

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 84 (Delegate Luedtke)
Rules and Executive Nominations

Constitutional Convention - Approval by Majority of Voters Voting on the
Question - Requirement

This proposed constitutional amendment alters the majority vote requirement under Section 2 of Article XIV of the Maryland Constitution, which requires that the question of whether to call a constitutional convention for the purpose of altering the Maryland Constitution be submitted to and voted on by voters in the State once every 20 years. The amendment requires only *a majority of voters that vote on the question* to trigger a convention, instead of a majority of voters at the election.

Fiscal Summary

State Effect: None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget irrespective of this bill. Revenues are not affected.

Local Effect: None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets irrespective of this bill.

Small Business Effect: None.

Analysis

Current Law: Section 2 of Article XIV of the Maryland Constitution states that it is the duty of the General Assembly to "provide by Law for taking, at the general election to be

held in [1970], and every twenty years thereafter, the sense of the People in regard to calling a Convention for altering this Constitution[.]” If “a majority of voters at such election or elections” votes for the convention, the General Assembly must provide by law at its next session for the assembling of, and elections of delegates to, the convention.

Any new constitution or change or amendment to the existing constitution that is adopted by the convention must then be submitted to the voters of the State to be adopted “by a majority of voters voting thereon.”

State law contains various provisions applicable to ballot questions, including ballot questions relating to the calling of a constitutional convention. Under the provisions, a question relating to the holding of a constitutional convention qualifies for the ballot automatically every 20 years pursuant to Section 2 of Article XIV of the Maryland Constitution. Other provisions relate to the text of the questions and notice provided to voters.

Background: A constitutional convention has never been called pursuant to Section 2 of Article XIV of the Maryland Constitution, although Maryland has otherwise held five constitutional conventions, in 1776, 1851, 1864, 1867, and 1967-1968. In 1930 and 1950, the question of calling a convention received small majorities of voters voting on the question, but the General Assembly declined to call a convention in both cases, reasoning that a majority of all voters voting at the election was required, not only a majority of those voting on the question. The question of calling a convention did not receive the required majority in 1970 or 1990.

For more background and history related to Section 2 of Article XIV, see *The Maryland State Constitution: A Reference Guide* (2006) by Dan Friedman.

State Expenditures: State costs of printing ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). However, it is assumed that the potential for such increased costs resulting from any proposed constitutional amendments will have been anticipated in the State Board of Elections’ budget irrespective of this bill. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

Local Expenditures: Local boards of elections’ printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on ballots. It is assumed, however, that the potential for such increased costs resulting

from any proposed constitutional amendments will have been anticipated in local boards of elections' budgets irrespective of this bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Board of Elections; Department of Legislative Services

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