

HOUSE BILL 260

P1

CONSTITUTIONAL AMENDMENT

6lr0370
CF SB 554

By: **Delegates Moon, Gutierrez, Kelly, Platt, Smith, and Tarlau**

Introduced and read first time: January 25, 2016

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2016

CHAPTER _____

1 AN ACT concerning

2 **United States Senator, Attorney General, and Comptroller – Appointments and**
3 **Special Elections to Fill a Vacancy**

4 FOR the purpose of requiring the Governor to appoint an individual to fill a vacancy in the
5 office of United States Senator, Attorney General, or Comptroller from a list of names
6 submitted by the State Central Committee of the political party of the vacating
7 officeholder; requiring individuals whose names are submitted to the Governor to
8 have been affiliated with the political party of the vacating officeholder before the
9 vacancy occurred; providing for the appointment of an individual to fill a vacancy in
10 the office of United States Senator, Attorney General, or Comptroller in
11 circumstances where the political party of the vacating officeholder fails to submit
12 names to the Governor within a certain period of time or the vacating officeholder
13 was not affiliated with a political party; requiring an individual appointed by the
14 Governor to fill a vacancy in the offices of either the Attorney General or the
15 Comptroller to serve for the remainder of the term if the vacancy occurs after a
16 certain date; requiring that a special election be held at the same time as a certain
17 regular statewide election to fill a vacancy in the offices of either the Attorney
18 General or the Comptroller if the vacancy occurs on or before a certain date;
19 providing for the effective dates of this Act; submitting the constitutional
20 amendment proposed by this Act to the qualified voters of the State of Maryland for
21 their adoption or rejection; and generally relating to appointments and special
22 elections to fill a vacancy in the office of United States Senator, Attorney General, or
23 Comptroller.

24 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Election Law
2 Section 8–602
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2015 Supplement)

5 BY proposing an amendment to the Maryland Constitution
6 Article V – Attorney–General and State’s Attorneys
7 Section 5

8 BY proposing an amendment to the Maryland Constitution
9 Article VI – Treasury Department
10 Section 1

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Election Law**

14 8–602.

15 (a) (1) **(I)** If there is a vacancy in the office of United States Senator, the
16 Governor shall appoint an eligible individual to fill the vacancy **AS PROVIDED IN THIS**
17 **PARAGRAPH.**

18 **(II) THE GOVERNOR SHALL APPOINT ONE OF THREE**
19 **INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING,**
20 **WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE**
21 **CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE**
22 **VACATING SENATOR HAD BEEN AFFILIATED AT THE TIME OF THE SENATOR’S LAST**
23 **ELECTION OR APPOINTMENT.**

24 **(III) EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE**
25 **GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE**
26 **POLITICAL PARTY OF THE VACATING SENATOR ON THE DATE IMMEDIATELY**
27 **PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

28 **(IV) THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN**
29 **15 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF**
30 **THE APPROPRIATE POLITICAL PARTY.**

31 **(V) IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL**
32 **COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE**
33 **OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER**
34 **PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER**

1 AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING SENATOR ON THE DATE
2 IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

3 (VI) IF THE VACATING SENATOR WAS NOT AFFILIATED WITH A
4 POLITICAL PARTY AT THE TIME OF THE SENATOR'S LAST ELECTION OR
5 APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL
6 WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.

7 (2) Except as provided in paragraph (3) of this subsection, the appointed
8 individual shall serve until a successor is elected pursuant to subsection (b) of this section
9 to fill the remainder of the term.

10 (3) The appointed individual shall serve for the remainder of the term if
11 the vacancy occurs after the date that is 21 days before the deadline for filing certificates
12 of candidacy for the election that is held in the fourth year of the term.

13 (b) If the vacancy occurs ON OR before the date that is 21 days before the deadline
14 for filing certificates of candidacy for the next succeeding regular statewide election, the
15 Governor shall issue a proclamation immediately after the occurrence of the vacancy
16 declaring that a special primary election and a special general election shall be held at the
17 same time as the next regular statewide primary election and regular statewide general
18 election.

19 SECTION 2. AND BE IT FURTHER ENACTED, (Three-fifths of all the members
20 elected to each of the two Houses concurring), That it be proposed that the Maryland
21 Constitution read as follows:

22 Article V – Attorney-General and State's Attorneys

23 5.

24 (A) In case of vacancy in the office of Attorney General, occasioned by death,
25 resignation, removal from the State, or from office, or other disqualification, the Governor
26 shall appoint [a person] AN INDIVIDUAL to fill the vacancy ~~for the [residue] REMAINDER~~
27 ~~of the term~~ AS PROVIDED IN THIS SECTION.

28 (B) THE GOVERNOR SHALL APPOINT ONE OF THREE INDIVIDUALS WHOSE
29 NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING, WITHIN 30 DAYS AFTER
30 THE OCCURRENCE OF THE VACANCY, BY THE STATE CENTRAL COMMITTEE OF THE
31 POLITICAL PARTY, IF ANY, WITH WHICH THE VACATING ATTORNEY GENERAL HAD
32 BEEN AFFILIATED AT THE TIME OF THE ATTORNEY GENERAL'S LAST ELECTION OR
33 APPOINTMENT.

34 (C) EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE GOVERNOR
35 MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY

1 OF THE VACATING ATTORNEY GENERAL ON THE DATE IMMEDIATELY PRECEDING
2 THE DATE ON WHICH THE VACANCY OCCURRED.

3 (D) THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15 DAYS
4 AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE
5 APPROPRIATE POLITICAL PARTY.

6 (E) IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL COMMITTEE
7 OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE OCCURRENCE
8 OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER PERIOD OF 15
9 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER AFFILIATED
10 WITH THE POLITICAL PARTY OF THE VACATING ATTORNEY GENERAL ON THE DATE
11 IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

12 (F) IF THE VACATING ATTORNEY GENERAL WAS NOT AFFILIATED WITH A
13 POLITICAL PARTY AT THE TIME OF THE ATTORNEY GENERAL'S LAST ELECTION OR
14 APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL
15 WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.

16 (G) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, AN
17 INDIVIDUAL APPOINTED UNDER THIS SECTION SHALL SERVE UNTIL A SUCCESSOR IS
18 ELECTED UNDER SUBSECTION (I) OF THIS SECTION TO FILL THE REMAINDER OF THE
19 TERM.

20 (H) AN INDIVIDUAL APPOINTED UNDER THIS SECTION SHALL SERVE FOR
21 THE REMAINDER OF THE TERM IF THE VACANCY OCCURS AFTER THE DATE THAT IS
22 21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE
23 REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM.

24 (I) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS 21 DAYS
25 BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE
26 REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM,
27 THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE
28 OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION
29 AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE
30 REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL
31 ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.

32 Article VI – Treasury Department

33 1.

34 (A) There shall be a Treasury Department, consisting of a Comptroller chosen by
35 the qualified electors of the State, who shall receive such salary as may be fixed by law; and

1 a Treasurer, to be appointed on joint ballot by the two Houses of the Legislature at each
2 regular session in which begins the term of the Governor, who shall receive such salary as
3 may be fixed by law.

4 (B) The terms of office of the Comptroller and Treasurer shall be for four years,
5 and until their successors shall qualify; and neither of the officers shall be allowed, or
6 receive any fees, commissions or perquisites of any kind in addition to his salary for the
7 performance of any duty or services whatsoever.

8 (C) (1) In case of a vacancy in the office of the Comptroller by death or
9 otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such
10 vacancy by appointment **AS PROVIDED IN THIS SUBSECTION**, ~~to continue until another~~
11 ~~election and until the qualification of the successor.~~

12 (2) **THE GOVERNOR SHALL APPOINT ONE OF THREE INDIVIDUALS**
13 **WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING, WITHIN 30 DAYS**
14 **AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE CENTRAL COMMITTEE**
15 **OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE VACATING COMPTROLLER HAD**
16 **BEEN AFFILIATED AT THE TIME OF THE COMPTROLLER'S LAST ELECTION OR**
17 **APPOINTMENT.**

18 (3) **EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE**
19 **GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE**
20 **POLITICAL PARTY OF THE VACATING COMPTROLLER ON THE DATE IMMEDIATELY**
21 **PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

22 (4) **THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15**
23 **DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE**
24 **APPROPRIATE POLITICAL PARTY.**

25 (5) **IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL**
26 **COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE**
27 **OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER**
28 **PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER**
29 **AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING COMPTROLLER ON THE**
30 **DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

31 (6) **IF THE VACATING COMPTROLLER WAS NOT AFFILIATED WITH A**
32 **POLITICAL PARTY AT THE TIME OF THE COMPTROLLER'S LAST ELECTION OR**
33 **APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL**
34 **WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.**

35 (7) **EXCEPT AS PROVIDED IN PARAGRAPH (8) OF THIS SUBSECTION,**
36 **AN INDIVIDUAL APPOINTED UNDER THIS SUBSECTION SHALL SERVE UNTIL A**

1 SUCCESSOR IS ELECTED UNDER PARAGRAPH (9) OF THIS SUBSECTION TO FILL THE
2 REMAINDER OF THE TERM.

3 (8) AN INDIVIDUAL APPOINTED UNDER THIS SUBSECTION SHALL
4 SERVE FOR THE REMAINDER OF THE TERM IF THE VACANCY OCCURS AFTER THE
5 DATE THAT IS 21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF
6 CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND
7 YEAR OF THE TERM.

8 (9) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS 21
9 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE
10 REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM,
11 THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE
12 OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION
13 AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE
14 REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL
15 ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.

16 (D) In case of a vacancy in the office of the Treasurer by death or otherwise, the
17 Deputy Treasurer shall act as Treasurer until the next regular or extraordinary session of
18 the Legislature following the creation of the vacancy, whereupon the Legislature shall
19 choose a successor to serve for the duration of the unexpired term of office.

20 (E) The Comptroller and the Treasurer shall keep their offices at the seat of
21 government, and shall take such oaths and enter into such bonds for the faithful discharge
22 of their duties as are now or may hereafter be prescribed by law.

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

27 SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the
28 Maryland Constitution proposed by Section 2 of this Act shall be submitted to the qualified
29 voters of the State at the next general election to be held in November 2016 for their
30 adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general
31 election, the vote on this proposed amendment to the Constitution shall be by ballot, and
32 upon each ballot there shall be printed the words "For the Constitutional Amendment" and
33 "Against the Constitutional Amendment," as now provided by law. Immediately after the
34 election, all returns shall be made to the Governor of the vote for and against the proposed
35 amendment, as directed by Article XIV of the Maryland Constitution, and further
36 proceedings had in accordance with Article XIV.

37 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
38 4 of this Act, this Act shall take effect July 1, 2016.