

SENATE BILL 487

G1

CONSTITUTIONAL AMENDMENT

71r1949

By: **Senators Harris and Kittleman**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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 Laws or Maryland Constitution under
6 certain circumstances; prescribing requirements for the petition and for voting
7 on the petitioned proposal; providing that initiated proposals which are adopted
8 may not be amended or repealed for a certain number of years except under
9 certain circumstances; generally relating to the Initiative process; providing
10 that the Secretary of State shall have certain powers and duties; and submitting
11 this amendment to the qualified voters of the State of Maryland for their
12 adoption or rejection.

13 BY proposing an addition to the Maryland Constitution
14 New Article XVI-A – The Initiative
15 Section 1 through 4

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 Maryland Constitution read as follows:

19 **ARTICLE XVI-A – THE INITIATIVE**

20 **1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **THE PEOPLE OF THE STATE, RESERVING TO THEMSELVES THE POWER**
2 **KNOWN AS THE INITIATIVE, MAY BY PETITION SUBMIT TO THE REGISTERED**
3 **VOTERS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE POLLS, A**
4 **PROPOSED BILL TO ADD TO, REPEAL, OR AMEND THE PUBLIC GENERAL LAWS**
5 **OR THE MARYLAND CONSTITUTION.**

6 **2.**

7 **(A) BEFORE A PETITION OR ANY PART OF A PETITION IS CIRCULATED**
8 **AMONG THE VOTERS OF THE STATE:**

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

11 **(2) IF A SUMMARY OF THE PROPOSAL IS INCLUDED IN THE**
12 **PETITION THE SUMMARY SHALL BE APPROVED FOR ACCURACY BY THE**
13 **ATTORNEY GENERAL.**

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

15 **(2) EACH PAPER OF THE PETITION SHALL CONTAIN THE FULL**
16 **TEXT OF THE PROPOSAL.**

17 **(C) EXCEPT THAT NO MORE THAN ONE-HALF OF THE SIGNERS OF A**
18 **PETITION MAY BE REGISTERED VOTERS IN BALTIMORE CITY OR ANY SINGLE**
19 **COUNTY, A PETITION TO SUBMIT A PROPOSAL TO THE VOTERS OF THE STATE**
20 **CONCERNING THE PUBLIC GENERAL LAWS SHALL BE SIGNED BY REGISTERED**
21 **VOTERS OF THE STATE IN A NUMBER EQUAL TO AT LEAST 5 PERCENT OF THE**
22 **VOTES CAST IN THE LAST ELECTION FOR GOVERNOR.**

23 **(D) (1) AN INITIATIVE PETITION MAY BE FILED WITH THE**
24 **SECRETARY OF STATE AT ANY TIME.**

25 **(2) ATTACHED TO EACH PAPER OF SIGNATURES FILED WITH A**
26 **PETITION, THERE SHALL BE AN AFFIDAVIT OF THE PERSON PROCURING THOSE**
27 **SIGNATURES WHICH STATES THAT BASED ON THE PERSON'S BEST KNOWLEDGE**
28 **AND BELIEF:**

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

1 **(II) THE SIGNERS ARE REGISTERED VOTERS IN THE STATE**
2 **AND IN THE LOCAL JURISDICTION INDICATED ON THE PAPER.**

3 **(3) (I) IF THE SECRETARY OF STATE DETERMINES THAT THE**
4 **ORIGINAL AND ANY SUPPLEMENTAL PETITIONS BEAR THE REQUISITE NUMBER**
5 **OF VALID SIGNATURES, THE SECRETARY OF STATE SHALL CERTIFY THE**
6 **PROPOSALS FOR A VOTE.**

7 **(II) THE SECRETARY OF STATE SHALL MAKE THE**
8 **DETERMINATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**
9 **NO LATER THAN 30 DAYS AFTER THE DATE A PETITION IS FILED.**

10 **(E) THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW THE FORM OF**
11 **THE PETITION FOR AN INITIATIVE PROPOSAL, THE MANNER FOR VERIFYING THE**
12 **AUTHENTICITY OF PETITIONS, AND OTHER ADMINISTRATIVE PROCEDURES**
13 **WHICH ARE NECESSARY AND NOT IN CONFLICT WITH THIS ARTICLE.**

14 **3.**

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

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

21 **(B) BEFORE THE ELECTION AT WHICH THE INITIATIVE PROPOSAL IS TO**
22 **BE VOTED ON, THE TEXT OF THE PROPOSAL SHALL BE PUBLISHED IN A MANNER**
23 **PROVIDED BY LAW.**

24 **(C) ON THE BALLOT USED IN THE ELECTION AT WHICH THE INITIATIVE**
25 **PROPOSAL IS VOTED ON, EACH INITIATIVE PROPOSAL SHALL:**

26 **(1) APPEAR AS A SEPARATE ITEM IN A FORMAT, PRESCRIBED BY**
27 **THE GENERAL ASSEMBLY, THAT SUFFICIENTLY IDENTIFIES THE PROPOSAL;**
28 **AND**

1 (2) BE FOLLOWED BY THE WORDS “FOR THE INITIATIVE
2 PROPOSAL” AND “AGAINST THE INITIATIVE PROPOSAL”.

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

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

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

10 (I) IN THE CASE OF PUBLIC GENERAL LAWS, AT LEAST 50
11 PERCENT OF THE VOTES CAST ON THE PROPOSAL HAVE BEEN CAST IN FAVOR OF
12 IT; OR

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

16 (4) IF TWO OR MORE INITIATIVE PROPOSALS RECEIVE A
17 FAVORABLE MAJORITY AND THE GOVERNOR, WITH THE ADVICE OF THE
18 ATTORNEY GENERAL, DETERMINES THAT THESE PROPOSALS ARE IN
19 IRRECONCILABLE CONFLICT, THE GOVERNOR SHALL DECLARE ONLY THE
20 PROPOSAL RECEIVING THE HIGHEST NUMBER OF VOTES TO BE PART OF THE
21 PUBLIC GENERAL LAWS OR MARYLAND CONSTITUTION.

22 (5) A PROPOSAL DECLARED TO BE PART OF THE PUBLIC
23 GENERAL LAWS OR MARYLAND CONSTITUTION SHALL TAKE EFFECT 30 DAYS
24 AFTER THE ISSUANCE OF THE GOVERNOR’S PROCLAMATION.

25 4.

26 AN INITIATIVE PROPOSAL THAT BECOMES PART OF THE PUBLIC
27 GENERAL LAWS OR MARYLAND CONSTITUTION MAY BE AMENDED OR
28 REPEALED IN THE 4 YEARS IMMEDIATELY FOLLOWING ITS EFFECTIVE DATE
29 ONLY IF THE CHANGE IS APPROVED BY A TWO-THIRDS VOTE OF BOTH HOUSES
30 OF THE GENERAL ASSEMBLY.

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

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