

HOUSE BILL 535

G1

CONSTITUTIONAL AMENDMENT

9lr0341
CF SB 373

By: **Delegates Barve, Cassilly, Charkoudian, Ebersole, Fraser–Hidalgo, Gaines, Gilchrist, Healey, Holmes, Jalisi, Kelly, Lafferty, R. Lewis, Love, Moon, Palakovich Carr, Stein, Stewart, Terrasa, and Valderrama**

Introduced and read first time: February 4, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Deadline for Selection of Lieutenant Governor**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to repeal the
4 requirement that a candidate for Governor who seeks nomination in a primary
5 election designate a candidate for Lieutenant Governor at the time of filing a
6 certificate of candidacy; requiring a candidate for Governor who seeks nomination in
7 a primary election to designate a candidate for Lieutenant Governor at the time of
8 filing a certificate of candidacy or within a certain time after the primary election;
9 requiring that the name of the candidate for Governor appear on the primary election
10 ballot without a candidate for Lieutenant Governor if the candidate for Governor
11 chooses to designate a candidate for Lieutenant Governor after the primary election;
12 requiring a candidate for Lieutenant Governor who is designated after a primary
13 election to file a certificate of candidacy at a certain time; making clarifying,
14 conforming, and stylistic changes; and submitting this amendment to the qualified
15 voters of the State for their adoption or rejection.

16 BY proposing an amendment to the Maryland Constitution

17 Article II – Executive Department

18 Section 1B

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

22 **Article II – Executive Department**

23 1B.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [Each candidate who shall seek a nomination for Governor, under any method
2 provided by law for such nomination, including primary elections, shall at the time of filing
3 for said office designate a candidate for Lieutenant Governor, and the names of the said
4 candidate for Governor and Lieutenant Governor shall be listed on the primary election
5 ballot, or otherwise considered for nomination jointly with each other.]

6 (A) A CANDIDATE WHO SEEKS A NOMINATION FOR GOVERNOR IN A
7 PRIMARY ELECTION SHALL DESIGNATE A CANDIDATE FOR LIEUTENANT GOVERNOR:

8 (1) AT THE TIME OF FILING A CERTIFICATE OF CANDIDACY; OR

9 (2) WITHIN 21 DAYS AFTER THE PRIMARY ELECTION.

10 (B) A CANDIDATE WHO SEEKS A NOMINATION FOR GOVERNOR UNDER ANY
11 METHOD PROVIDED BY LAW OTHER THAN A PRIMARY ELECTION SHALL DESIGNATE
12 A CANDIDATE FOR LIEUTENANT GOVERNOR AT THE TIME OF FILING A
13 DECLARATION OF INTENT TO SEEK NOMINATION, AND THE CANDIDATE FOR
14 GOVERNOR AND THE DESIGNATED CANDIDATE FOR LIEUTENANT GOVERNOR
15 SHALL BE CONSIDERED FOR NOMINATION JOINTLY.

16 (C) (1) No candidate for Governor may designate a candidate for Lieutenant
17 Governor [to contest for the said offices jointly with him] without the consent of the [said]
18 candidate for Lieutenant Governor, and no candidate for Lieutenant Governor may
19 designate a candidate for Governor[, to contest jointly for said offices with him] without
20 the consent of the [said] candidate for Governor[, said consent to be in writing on a form
21 provided for such purpose and filed at the time the said candidates shall file their
22 certificates of candidacy, or other documents by which they seek nomination].

23 (2) A CANDIDATE SHALL PROVIDE CONSENT UNDER THIS
24 SUBSECTION IN WRITING AT THE TIME OF FILING A CERTIFICATE OF CANDIDACY OR
25 A DECLARATION OF INTENT.

26 (D) (1) THIS SUBSECTION APPLIES ONLY TO:

27 (I) ALL GENERAL ELECTIONS; AND

28 (II) A PRIMARY ELECTION WITH RESPECT TO A CANDIDATE FOR
29 GOVERNOR WHO CHOOSES TO DESIGNATE A CANDIDATE FOR LIEUTENANT
30 GOVERNOR AT THE TIME OF FILING A CERTIFICATE OF CANDIDACY.

31 (2) [In any election, including a primary election, candidates]
32 CANDIDATES for Governor and Lieutenant Governor shall be listed jointly on the ballot,
33 and a vote cast for the candidate for Governor shall also be cast for THE CANDIDATE FOR

1 Lieutenant Governor jointly listed on the ballot with [him, and] the CANDIDATE FOR
2 GOVERNOR.

3 (E) IF A CANDIDATE WHO SEEKS A NOMINATION FOR GOVERNOR IN A
4 PRIMARY ELECTION CHOOSES TO DESIGNATE A CANDIDATE FOR LIEUTENANT
5 GOVERNOR AFTER THE PRIMARY ELECTION:

6 (1) THE NAME OF THE CANDIDATE FOR GOVERNOR SHALL BE LISTED
7 ON THE PRIMARY ELECTION BALLOT WITHOUT A CANDIDATE FOR LIEUTENANT
8 GOVERNOR; AND

9 (2) THE CANDIDATE FOR LIEUTENANT GOVERNOR SHALL FILE A
10 CERTIFICATE OF CANDIDACY AT THE TIME THE CANDIDATE FOR LIEUTENANT
11 GOVERNOR IS DESIGNATED BY THE CANDIDATE FOR GOVERNOR.

12 (F) THE election of THE Governor, or the nomination of a candidate for Governor,
13 also shall constitute the election for the same term, or the nomination, of the Lieutenant
14 Governor who was listed on the ballot or was being considered jointly with [him] THE
15 CANDIDATE FOR GOVERNOR.

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
21 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
22 voters of the State at the next general election to be held in November 2020 for adoption or
23 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
24 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
25 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
26 the Constitutional Amendment”, as now provided by law. Immediately after the election,
27 all returns shall be made to the Governor of the vote for and against the proposed
28 amendment, as directed by Article XIV of the Maryland Constitution, and further
29 proceedings had in accordance with Article XIV.