

HOUSE BILL 806

P5

CONSTITUTIONAL AMENDMENT

5lr1353

By: **Delegates Miele, Moon, and Tarlau**

Introduced and read first time: February 13, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Vacancies – Special Elections**

3 FOR the purpose of proposing an amendment to the Maryland Constitution requiring a
4 special election to fill a vacancy in the office of Delegate or Senator if the vacancy
5 occurs at a certain time during the term of office; requiring that a special election be
6 held concurrently with the next ensuing regular presidential and congressional
7 election; establishing certain procedures for the special election; specifying the term
8 of office for a member elected by special election; making certain clarifying changes;
9 making certain stylistic changes; submitting this amendment to the qualified voters
10 of the State for their adoption or rejection; and generally relating to special elections
11 to fill vacancies in the General Assembly.

12 BY proposing an amendment to the Maryland Constitution
13 Article III – Legislative Department
14 Section 6, 7, and 13

15 BY proposing an amendment to the Maryland Constitution
16 Article XVII – Quadrennial Elections
17 Section 1 through 3

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

21 **Article III – Legislative Department**

22 6.

23 **[A] EXCEPT AS PROVIDED IN SECTION 13 OF THIS ARTICLE FOR FILLING A**
24 **VACANCY BY SPECIAL ELECTION, A member of the General Assembly shall be elected by**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the registered voters of the legislative or delegate district from which [he] **THE MEMBER**
2 seeks election, to serve for a term of four years beginning on the second Wednesday of
3 January following [his] **THE MEMBER'S** election.

4 7.

5 **[The] EXCEPT AS PROVIDED IN SECTION 13 OF THIS ARTICLE FOR FILLING A**
6 **VACANCY BY SPECIAL ELECTION, THE** election for Senators and Delegates shall take
7 place on the Tuesday next, after the first Monday in the month of November, nineteen
8 hundred and fifty-eight, and in every fourth year thereafter.

9 13.

10 (a) (1) **[In] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
11 **IN** case of **A VACANCY IN THE GENERAL ASSEMBLY DUE TO** death, disqualification,
12 resignation, refusal to act, expulsion, or removal from the county or city for which [he] **A**
13 **DELEGATE OR SENATOR** shall have been elected, [of any person who shall have been
14 chosen as a Delegate or Senator,] or in case of a tie between two or more such qualified
15 persons, the Governor shall appoint a person to fill such vacancy from a person whose name
16 shall be submitted to [him] **THE GOVERNOR** in writing, within [thirty] **30** days after the
17 occurrence of the vacancy, by the Central Committee of the political party, if any, with
18 which the Delegate or Senator, so vacating, had been affiliated, at the time of the last
19 election or appointment of the vacating Senator or Delegate, in the County or District from
20 which [he or she] **THE DELEGATE OR SENATOR** was appointed or elected, provided that
21 the appointee shall be of the same political party, if any, as was that of the Delegate or
22 Senator, whose office is to be filled, at the time of the last election or appointment of the
23 vacating Delegate or Senator, and it shall be the duty of the Governor to make [said] **THE**
24 appointment within [fifteen] **15** days after the [submission thereof to him] **CENTRAL**
25 **COMMITTEE SUBMITS ITS NOMINEES TO THE GOVERNOR.**

26 (2) If a name is not submitted by the Central Committee within [thirty] **30**
27 days after the occurrence of the vacancy, the Governor within another period of [fifteen] **15**
28 days shall appoint a person, who shall be affiliated with the same political party, if any as
29 was that of the Delegate or Senator, whose office is to be filled, at the time of the last
30 election or appointment of the vacating Delegate or Senator, and who is otherwise properly
31 qualified to hold the office of Delegate or Senator in the District or County.

32 (3) In the event there is no Central Committee in the County or District
33 from which [said] **THE** vacancy is to be filled, the Governor shall within [fifteen] **15** days
34 after the occurrence of such vacancy appoint a person, from the same political party, if any,
35 as that of the vacating Delegate or Senator, at the time of the last election or appointment
36 of the vacating Senator or Delegate, who is otherwise properly qualified to hold the office
37 of Delegate or Senator in such District or County.

1 The purpose of this Article is to reduce the number of elections by providing that all
2 State and county elections shall be held only in every fourth year, and at the time provided
3 by law for holding congressional elections, and to bring the terms of appointive officers into
4 harmony with the changes effected in the time of the beginning of the terms of elective
5 officers. **[The] EXCEPT AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO SPECIAL**
6 **ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, THE** administrative and judicial
7 officers of the State shall construe the provisions of this Article so as to effectuate that
8 purpose. For the purpose of this Article only the word “officers” shall be construed to include
9 those holding positions and other places of employment in the state and county
10 governments whose terms are fixed by law, but it shall not include any appointments made
11 by the Board of Public Works, nor appointments by the Governor for terms of three years.

12 2.

13 Except **AS PROVIDED IN ARTICLE III, § 13(C), RELATING TO SPECIAL**
14 **ELECTIONS TO FILL GENERAL ASSEMBLY VACANCIES, AND EXCEPT** for a special
15 election that may be authorized to fill a vacancy in a County Council or a vacancy in the
16 office of chief executive officer or County Executive, under Article XI–A, Section 3 of the
17 Constitution, elections by qualified voters for State and county officers shall be held on the
18 Tuesday next after the first Monday of November, in the year nineteen hundred and
19 twenty–six, and on the same day in every fourth year thereafter.

20 3.

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

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
32 proposed as an amendment to the Maryland Constitution shall be submitted to the
33 qualified voters of the State at the next general election to be held in November 2016 for
34 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
35 general election, the vote on this proposed amendment to the Constitution shall be by
36 ballot, and upon each ballot there shall be printed the words “For the Constitutional
37 Amendment” and “Against the Constitutional Amendment,” as now provided by law.
38 Immediately after the election, all returns shall be made to the Governor of the vote for and
39 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
40 and further proceedings had in accordance with Article XIV.