

SENATE BILL 836

P5, G1

CONSTITUTIONAL AMENDMENT

5lr2814

By: **Senator Simonaire**

Introduced and read first time: February 23, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Name Submitted by Central Committee to Fill Vacancy –**
3 **Required Appointment by Governor**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to provide that
5 the Governor shall appoint, subject to a certain condition, the person whose name is
6 submitted by the designated central committee to fill the vacancy; prohibiting the
7 Governor from requiring a central committee to submit the name of more than one
8 person to fill a vacancy; deleting certain obsolete language; making stylistic changes;
9 and submitting this amendment to the qualified voters of the State for their adoption
10 or rejection.

11 BY proposing an amendment to the Maryland Constitution
12 Article III – Legislative Department
13 Section 13

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

17 **Article III – Legislative Department**

18 13.

19 (a) (1) In case of death, disqualification, resignation, refusal to act, expulsion,
20 or removal from the county or city for which [he] **A DELEGATE OR SENATOR** shall have
21 been elected, [of any person who shall have been chosen as a Delegate or Senator,] or in
22 case of a tie **VOTE IN AN ELECTION** between two or more such qualified persons, the
23 Governor shall appoint, **SUBJECT TO SUBSECTION (B)(1)(III) OF THIS SECTION**, [a]
24 **THE** person to fill such vacancy [from a person] whose name shall be submitted to [him]
25 **THE GOVERNOR** in writing, within [thirty] **30** days after the occurrence of the vacancy,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 by the Central Committee of the political party, if any, with which the Delegate or Senator,
2 so vacating, had been affiliated, at the time of the last election or appointment of the
3 vacating Senator or Delegate, in the County or District from which [he or she] **THE**
4 **DELEGATE OR SENATOR** was appointed or elected, provided that the appointee shall be
5 of the same political party, if any, as was that of the Delegate or Senator, whose office is to
6 be filled, at the time of the last election or appointment of the vacating Delegate or Senator,
7 and it shall be the duty of the Governor to make [said] **THE** appointment within [fifteen]
8 **15** days after the [submission thereof to him] **CENTRAL COMMITTEE SUBMITS ITS**
9 **NOMINEE TO THE GOVERNOR.**

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

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

22 (4) [In every case when any] **THE APPOINTMENT OF EACH** person [is] so
23 appointed by the [Governor, his appointment] **GOVERNOR** shall be deemed to be for the
24 unexpired term of the person whose office has become vacant.

25 (b) (1) In addition, and in submitting a name to the Governor to fill a vacancy
26 in a Legislative or Delegate district, as the case may be, in any of the twenty–three counties
27 of Maryland, the Central Committee or committees shall follow these provisions:

28 [(1)] (I) If the vacancy occurs in a district having the same boundaries as
29 a county, the Central Committee of the county shall submit the name of a resident of the
30 district.

31 [(2)] (II) If the vacancy occurs in a district which has boundaries
32 comprising a portion of one county, the Central Committee of that county shall submit the
33 name of a resident of the district.

34 [(3)] (III) If the vacancy occurs in a district which has boundaries
35 comprising a portion or all of two or more counties, the Central Committee of each county
36 involved shall have one vote for submitting the name of a resident of the district; and if
37 there is a tie vote between or among the Central Committees, the list of names there
38 proposed shall be submitted to the Governor, and he shall make the appointment from the
39 list.

1 **(2) THE GOVERNOR MAY NOT REQUIRE A CENTRAL COMMITTEE TO**
2 **SUBMIT THE NAME OF MORE THAN ONE PERSON TO FILL A VACANCY IN THE OFFICE**
3 **OF DELEGATE OR SENATOR UNDER THIS SECTION.**

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 affects
6 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
7 Constitution concerning local approval of constitutional amendments do 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 qualified voters of the State at the next general election to be held in November 2016 for
11 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
12 general election, the vote on this proposed amendment to the Constitution shall be by
13 ballot, and upon each ballot there shall be printed the words “For the Constitutional
14 Amendment” and “Against the Constitutional Amendment,” as now provided by law.
15 Immediately after the election, all returns shall be made to the Governor of the vote for and
16 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
17 and further proceedings had in accordance with Article XIV.