 FOR WHICH OFFICERS ARE ELECTED, A VACANCY OCCURRING DURING THE PERIOD
16 SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE FILLED, FOR THE
17 BALANCE OF THE UNEXPIRED TERM, AT A SPECIAL ELECTION TO BE HELD AT THE
18 SAME TIME AS, AND CONDUCTED PURSUANT TO THE PROCESS ESTABLISHED BY LAW
19 FOR, THE NEXT STATEWIDE ELECTION AT WHICH REPRESENTATIVES TO CONGRESS
20 ARE ELECTED.

21 **Article XVII - Quadrennial Elections**

22 1.

23 The purpose of this Article is to reduce the number of elections by providing that
24 all State and county elections shall be held only in every fourth year, and at the time
25 provided by law for holding congressional elections, and to bring the terms of
26 appointive officers into harmony with the changes effected in the time of the
27 beginning of the terms of elective officers. [The] EXCEPT AS PROVIDED IN ARTICLE
28 III, § 13(C), RELATING TO SPECIAL ELECTIONS TO FILL GENERAL ASSEMBLY
29 VACANCIES, THE administrative and judicial officers of the State shall construe the
30 provisions of this Article so as to effectuate that purpose. For the purpose of this
31 Article only the word "officers" shall be construed to include those holding positions
32 and other places of employment in the state and county governments whose terms are
33 fixed by law, but it shall not include any appointments made by the Board of Public
34 Works, nor appointments by the Governor for terms of three years.

35 2.

36 Except AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO SPECIAL ELECTIONS
37 TO FILL GENERAL ASSEMBLY VACANCIES, AND EXCEPT for a special election that
38 may be authorized to fill a vacancy in a County Council under Article XI-A, Section 3
39 of the Constitution, elections by qualified voters for State and county officers shall be
40 held on the Tuesday next after the first Monday of November, in the year nineteen
41 hundred and twenty-six, and on the same day in every fourth year thereafter.

1 3.

2 [All] EXCEPT AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO SPECIAL
3 ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, ALL State and county officers
4 elected by qualified voters (except judges of the Circuit Courts, judges of the Supreme
5 Bench of Baltimore City, judges of the Court of Appeals and judges of any
6 intermediate courts of appeal) shall hold office for terms of four years, and until their
7 successors shall qualify.

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

12 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
13 proposed as an amendment to the Constitution of Maryland shall be submitted to the
14 legal and qualified voters of this State at the next general election to be held in
15 November, 2004 for their adoption or rejection in pursuance of directions contained in
16 Article XIV of the Constitution of this State. At that general election, the vote on this
17 proposed amendment to the Constitution shall be by ballot, and upon each ballot
18 there shall be printed the words "For the Constitutional Amendment" and "Against
19 the Constitutional Amendment," as now provided by law. Immediately after the
20 election, all returns shall be made to the Governor of the vote for and against the
21 proposed amendment, as directed by Article XIV of the Constitution, and further
22 proceedings had in accordance with Article XIV.