

HOUSE BILL 1013

N2, D1

CONSTITUTIONAL AMENDMENT

5lr2291

By: **Delegates Carter, Anderson, McConkey, Oaks, and Rosenberg**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Orphans’ Court Judges – Election and Term Limits**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to require a
4 judge of the Orphans’ Court to hold the office for a certain term; providing for the
5 judges of the Orphans’ Court to be elected by certain voters at a certain election;
6 establishing that a judge of the Orphans’ Court shall hold the office from the election
7 of the judge until a successor is elected and qualified; providing an exception to a
8 constitutional requirement for the term of certain elected officers; repealing a certain
9 obsolete reference; and submitting this amendment to the qualified voters of the
10 State for their adoption or rejection.

11 BY proposing an addition to the Maryland Constitution
12 Article IV – Judiciary Department
13 Section 40A

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

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

20 **Article IV – Judiciary Department**

21 **40A.**

22 **(A) A JUDGE OF THE ORPHANS’ COURT SHALL HOLD THE OFFICE FOR A**
23 **TERM OF 8 YEARS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) A JUDGE OF THE ORPHANS' COURT SHALL BE ELECTED BY THE**
 2 **QUALIFIED VOTERS OF THE CITY OR COUNTY AT THE GENERAL ELECTION TO BE**
 3 **HELD ON THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.**

4 **(C) A JUDGE OF THE ORPHANS' COURT SHALL HOLD THE OFFICE FROM THE**
 5 **TIME OF THE ELECTION OF THE JUDGE UNTIL A SUCCESSOR IS ELECTED AND**
 6 **QUALIFIED.**

7 **Article XVII – Quadrennial Elections**

8 3.

9 All State and county officers elected by qualified voters (except **JUDGES OF THE**
 10 **ORPHANS' COURTS**, judges of the Circuit Courts, [judges of the Supreme Bench of
 11 Baltimore City,] judges of the Court of Appeals and judges of any intermediate courts of
 12 appeal) shall hold office for terms of four years, and until their successors shall qualify.

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

17 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
 18 proposed as an amendment to the Maryland Constitution shall be submitted to the
 19 qualified voters of the State at the next general election to be held in November 2016 for
 20 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
 21 general election, the vote on this proposed amendment to the Constitution shall be by
 22 ballot, and upon each ballot there shall be printed the words "For the Constitutional
 23 Amendment" and "Against the Constitutional Amendment," as now provided by law.
 24 Immediately after the election, all returns shall be made to the Governor of the vote for and
 25 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
 26 and further proceedings had in accordance with Article XIV.