

UNOFFICIAL COPY OF HOUSE BILL 1667
CONSTITUTIONAL AMENDMENT

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HB 951/98 - CGM

6lr3557

By: **Delegates McComas, Bartlett, Bates, Frank, Kohl, Krebs, McConkey,
Miller, Shank, Shewell, and Stocksdale**

Introduced and read first time: March 2, 2006
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **The Initiative**

3 FOR the purpose of amending the Maryland Constitution to provide for the Initiative;
4 recognizing the power of the people to petition to a vote a proposal to add to,
5 amend, and repeal the public general law or the Maryland Constitution under
6 certain circumstances; prescribing requirements for the petition and for voting
7 on the petitioned proposal; providing that initiated proposals that are adopted
8 may not be amended or repealed for 2 years except under certain circumstances;
9 generally relating to the Initiative process; providing that the Secretary of State
10 shall have certain powers and duties; and submitting this amendment to the
11 qualified voters of the State of Maryland for their adoption or rejection.

12 BY proposing an addition to the Maryland Constitution

13 New Article XVI-A - The Initiative

14 Section 1 through 4, inclusive

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

18 **ARTICLE XVI-A - THE INITIATIVE**

19 1.

20 THE PEOPLE OF THE STATE, RESERVING TO THEMSELVES THE POWER KNOWN
21 AS THE INITIATIVE, MAY BY PETITION SUBMIT TO THE REGISTERED VOTERS OF THE
22 STATE FOR THEIR APPROVAL OR REJECTION AT THE POLLS, ANY PROPOSED BILL TO
23 ADD TO, REPEAL, OR AMEND THE PUBLIC GENERAL LAWS OR THE MARYLAND
24 CONSTITUTION THAT WAS NOT APPROVED AT A REGULAR OR SPECIAL SESSION OF
25 THE GENERAL ASSEMBLY.

26 2.

27 (A) BEFORE A PETITION OR ANY PART OF A PETITION IS CIRCULATED AMONG
28 THE VOTERS OF THE STATE:

1 (1) THE TEXT OF THE PROPOSAL CONTAINED IN THE PETITION SHALL
2 BE SUBMITTED TO THE SECRETARY OF STATE; AND

3 (2) IF A SUMMARY OF THE PROPOSAL IS INCLUDED IN THE PETITION,
4 THE SUMMARY SHALL BE APPROVED FOR ACCURACY BY THE ATTORNEY GENERAL.

5 (B) (1) AN INITIATIVE PETITION MAY CONSIST OF SEVERAL PAPERS.

6 (2) EACH PAPER OF THE PETITION SHALL CONTAIN THE FULL TEXT OF
7 THE PROPOSAL.

8 (C) EXCEPT THAT NO MORE THAN ONE-HALF OF THE SIGNERS OF A PETITION
9 MAY BE REGISTERED VOTERS IN BALTIMORE CITY OR ANY SINGLE COUNTY, A
10 PETITION TO SUBMIT TO THE VOTERS OF THE STATE A PROPOSAL CONCERNING THE
11 PUBLIC GENERAL LAWS SHALL BE SIGNED BY REGISTERED VOTERS OF THE STATE IN
12 A NUMBER EQUAL TO AT LEAST 10% OF THE VOTES CAST IN THE LAST ELECTION FOR
13 GOVERNOR.

14 (D) (1) AN INITIATIVE PETITION SHALL BE FILED WITH THE SECRETARY OF
15 STATE WITHIN 180 DAYS AFTER THE DATE OF THE FINAL ACTION ON THE BILL BY
16 THE GENERAL ASSEMBLY.

17 (2) ATTACHED TO EACH PAPER OF SIGNATURES FILED WITH A
18 PETITION, THERE SHALL BE AN AFFIDAVIT OF THE PERSON PROCURING THOSE
19 SIGNATURES THAT STATES THAT BASED ON THE PERSON'S BEST KNOWLEDGE AND
20 BELIEF:

21 (I) EVERY SIGNATURE ON THE PAPER IS GENUINE; AND

22 (II) THE SIGNERS ARE REGISTERED VOTERS IN THE STATE AND IN
23 THE LOCAL JURISDICTION INDICATED ON THE PAPER.

24 (3) IF THE SECRETARY OF STATE DETERMINES THAT THE ORIGINAL
25 AND ANY SUPPLEMENTAL PETITIONS BEAR THE REQUISITE NUMBER OF VALID
26 SIGNATURES, THE SECRETARY OF STATE SHALL CERTIFY THE PROPOSAL FOR A
27 VOTE.

28 (E) THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW THE FORM OF THE
29 PETITION FOR AN INITIATIVE PROPOSAL, THE MANNER FOR VERIFYING THE
30 AUTHENTICITY OF PETITIONS, AND OTHER ADMINISTRATIVE PROCEDURES THAT
31 ARE NECESSARY AND NOT IN CONFLICT WITH THIS ARTICLE.

32 3.

33 (A) (1) AN INITIATIVE PROPOSAL CERTIFIED BY THE SECRETARY OF STATE
34 AT LEAST 90 DAYS BEFORE THE NEXT GENERAL ELECTION SHALL BE SUBMITTED TO
35 THE VOTERS AT THAT ELECTION.

1 (2) A PROPOSAL CERTIFIED BY THE SECRETARY OF STATE LESS THAN 90
2 DAYS BEFORE A GENERAL ELECTION SHALL BE SUBMITTED TO THE VOTERS AT THE
3 NEXT SUCCEEDING GENERAL ELECTION.

4 (B) PRIOR TO THE ELECTION AT WHICH THE INITIATIVE PROPOSAL IS TO BE
5 VOTED ON, THE TEXT OF THE PROPOSAL SHALL BE PUBLISHED IN A MANNER
6 PROVIDED BY LAW.

7 (C) ON THE BALLOT USED IN THE ELECTION AT WHICH THE INITIATIVE
8 PROPOSAL IS VOTED ON, EACH INITIATIVE PROPOSAL SHALL:

9 (1) APPEAR AS A SEPARATE ITEM IN A FORMAT, PRESCRIBED BY THE
10 GENERAL ASSEMBLY, THAT SUFFICIENTLY IDENTIFIES THE PROPOSAL; AND

11 (2) BE FOLLOWED BY THE WORDS "FOR THE INITIATIVE PROPOSAL" AND
12 "AGAINST THE INITIATIVE PROPOSAL".

13 (D) (1) THE VOTES CAST FOR AND AGAINST EACH INITIATIVE PROPOSAL
14 SHALL BE RETURNED TO THE GOVERNOR WITHIN 30 DAYS.

15 (2) THE GOVERNOR SHALL MAKE A DETERMINATION OF THE NUMBER
16 OF VOTES CAST FOR AND AGAINST THE PROPOSAL.

17 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE
18 GOVERNOR SHALL IMMEDIATELY BY PROCLAMATION DECLARE THE PROPOSAL TO
19 BE EFFECTIVE IF:

20 (I) IN THE CASE OF PUBLIC GENERAL LAW, AT LEAST 50% OF THE
21 VOTES CAST ON THE PROPOSAL HAVE BEEN CAST IN FAVOR OF IT; OR

22 (II) IN THE CASE OF A CHANGE TO THE MARYLAND CONSTITUTION,
23 AT LEAST TWO-THIRDS OF THE VOTES CAST ON THE PROPOSAL HAVE BEEN CAST IN
24 FAVOR OF IT.

25 (4) IF TWO OR MORE INITIATIVE PROPOSALS RECEIVE A FAVORABLE
26 MAJORITY AND THE GOVERNOR, WITH THE ADVICE OF THE ATTORNEY GENERAL,
27 DETERMINES THAT THESE PROPOSALS ARE IN IRRECONCILABLE CONFLICT, THE
28 GOVERNOR SHALL DECLARE ONLY THE PROPOSAL RECEIVING THE HIGHEST
29 NUMBER OF VOTES TO BE PART OF THE PUBLIC GENERAL LAWS OR THE MARYLAND
30 CONSTITUTION.

31 (5) A PROPOSAL DECLARED TO BE PART OF THE PUBLIC GENERAL LAWS
32 OR THE MARYLAND CONSTITUTION SHALL TAKE EFFECT 30 DAYS AFTER THE
33 ISSUANCE OF THE GOVERNOR'S PROCLAMATION.

34 4.

35 AN INITIATIVE PROPOSAL THAT BECOMES PART OF THE PUBLIC GENERAL
36 LAWS OR THE MARYLAND CONSTITUTION MAY BE AMENDED OR REPEALED IN THE 2

1 YEARS IMMEDIATELY FOLLOWING ITS EFFECTIVE DATE ONLY IF THE CHANGE IS
2 APPROVED BY A TWO-THIRDS VOTE OF BOTH HOUSES OF THE GENERAL ASSEMBLY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
4 determines that the amendment to the Maryland Constitution proposed by this Act
5 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
6 Maryland Constitution concerning local approval of constitutional amendments do
7 not apply.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
9 proposed as an amendment to the Maryland Constitution shall be submitted to the
10 legal and qualified voters of this State at the next general election to be held in
11 November, 2006 for their adoption or rejection in pursuance of directions contained in
12 Article XIV of the Maryland Constitution. At that general election, the vote on this
13 proposed amendment to the Constitution shall be by ballot, and upon each ballot
14 there shall be printed the words "For the Constitutional Amendment" and "Against
15 the Constitutional Amendment," as now provided by law. Immediately after the
16 election, all returns shall be made to the Governor of the vote for and against the
17 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
18 further proceedings had in accordance with Article XIV.