

HOUSE BILL 766

G1

CONSTITUTIONAL AMENDMENT

71r0507
CF 71r2373

By: **Delegates Moon, Hettleman, Kelly, Morales, Sydnor, and Tarlau**

Introduced and read first time: February 3, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **State Officers – Year of Election**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to alter the
4 year in which State officers are elected; providing for the implementation of this
5 amendment; providing that certain provisions of this amendment do not apply to
6 certain State officers; requiring that an election for State officers be held in a certain
7 year; providing that a State officer elected in a certain year serve a term of a certain
8 number of years; providing that a State officer elected in a certain year who is subject
9 to a term limitation is eligible to serve one term in excess of the number of terms the
10 officer would otherwise be eligible to serve; defining a certain term; providing for the
11 termination of certain provisions of this amendment; and submitting this
12 amendment to the qualified voters of the State for their adoption or rejection.

13 BY proposing an amendment to the Maryland Constitution
14 Article II – Executive Department
15 Section 2

16 BY proposing an amendment to the Maryland Constitution
17 Article III – Legislative Department
18 Section 7

19 BY proposing an amendment to the Maryland Constitution
20 Article V – Attorney–General and State’s Attorneys
21 Section 1

22 BY proposing a repeal of the Maryland Constitution
23 Article XVII – Quadrennial Elections
24 Section 2

25 BY proposing an addition to the Maryland Constitution
26 Article XVII – Quadrennial Elections

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2

2 BY proposing an addition to the Maryland Constitution
3 Article XVIII – Provisions of Limited Duration
4 Section 6

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

8 **Article II – Executive Department**

9 2.

10 An election for Governor and Lieutenant Governor, under this Constitution, shall be
11 held on the Tuesday next after the first Monday of November, in the year [nineteen
12 hundred and seventy-four] **TWO THOUSAND AND TWENTY-FOUR**, and on the same day
13 and month in every fourth year thereafter, at the places of voting for Delegates to the
14 General Assembly; and every person qualified to vote for Delegate, shall be qualified and
15 entitled to vote for Governor and Lieutenant Governor; the election to be held in the same
16 manner as the election of Delegates, and the returns thereof, under seal, to be addressed
17 to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of
18 State, and delivered to said Speaker, at the commencement of the session of the General
19 Assembly, next ensuing said election.

20 **Article III – Legislative Department**

21 7.

22 The election for Senators and Delegates shall take place on the Tuesday next, after
23 the first Monday in the month of November, [nineteen hundred and fifty-eight] **TWO**
24 **THOUSAND AND TWENTY-FOUR**, and in every fourth year thereafter.

25 **Article V – Attorney-General and State’s Attorneys**

26 1.

27 There shall be an Attorney-General elected by the qualified voters of the State, on
28 general ticket, on the Tuesday next after the first Monday in the month of November,
29 [nineteen hundred and fifty-eight] **TWO THOUSAND AND TWENTY-FOUR**, and on the
30 same day, in every fourth year thereafter, who shall hold his office for four years from the
31 time of his election and qualification, and until his successor is elected and qualified, and
32 shall be re-eligible thereto, and shall be subject to removal for incompetency, willful neglect
33 of duty or misdemeanor in office, on conviction in a Court of Law.

34 **Article XVII – Quadrennial Elections**

1 [2.

2 Except for a special election that may be authorized to fill a vacancy in a County
3 Council or a vacancy in the office of chief executive officer or County Executive, under
4 Article XI–A, Section 3 of the Constitution, elections by qualified voters for State and county
5 officers shall be held on the Tuesday next after the first Monday of November, in the year
6 nineteen hundred and twenty–six, and on the same day in every fourth year thereafter.]

7 **2.**

8 (A) ELECTIONS BY QUALIFIED VOTERS FOR STATE OFFICERS SHALL BE
9 HELD ON THE TUESDAY NEXT AFTER THE FIRST MONDAY OF NOVEMBER, IN THE
10 YEAR TWO THOUSAND AND TWENTY–FOUR, AND ON THE SAME DAY IN EVERY
11 FOURTH YEAR THEREAFTER.

12 (B) EXCEPT FOR A SPECIAL ELECTION THAT MAY BE AUTHORIZED TO FILL
13 A VACANCY IN A COUNTY COUNCIL OR A VACANCY IN THE OFFICE OF CHIEF
14 EXECUTIVE OFFICER OR COUNTY EXECUTIVE, UNDER ARTICLE XI–A, SECTION 3 OF
15 THE CONSTITUTION, ELECTIONS BY QUALIFIED VOTERS FOR COUNTY OFFICERS
16 SHALL BE HELD ON THE TUESDAY NEXT AFTER THE FIRST MONDAY OF NOVEMBER,
17 IN THE YEAR NINETEEN HUNDRED AND TWENTY–SIX, AND ON THE SAME DAY IN
18 EVERY FOURTH YEAR THEREAFTER.

19 Article XVIII – Provisions of Limited Duration

20 **6.**

21 (A) FOR THE PURPOSE OF IMPLEMENTING THE AMENDMENTS PROPOSED
22 BY HOUSE BILL ____ OF 2017 (7LR0507) CONCERNING THE YEAR IN WHICH STATE
23 OFFICERS ARE ELECTED, THE FOLLOWING PROVISIONS SHALL GOVERN.

24 (B) THIS SECTION TEMPORARILY IS PART OF ARTICLE II – EXECUTIVE
25 DEPARTMENT, SECTION 2; ARTICLE III – LEGISLATIVE DEPARTMENT, SECTION 7;
26 ARTICLE V – ATTORNEY–GENERAL AND STATE’S ATTORNEYS, SECTION 1; AND
27 ARTICLE XVII – QUADRENNIAL ELECTIONS, SECTION 2 OF THE CONSTITUTION.

28 (C) THIS SECTION DOES NOT APPLY TO:

29 (1) JUDGES OF THE COURT OF APPEALS, THE COURT OF SPECIAL
30 APPEALS, OR THE CIRCUIT COURTS; OR

31 (2) MEMBERS OF AN ELECTIVE LOCAL BOARD OF EDUCATION.

1 **(D) NOTWITHSTANDING ANY OTHER PROVISION OF THE CONSTITUTION OR**
2 **ANY OTHER LAW, AN ELECTION FOR STATE OFFICERS SHALL BE HELD IN THE YEAR**
3 **TWO THOUSAND AND TWENTY-TWO.**

4 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THE CONSTITUTION OR**
5 **ANY OTHER LAW, A STATE OFFICER ELECTED IN THE YEAR TWO THOUSAND AND**
6 **TWENTY-TWO SHALL SERVE A TERM OF TWO YEARS.**

7 **(F) (1) IN THIS SUBSECTION, "TERM LIMITATION" MEANS A PROVISION**
8 **OF THE CONSTITUTION OR ANY OTHER LAW THAT LIMITS THE NUMBER OF TERMS**
9 **AN ELECTED STATE OFFICER MAY SERVE.**

10 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF THE**
11 **CONSTITUTION OR ANY OTHER LAW, A STATE OFFICER ELECTED IN THE YEAR TWO**
12 **THOUSAND AND TWENTY-TWO WHO IS SUBJECT TO A TERM LIMITATION SHALL BE**
13 **ELIGIBLE TO SERVE ONE TERM IN EXCESS OF THE NUMBER OF TERMS THE OFFICER**
14 **WOULD OTHERWISE BE ELIGIBLE TO SERVE IN ACCORDANCE WITH THE TERM**
15 **LIMITATION.**

16 **(3) THIS SECTION SHALL EXPIRE, IN ACCORDANCE WITH ARTICLE**
17 **XIV, SECTION 1A OF THE CONSTITUTION, AFTER EACH STATE OFFICER DESCRIBED**
18 **IN PARAGRAPH (2) OF THIS SUBSECTION HAS COMPLETED ANY ADDITIONAL TERM**
19 **OF OFFICE THAT THE OFFICER IS ELIGIBLE TO SERVE NOTWITHSTANDING A TERM**
20 **LIMITATION THAT WOULD OTHERWISE APPLY.**

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
26 proposed as an amendment to the Maryland Constitution shall be submitted to the
27 qualified voters of the State at the next general election to be held in November 2018 for
28 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
29 general election, the vote on this proposed amendment to the Constitution shall be by
30 ballot, and upon each ballot there shall be printed the words "For the Constitutional
31 Amendment" and "Against the Constitutional Amendment," as now provided by law.
32 Immediately after the election, all returns shall be made to the Governor of the vote for and
33 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
34 and further proceedings had in accordance with Article XIV.