

HOUSE BILL 732

G1

CONSTITUTIONAL AMENDMENT

71r2067

By: **Delegates Barve and Hixson**

Introduced and read first time: February 8, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Runoff Elections**

3 FOR the purpose of proposing amendments to the Maryland Constitution to require
4 the General Assembly to provide for runoff elections for certain offices under
5 certain circumstances; requiring that a runoff election be limited only to certain
6 candidates; establishing procedures for the selection of certain persons for
7 certain offices under certain circumstances; making certain stylistic changes;
8 generally relating to runoff elections for certain elective offices; and submitting
9 this amendment to the qualified voters of the State of Maryland for their
10 adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution
12 Article I – Elective Franchise
13 Section 8

14 BY proposing an amendment to the Maryland Constitution
15 Article II – Executive Department
16 Section 2, 3, and 4

17 BY proposing an addition to the Maryland Constitution
18 Article III – Legislative Department
19 Section 6A

20 BY proposing an amendment to the Maryland Constitution
21 Article V – Attorney–General and State’s Attorneys
22 Section 2 and 8

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY proposing an amendment to the Maryland Constitution
2 Article VI – Treasury Department
3 Section 1

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

7 **Article I – Elective Franchise**

8 8.

9 The General Assembly, shall make provisions for all cases of contested elections
10 of any of the officers, not herein provided for, **INCLUDING PROVISIONS FOR A**
11 **RUNOFF ELECTION FOR AN ELECTIVE OFFICE IN WHICH ONLY ONE CANDIDATE**
12 **IS TO BE ELECTED AND NO CANDIDATE RECEIVES MORE THAN 50% OF THE**
13 **VOTES CAST FOR THAT OFFICE, EXCEPT THAT ONLY THE TWO CANDIDATES WHO**
14 **RECEIVED THE HIGHEST NUMBER OF VOTES IN THE GENERAL ELECTION MAY BE**
15 **ELIGIBLE FOR THE RUNOFF ELECTION. IN THE EVENT OF A TIE BETWEEN MORE**
16 **THAN TWO CANDIDATES WHO SHALL HAVE THE HIGHEST AND EQUAL NUMBER**
17 **OF VOTES, THOSE CANDIDATES SHALL ALSO BE INCLUDED IN THE RUNOFF**
18 **ELECTION.**

19 **Article II – Executive Department**

20 2.

21 An election for Governor and Lieutenant Governor, under this Constitution,
22 shall be held on the Tuesday next after the first Monday of November, in the year
23 nineteen hundred and seventy-four, and on the same day and month in every fourth
24 year thereafter, at the places of voting for Delegates to the General Assembly; and
25 every person qualified to vote for Delegate, shall be qualified and entitled to vote for
26 Governor and Lieutenant Governor; [the election to be held in the same manner as the
27 election of Delegates,] and the returns thereof, under seal, to be addressed to the
28 Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of
29 State, and delivered to said Speaker, at the commencement of the session of the
30 General Assembly, next ensuing said election.

31 3.

1 The Speaker of the House of Delegates shall then open the said Returns, in the
2 presence of both Houses; and the persons having [the highest number of] **MORE THAN**
3 **50% OF THE** votes for these offices, and being constitutionally eligible, shall be the
4 Governor and Lieutenant Governor, and shall qualify, in the manner herein
5 prescribed, on the third Wednesday of January next ensuing [his] **THE SET'S** election,
6 or as soon thereafter as may be practicable.

7 4.

8 **IF IN ANY ELECTION FOR GOVERNOR OR LIEUTENANT GOVERNOR NO SET**
9 **RECEIVES MORE THAN 50% OF THE VOTES CAST FOR THOSE OFFICES, THE**
10 **STATE ELECTIONS BOARD SHALL, ON OR BEFORE THE FIRST DAY FOLLOWING**
11 **THE COMPLETION OF THE OFFICIAL CANVASSING OF BALLOTS CAST AT THAT**
12 **ELECTION, CALL FOR A SPECIAL RUNOFF ELECTION. ONLY THE TWO SETS THAT**
13 **RECEIVED THE HIGHEST NUMBER OF VOTES IN THE GENERAL ELECTION MAY BE**
14 **ELIGIBLE FOR THE RUNOFF ELECTION. IN THE EVENT OF A TIE BETWEEN MORE**
15 **THAN TWO SETS WHO SHALL HAVE RECEIVED THE HIGHEST AND EQUAL**
16 **NUMBER OF VOTES, THOSE SETS SHALL ALSO BE INCLUDED IN THE RUNOFF**
17 **ELECTION.** If two or more sets of persons shall have the highest and equal number of
18 votes for Governor and Lieutenant Governor **AFTER THE SPECIAL RUNOFF**
19 **ELECTION**, one set of them shall be chosen Governor and Lieutenant Governor, by the
20 Senate and House of Delegates; and all questions in relation to the eligibility of
21 Governor and Lieutenant Governor, and to the Returns of said election, and to the
22 number and legality of votes therein given, shall be determined by the House of
23 Delegates; and if the person having [the highest number of votes] **MORE THAN 50%**
24 **OF THE VOTES CAST** for Governor or for Lieutenant Governor or both of them, be
25 ineligible, a person or persons shall be chosen by the Senate and House of Delegates in
26 place of the ineligible person or persons. Every election of Governor or of Lieutenant
27 Governor, or both, by the General Assembly shall be determined by a joint majority of
28 the Senate and House of Delegates; and the vote shall be taken viva voce. But if two or
29 more sets of persons shall have the highest and an equal number of votes, then, a
30 second vote shall be taken, which shall be confined to the sets of persons having an
31 equal number; and if the vote should again be equal, then the election of Governor and
32 Lieutenant Governor shall be determined by lot between those sets, who shall have
33 the highest and an equal number on the first vote.

34 **Article III - Legislative Department**

35 **6A.**

1 **IF IN ANY ELECTION FOR SENATOR NO PERSON RECEIVES MORE THAN**
2 **50% OF THE VOTES CAST FOR THAT OFFICE, THE STATE ELECTIONS BOARD**
3 **SHALL CALL A SPECIAL RUNOFF ELECTION FOR THAT OFFICE, EXCEPT THAT**
4 **ONLY THE TWO PERSONS WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN**
5 **THE GENERAL ELECTION MAY BE ELIGIBLE FOR THE RUNOFF ELECTION. IN THE**
6 **EVENT OF A TIE BETWEEN MORE THAN TWO PERSONS WHO SHALL HAVE THE**
7 **HIGHEST AND EQUAL NUMBER OF VOTES, THOSE PERSONS SHALL ALSO BE**
8 **INCLUDED IN THE RUNOFF ELECTION. IF THE SPECIAL RUNOFF ELECTION IS**
9 **AGAIN TIED, THEN THE ELECTION SHALL BE DETERMINED BY LOT BETWEEN**
10 **THOSE PERSONS WHO SHALL HAVE THE HIGHEST AND AN EQUAL NUMBER**
11 **AFTER THE RUNOFF ELECTION.**

12 **Article V – Attorney–General and State’s Attorneys**

13 2.

14 All elections for Attorney–General shall be certified to, and returns made
15 thereof by the Clerks of the Circuit Courts of the several counties, and the Clerk of the
16 Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be
17 to decide on the election and qualification of the person returned; and **TO**
18 **ADMINISTER THE OATH OF OFFICE TO THE PERSON ELECTED. IF IN ANY**
19 **ELECTION FOR ATTORNEY–GENERAL NO PERSON RECEIVES MORE THAN 50%**
20 **OF THE VOTES CAST FOR THAT OFFICE, THE STATE ELECTIONS BOARD SHALL**
21 **CALL A SPECIAL RUNOFF ELECTION FOR THAT OFFICE, EXCEPT THAT ONLY THE**
22 **TWO PERSONS WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN THE**
23 **GENERAL ELECTION MAY BE ELIGIBLE FOR THE SPECIAL RUNOFF ELECTION. IN**
24 **THE EVENT OF A TIE BETWEEN MORE THAN TWO PERSONS WHO SHALL HAVE**
25 **THE HIGHEST AND EQUAL NUMBER OF VOTES, THOSE PERSONS SHALL ALSO BE**
26 **INCLUDED IN THE RUNOFF ELECTION. [in] IN case of a tie between two or more**
27 **persons AFTER THE SPECIAL RUNOFF ELECTION, [to] THE GOVERNOR SHALL**
28 **designate which of said persons shall qualify as Attorney General[, and to administer**
29 **the oath of office to the person elected].**

30 8.

31 All elections for the State’s Attorney shall be certified to, and Returns made
32 thereof, by the Clerks of the said Counties and City, to the Judges thereof, having
33 criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections
34 and qualifications of the Persons returned; [and, in case of a tie between two or more
35 Persons, to] **AND TO ADMINISTER THE OATHS OF OFFICE TO THE PERSON**

1 **ELECTED. IF IN ANY ELECTION FOR STATE'S ATTORNEY NO PERSON RECEIVES**
2 **MORE THAN 50% OF THE VOTES CAST FOR THAT OFFICE, THE STATE ELECTIONS**
3 **BOARD SHALL CALL A SPECIAL RUNOFF ELECTION FOR THAT OFFICE, EXCEPT**
4 **THAT ONLY THE TWO PERSONS WHO RECEIVED THE HIGHEST NUMBER OF**
5 **VOTES IN THE GENERAL ELECTION MAY BE ELIGIBLE FOR THE RUNOFF**
6 **ELECTION. IN THE EVENT OF A TIE BETWEEN MORE THAN TWO PERSONS WHO**
7 **SHALL HAVE THE HIGHEST AND EQUAL NUMBER OF VOTES, THOSE PERSONS**
8 **SHALL ALSO BE INCLUDED IN THE RUNOFF ELECTION. IF THE SPECIAL RUNOFF**
9 **ELECTION IS AGAIN TIED, THE JUDGES OF THE SAID COUNTIES AND CITY SHALL**
10 designate which of said persons shall qualify as State's Attorney[, and to administer
11 the oaths of office to the Person elected].

12 **Article VI - Treasury Department**

13 1.

14 There shall be a Treasury Department, consisting of a Comptroller chosen by
15 the qualified electors of the State, who shall receive such salary as may be fixed by
16 law; and a Treasurer, to be appointed on joint ballot by the two Houses of the
17 Legislature at each regular session in which begins the term of the Governor, who
18 shall receive such salary as may be fixed by law. **IF IN ANY ELECTION FOR**
19 **COMPTROLLER NO PERSON RECEIVES MORE THAN 50% OF THE VOTES CAST**
20 **FOR THAT OFFICE, THE STATE ELECTIONS BOARD SHALL CALL A SPECIAL**
21 **RUNOFF ELECTION FOR THAT OFFICE, EXCEPT THAT ONLY THE TWO PERSONS**
22 **WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN THE GENERAL ELECTION**
23 **MAY BE ELIGIBLE FOR THE SPECIAL RUNOFF ELECTION. IN THE EVENT OF A TIE**
24 **BETWEEN MORE THAN TWO PERSONS WHO SHALL HAVE THE HIGHEST AND**
25 **EQUAL NUMBER OF VOTES, THOSE PERSONS SHALL ALSO BE INCLUDED IN THE**
26 **RUNOFF ELECTION. IF THE RUNOFF ELECTION IS AGAIN TIED, THE SENATE OF**
27 **MARYLAND SHALL CHOOSE ONE OF THE PERSONS AS COMPTROLLER.** The terms
28 of office of the Comptroller and Treasurer shall be for four years, and until their
29 successors shall qualify; and neither of the officers shall be allowed, or receive any
30 fees, commissions or perquisites of any kind in addition to [his] **THE OFFICER'S**
31 salary for the performance of any duty or services whatsoever. In case of a vacancy in
32 the office of the Comptroller by death or otherwise, the Governor, by and with the
33 advice and consent of the Senate, shall fill such vacancy by appointment, to continue
34 until another election and until the qualification of the successor. In case of a vacancy
35 in the office of the Treasurer by death or otherwise, the Deputy Treasurer shall act as
36 Treasurer until the next regular or extraordinary session of the Legislature following
37 the creation of the vacancy, whereupon the Legislature shall choose a successor to
38 serve for the duration of the unexpired term of office. The Comptroller and the

1 Treasurer shall keep their offices at the seat of government, and shall take such oaths
2 and enter into such bonds for the faithful discharge of their duties as are now or may
3 hereafter be prescribed by law.

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
10 proposed as an amendment to the Maryland Constitution shall be submitted to the
11 legal and qualified voters of this State at the next general election to be held in
12 November, 2008 for their adoption or rejection pursuant to Article XIV of the
13 Maryland Constitution. At that general election, the vote on this proposed amendment
14 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
15 words "For the Constitutional Amendment" and "Against the Constitutional
16 Amendment," as now provided by law. Immediately after the election, all returns shall
17 be made to the Governor of the vote for and against the proposed amendment, as
18 directed by Article XIV of the Maryland Constitution, and further proceedings had in
19 accordance with Article XIV.