

# HOUSE BILL 1329

D1

CONSTITUTIONAL AMENDMENT

9lr3200  
CF SB 595

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By: **Delegates R. Watson, Barron, D.M. Davis, and Jackson**

Introduced and read first time: February 15, 2019

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Court of Appeals and Court of Special Appeals – Renaming**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to change the  
4 name of the Court of Appeals to be the Supreme Court of Maryland, to change the  
5 name of the Court of Special Appeals to be the Maryland Appellate Court, to change  
6 the name of a Judge of the Court of Appeals to a Justice of the Supreme Court of  
7 Maryland, and to change the name of the Chief Judge of the Court of Appeals to the  
8 Chief Justice of the Supreme Court of Maryland; providing that the Supreme Court  
9 of Maryland is the successor of the Court of Appeals; providing that the Maryland  
10 Appellate Court is the successor of the Court of Special Appeals; providing that a  
11 Justice of the Supreme Court of Maryland is the successor to a Judge of the Court of  
12 Appeals; providing that the Chief Justice of the Supreme Court of Maryland is the  
13 successor of the Chief Judge of the Court of Appeals; providing that certain names  
14 and titles of a certain unit and officials in laws and other documents mean the names  
15 and titles of the successor unit and officials; providing for the continuity of certain  
16 matters and persons; providing that letterhead, business cards, and other documents  
17 reflecting the renaming of the Court of Appeals, the Court of Special Appeals, a  
18 Judge of the Court of Appeals, and the Chief Judge of the Court of Appeals may not  
19 be used until all letterhead, business cards, and other documents already in print  
20 and reflecting the name of the Court of Appeals, the Court of Special Appeals, a  
21 Judge of the Court of Appeals, and the Chief Judge of the Court of Appeals before  
22 the effective date of this Act are used; changing references to the Court of Appeals,  
23 the Court of Special Appeals, a Judge of the Court of Appeals, and the Chief Judge  
24 of the Court of Appeals in the Annotated Code of Maryland to the Supreme Court of  
25 Maryland, the Maryland Appellate Court, a Justice of the Supreme Court of  
26 Maryland, and the Chief Justice of the Supreme Court of Maryland, respectively, on  
27 the passage and ratification of a certain constitutional amendment; requiring the  
28 publishers of the Annotated Code of Maryland, in consultation with and subject to  
29 the approval of the Department of Legislative Services, to correct any references  
30 throughout the Code that are rendered incorrect by this Act and to describe any  
31 corrections in an editor's note following the section affected; and submitting this

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 amendment to the qualified voters of the State for their adoption or rejection.

2 BY proposing an amendment to the Maryland Constitution  
3 Article II – Executive Department  
4 Section 6

5 BY proposing an amendment to the Maryland Constitution  
6 Article III – Legislative Department  
7 Section 5, 30, and 52

8 BY proposing an amendment to the Maryland Constitution  
9 Article IV – Judiciary Department  
10 Section 1, 3, 3A, 4B, 5A, 10, 14, 15, 16, 17, 18, 22, and 41E

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

14 BY proposing an amendment to the Maryland Constitution  
15 Article XVII – Quadrennial Elections  
16 Section 3

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

20 **Article II – Executive Department**

21 6.

22 (a) If the Governor–elect is disqualified, resigns, or dies, the Lieutenant  
23 Governor–elect shall become Governor for the full term. If the Governor–elect fails to  
24 assume office for any other reason, the newly elected Lieutenant Governor shall become  
25 Lieutenant Governor and shall serve as acting Governor until the Governor–elect assumes  
26 office or until the office becomes vacant.

27 (b) The Lieutenant Governor shall serve as acting Governor when notified in  
28 writing by the Governor that the Governor will be temporarily unable to perform the duties  
29 of his office. The Lieutenant Governor also shall serve as acting Governor when the  
30 Governor is disabled but is unable to communicate to the Lieutenant Governor the fact of  
31 his inability to perform the duties of his office. In either event the Lieutenant Governor  
32 shall serve as acting Governor until notified in writing by the Governor that he is able to  
33 resume the duties of his office or until the office becomes vacant.

34 (c) The General Assembly, by the affirmative vote of three–fifths of all its  
35 members in joint session, may adopt a resolution declaring that the Governor or Lieutenant  
36 Governor is unable by reason of physical or mental disability to perform the duties of his

1 office. When action is undertaken pursuant to this subsection of the Constitution, the officer  
2 who concludes that the other officer is unable, by reason of disability to perform the duties  
3 of his office shall have the power to call the General Assembly into Joint Session. The  
4 resolution, if adopted, shall be delivered to the [Court of Appeals] **SUPREME COURT OF**  
5 **MARYLAND**, which then shall have exclusive jurisdiction to determine whether that officer  
6 is unable by reason of the disability to perform the duties of his office. If the [Court of  
7 Appeals] **SUPREME COURT OF MARYLAND** determines that such officer is unable to  
8 discharge the duties of his office by reason of a permanent disability, the office shall be  
9 vacant. If the [Court of Appeals] **SUPREME COURT OF MARYLAND** determines that such  
10 officer is unable to discharge the duties of his office by reason of a temporary disability, it  
11 shall declare the office to be vacant during the time of the disability and the Court shall  
12 have continuing jurisdiction to determine when the disability has terminated. If the  
13 General Assembly and the [Court of Appeals] **SUPREME COURT OF MARYLAND**, acting  
14 in the same manner as described above, determine that the Governor–elect or Lieutenant  
15 Governor–elect is unable by reason of physical or mental disability to perform the duties of  
16 the office to which he has been elected, he shall be disqualified to assume office.

17 (d) When a vacancy occurs in the office of Governor, the Lieutenant Governor  
18 shall succeed to that office for the remainder of the term. When a vacancy occurs in the  
19 office of Lieutenant Governor, the Governor shall nominate a person who shall succeed to  
20 that office upon confirmation by the affirmative vote of a majority of all members of the  
21 General Assembly in joint session.

22 (e) If vacancies in the offices of Governor and Lieutenant Governor exist at the  
23 same time, the General Assembly shall convene forthwith, and the office of Governor shall  
24 be filled for the remainder of the term by the affirmative vote of a majority of all members  
25 of the General Assembly in joint session. The person so chosen as Governor by the General  
26 Assembly shall then nominate a person to succeed to the office of Lieutenant Governor,  
27 upon confirmation by the affirmative vote of a majority of all members of the General  
28 Assembly in the same joint session. The President of the Senate shall serve as acting  
29 Governor until the newly elected Governor has qualified. If a vacancy exists in the office of  
30 Lieutenant Governor, at a time when the Lieutenant Governor is authorized to serve as  
31 acting Governor, the President of the Senate shall serve as acting Governor. If there is a  
32 vacancy in the office of the President of the Senate at a time when he is authorized to serve  
33 as acting Governor, the Senate shall forthwith convene and fill the vacancy.

34 (f) When the Lieutenant Governor or a person elected by the General Assembly  
35 succeeds to the office of Governor, he shall have the title, powers, duties, and emoluments  
36 of that office; but when the Lieutenant Governor or the President of the Senate serves as  
37 acting Governor, he shall have only the powers and duties of that office. When the President  
38 of the Senate serves as acting Governor, he shall continue to be President of the Senate,  
39 but his duties as president shall be performed by such other person as the Senate shall  
40 select.

41 (g) The [Court of Appeals] **SUPREME COURT OF MARYLAND** shall have  
42 original and exclusive jurisdiction to adjudicate disputes or questions arising from the

1 failure of the Governor–elect to take office, or the service of the Lieutenant Governor or  
2 President of the Senate as acting Governor, or the creation of a vacancy in the office of  
3 Governor or Lieutenant Governor by reason of disability, or the succession to the office of  
4 Governor or Lieutenant Governor, or the exercise of the powers and duties of a successor to  
5 the office of Governor.

### 6 Article III – Legislative Department

7 5.

8 Following each decennial census of the United States and after public hearings, the  
9 Governor shall prepare a plan setting forth the boundaries of the legislative districts for  
10 electing of the members of the Senate and the House of Delegates.

11 The Governor shall present the plan to the President of the Senate and Speaker of  
12 the House of Delegates who shall introduce the Governor’s plan as a joint resolution to the  
13 General Assembly, not later than the first day of its regular session in the second year  
14 following every census, and the Governor may call a special session for the presentation of  
15 his plan prior to the regular session. The plan shall conform to Sections 2, 3 and 4 of this  
16 Article. Following each decennial census the General Assembly may by joint resolution  
17 adopt a plan setting forth the boundaries of the legislative districts for the election of  
18 members of the Senate and the House of Delegates, which plan shall conform to Sections  
19 2, 3 and 4 of this Article. If a plan has been adopted by the General Assembly by the 45th  
20 day after the opening of the regular session of the General Assembly in the second year  
21 following every census, the plan adopted by the General Assembly shall become law. If no  
22 plan has been adopted by the General Assembly for these purposes by the 45th day after  
23 the opening of the regular session of the General Assembly in the second year following  
24 every census, the Governor’s plan presented to the General Assembly shall become law.

25 Upon petition of any registered voter, the [Court of Appeals] **SUPREME COURT OF**  
26 **MARYLAND** shall have original jurisdiction to review the legislative districting of the State  
27 and may grant appropriate relief, if it finds that the districting of the State is not consistent  
28 with requirements of either the Constitution of the United States of America, or the  
29 Constitution of Maryland.

30 30.

31 Every bill, when passed by the General Assembly, and sealed with the Great Seal,  
32 shall be presented by the presiding officer of the House in which it originated to the  
33 Governor for his approval. All bills passed during a regular or special session shall be  
34 presented to the Governor for his approval no later than 20 days after adjournment. Within  
35 30 days after presentment, if the Governor approves the bill, he shall sign the same in the  
36 presence of the presiding officers and Chief Clerks of the Senate and House of Delegates.  
37 Every Law shall be recorded in the office of the [Court of Appeals] **SUPREME COURT OF**  
38 **MARYLAND**, and in due time, be printed, published and certified under the Great Seal, to  
39 the several Courts, in the same manner as has been heretofore usual in this State.

1 52.

2 (1) The General Assembly shall not appropriate any money out of the Treasury  
3 except in accordance with the provisions of this section.

4 (2) Every appropriation bill shall be either a Budget Bill, or a Supplementary  
5 Appropriation Bill, as hereinafter provided.

6 (3) On the third Wednesday in January in each year, (except in the case of a newly  
7 elected Governor, and then not later than ten days after the convening of the General  
8 Assembly), unless such time shall be extended by the General Assembly, the Governor shall  
9 submit to the General Assembly a Budget for the next ensuing fiscal year. Each Budget  
10 shall contain a complete plan of proposed expenditures and estimated revenues for said  
11 fiscal year and shall show the estimated surplus or deficit of revenues at the end of the  
12 preceding fiscal year. Accompanying each Budget shall be a statement showing: (a) the  
13 revenues and expenditures for the preceding fiscal year; (b) the current assets, liabilities,  
14 reserves and surplus or deficit of the State; (c) the debts and funds of the State; (d) an  
15 estimate of the State's financial condition as of the beginning and end of the preceding fiscal  
16 year; (e) any explanation the Governor may desire to make as to the important features of  
17 the Budget and any suggestions as to methods for reduction or increase of the State's  
18 revenue.

19 (4) Each Budget shall embrace an estimate of all appropriations in such form and  
20 detail as the Governor shall determine or as may be prescribed by law, as follows: (a) for  
21 the General Assembly as certified to the Governor in the manner hereinafter provided; (b)  
22 for the Executive Department; (c) for the Judiciary Department, as provided by law, as  
23 certified to the Governor; (d) to pay and discharge the principal and interest of the debt of  
24 the State in conformity with Section 34 of Article III of the Constitution, and all laws  
25 enacted in pursuance thereof; (e) for the salaries payable by the State and under the  
26 Constitution and laws of the State; (f) for the establishment and maintenance throughout  
27 the State of a thorough and efficient system of public schools in conformity with Article 8  
28 of the Constitution and with the laws of the State; and (g) for such other purposes as are  
29 set forth in the Constitution or laws of the State.

30 (5) The Governor shall deliver to the presiding officer of each House the Budget  
31 and a bill for all the proposed appropriations of the Budget classified and in such form and  
32 detail as he shall determine or as may be prescribed by law; and the presiding officer of  
33 each House shall promptly cause said bill to be introduced therein, and such bill shall be  
34 known as the "Budget Bill." The Governor may, with the consent of the General Assembly,  
35 before final action thereon by the General Assembly, amend or supplement said Budget to  
36 correct an oversight, provide funds contingent on passage of pending legislation or, in case  
37 of an emergency, by delivering such an amendment or supplement to the presiding officers  
38 of both Houses; and such amendment or supplement shall thereby become a part of said  
39 Budget Bill as an addition to the items of said bill or as a modification of or a substitute for  
40 any item of said bill such amendment or supplement may affect.

41 (5a) The Budget and the Budget Bill as submitted by the Governor to the General

1 Assembly shall have a figure for the total of all proposed appropriations and a figure for  
2 the total of all estimated revenues available to pay the appropriations, and the figure for  
3 total proposed appropriations shall not exceed the figure for total estimated revenues.  
4 Neither the Governor in submitting an amendment or supplement to the Budget Bill nor  
5 the General Assembly in amending the Budget Bill shall thereby cause the figure for total  
6 proposed appropriations to exceed the figure for total estimated revenues, including any  
7 revisions, and in the Budget Bill as enacted the figure for total estimated revenues always  
8 shall be equal to or exceed the figure for total appropriations.

9 (6) The General Assembly shall not amend the Budget Bill so as to affect either  
10 the obligations of the State under Section 34 of Article III of the Constitution, or the  
11 provisions made by the laws of the State for the establishment and maintenance of a system  
12 of public schools or the payment of any salaries required to be paid by the State of Maryland  
13 by the Constitution thereof; and the General Assembly may amend the bill by increasing  
14 or diminishing the items therein relating to the General Assembly, and by increasing or  
15 diminishing the items therein relating to the judiciary, but except as hereinbefore specified,  
16 may not alter the said bill except to strike out or reduce items therein, provided, however,  
17 that the salary or compensation of any public officer shall not be decreased during his term  
18 of office; and such bill, when and as passed by both Houses, shall be a law immediately  
19 without further action by the Governor.

20 (7) The Governor and such representatives of the executive departments, boards,  
21 officers and commissions of the State expending or applying for State's moneys, as have  
22 been designated by the Governor for this purpose, shall have the right, and when requested  
23 by either House of the General Assembly, it shall be their duty to appear and be heard with  
24 respect to any Budget Bill during the consideration thereof, and to answer inquiries relative  
25 thereto.

26 (8) Supplementary Appropriation Bill. Either House may consider other  
27 appropriations but both Houses shall not finally act upon such appropriations until after  
28 the Budget Bill has been finally acted upon by both Houses, and no such other  
29 appropriation shall be valid except in accordance with the provisions following: (a) Every  
30 such appropriation shall be embodied in a separate bill limited to some single work, object  
31 or purpose therein stated and called herein a Supplementary Appropriation Bill; (b) Each  
32 Supplementary Appropriation Bill shall provide the revenue necessary to pay the  
33 appropriation thereby made by a tax, direct or indirect, to be levied and collected as shall  
34 be directed in said bill; (c) No Supplementary Appropriation Bill shall become a law unless  
35 it be passed in each House by a vote of a majority of the whole number of the members  
36 elected, and the yeas and nays recorded on its final passage; (d) Each Supplementary  
37 Appropriation Bill shall be presented to the Governor of the State as provided in Section  
38 17 of Article 2 of the Constitution and thereafter all the provisions of said section shall  
39 apply.

40 (9) Nothing in this section shall be construed as preventing the General Assembly  
41 from passing at any time, in accordance with the provisions of Section 28 of Article 3 of the  
42 Constitution and subject to the Governor's power of approval as provided in Section 17 of  
43 Article 2 of the Constitution, an appropriation bill to provide for the payment of any

1 obligation of the State within the protection of Section 10 of Article 1 of the Constitution of  
2 the United States.

3 (10) If the Budget Bill shall not have been finally acted upon by the Legislature  
4 seven days before the expiration of the regular session, the Governor shall issue a  
5 proclamation extending the session for some further period as may, in his judgment, be  
6 necessary for the passage of such bill; but no matter other than such bill shall be considered  
7 during such extended session except a provision for the cost thereof.

8 (11) For the purpose of making up the Budget, the Governor shall require from the  
9 proper State officials (including all executive departments, all executive and administrative  
10 offices, bureaus, boards, commissions and agencies that expend or supervise the  
11 expenditure of, and all institutions applying, for State moneys and appropriations) such  
12 itemized estimates and other information, in such form and at such times as directed by  
13 the Governor. An estimate for a program required to be funded by a law which will be in  
14 effect during the fiscal year covered by the Budget and which was enacted before July 1 of  
15 the fiscal year prior to that date shall provide a level of funding not less than that prescribed  
16 in the law. The estimates for the Legislative Department, certified by the presiding officer  
17 of each House, of the Judiciary, as provided by law, certified by the [Chief Judge] **CHIEF**  
18 **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, and for the public  
19 schools, as provided by law, shall be transmitted to the Governor, in such form and at such  
20 times as directed by the Governor, and shall be included in the Budget without revision.

21 (12) The Governor may provide for public hearings on all estimates and may  
22 require the attendance at such hearings of representatives of all agencies, and for all  
23 institutions applying for State moneys. After such public hearings he may, in his discretion,  
24 revise all estimates except those for the legislative and judiciary departments, and for the  
25 public schools, as provided by law, and except that he may not reduce an estimate for a  
26 program below a level of funding prescribed by a law which will be in effect during the fiscal  
27 year covered by the Budget, and which was enacted before July 1 of the fiscal year prior  
28 thereto.

29 (13) The General Assembly may, from time to time, enact such laws not  
30 inconsistent with this section, as may be necessary and proper to carry out its provisions.

31 (14) In the event of any inconsistency between any of the provisions of this Section  
32 and any of the other provisions of the Constitution, the provisions of this Section shall  
33 prevail. But nothing herein shall in any manner affect the provisions of Section 34 of Article  
34 3 of the Constitution or of any laws heretofore or hereafter passed in pursuance thereof, or  
35 be construed as preventing the Governor from calling extraordinary sessions of the General  
36 Assembly, as provided by Section 16 of Article 2, or as preventing the General Assembly at  
37 such extraordinary [extraordinary] sessions from considering any emergency appropriation  
38 or appropriations.

39 (15) If any item of any appropriation bill passed under the provisions of this  
40 Section shall be held invalid upon any ground, such invalidity shall not affect the legality  
41 of the bill or of any other item of such bill or bills.

**Article IV – Judiciary Department**1.  
1.

The Judicial power of this State is vested in a [Court of Appeals] **SUPREME COURT OF MARYLAND**, such intermediate courts of appeal as the General Assembly may create by law, Circuit Courts, Orphans' Courts, and a District Court. These Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing from it.

3.

Except for the Judges of the District Court, the Judges of the several Courts other than the [Court of Appeals] **SUPREME COURT OF MARYLAND** or any intermediate courts of appeal shall, subject to the provisions of Section 5 of this Article of the Constitution, be elected in Baltimore City and in each county, by the qualified voters of the city and of each county, respectively, all of the said Judges to be elected at the general election to be held on the Tuesday after the first Monday in November, as now provided for in the Constitution. Each of the said Judges shall hold his office for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be reeligible thereto until he shall have attained the age of seventy years, and not after. In case of the inability of any of said Judges to discharge his duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor to retire said Judge from office.

3A.

(a) (1) Except as provided in paragraph (2) of this subsection, any former judge, except a former judge of the Orphans' Court, may be assigned by the [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon approval of a majority of the court, to sit temporarily in any court of this State, except an Orphans' Court, as provided by law.

(2) (i) A retired judge of the Circuit Court for Montgomery County that sits as the Orphans' Court for Montgomery County may be assigned by the [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon approval of a majority of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, to do an act that a judge of the Orphans' Court for Montgomery County is authorized to perform.

(ii) A retired judge of the Circuit Court for Harford County that sits as the Orphans' Court for Harford County may be assigned by the [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon approval of a majority of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, to do an act that

1 a judge of the Orphans' Court for Harford County is authorized to perform.

2 (b) The provisions of this section apply, notwithstanding provisions appearing  
3 elsewhere in this Article pertaining to retirement of judges upon attaining age 70.

4 4B.

5 (a) (1) The Commission on Judicial Disabilities has the power to:

6 (i) Investigate complaints against any **JUSTICE OR** judge of the  
7 **[Court of Appeals] SUPREME COURT OF MARYLAND**, any intermediate courts of appeal,  
8 the circuit courts, the District Court of Maryland, or the orphans' court; and

9 (ii) Conduct hearings concerning such complaints, administer oaths  
10 and affirmations, issue process to compel the attendance of witnesses and the production  
11 of evidence, and require persons to testify and produce evidence by granting them immunity  
12 from prosecution or from penalty or forfeiture.

13 (2) The Commission has the power to issue a reprimand and the power to  
14 recommend to the **[Court of Appeals] SUPREME COURT OF MARYLAND** the removal,  
15 censure, or other appropriate disciplining of a **JUSTICE OR** judge or, in an appropriate case,  
16 retirement.

17 (3) All proceedings, testimony, and evidence before the Commission shall  
18 be confidential and privileged, except as provided by rule of the **[Court of Appeals]**  
19 **SUPREME COURT OF MARYLAND**; the record and any proceeding filed with the **[Court of**  
20 **Appeals] SUPREME COURT OF MARYLAND** shall lose its confidential character, except  
21 as ordered by the **[Court of Appeals] SUPREME COURT OF MARYLAND**.

22 (4) No **JUSTICE OR** judge shall participate as a member of the Commission  
23 in any proceedings involving that **JUSTICE'S OR** judge's own conduct, and the Governor  
24 shall appoint another **JUSTICE OR** judge as a substitute member of the Commission for  
25 those proceedings.

26 (5) The **[Court of Appeals] SUPREME COURT OF MARYLAND** shall  
27 prescribe by rule the means to implement and enforce the powers of the Commission and  
28 the practice and procedure before the Commission.

29 (b) (1) Upon any recommendation of the Commission, the **[Court of Appeals]**  
30 **SUPREME COURT OF MARYLAND**, after a hearing and upon a finding of misconduct while  
31 in office, or of persistent failure to perform the duties of the office, or of conduct prejudicial  
32 to the proper administration of justice, may remove the **JUSTICE OR** judge from office or  
33 may censure or otherwise discipline the **JUSTICE OR** judge, or the **[Court of Appeals]**  
34 **SUPREME COURT OF MARYLAND**, after hearing and upon a finding of disability which is  
35 or is likely to become permanent and which seriously interferes with the performance of

1 the **JUSTICE'S OR** judge's duties, may retire the **JUSTICE OR** judge from office.

2 (2) A **JUSTICE OR** judge removed under this section, and the **JUSTICE'S**  
3 **OR** judge's surviving spouse, shall have the rights and privileges accruing from the  
4 **JUSTICE'S OR** judge's judicial service only to the extent prescribed by the order of removal.

5 (3) A **JUSTICE OR** judge retired under this section shall have the rights  
6 and privileges prescribed by law for other retired judges.

7 (4) No [judge] **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF**  
8 **MARYLAND** shall sit in judgment in any hearing involving that [judge's] **JUSTICE'S** own  
9 conduct.

10 (c) This section is alternative to, and cumulative with, the methods of retirement  
11 and removal provided in Sections 3 and 4 of this Article, and in Section 26 of Article III of  
12 this Constitution.

13 5A.

14 (a) A vacancy in the office of a judge of an appellate court, whether occasioned by  
15 the death, resignation, removal, retirement, disqualification by reason of age, or rejection  
16 by the voters of an incumbent, the creation of the office of a judge, or otherwise, shall be  
17 filled as provided in this section.

18 (b) Upon the occurrence of a vacancy the Governor shall appoint, by and with the  
19 advice and consent of the Senate, a person duly qualified to fill said office who shall hold  
20 the same until the election for continuance in office as provided in subsections (c) and (d).

21 (c) The continuance in office of a [judge] **JUSTICE** of the [Court of Appeals]  
22 **SUPREME COURT OF MARYLAND** is subject to approval or rejection by the registered  
23 voters of the appellate judicial circuit from which he was appointed at the next general  
24 election following the expiration of one year from the date of the occurrence of the vacancy  
25 which he was appointed to fill, and at the general election next occurring every ten years  
26 thereafter.

27 (d) The continuance in office of a judge of the [Court of Special Appeals]  
28 **MARYLAND APPELLATE COURT** is subject to approval or rejection by the registered  
29 voters of the geographical area prescribed by law at the next general election following the  
30 expiration of one year from the date of the occurrence of the vacancy which he was  
31 appointed to fill, and at the general election next occurring every ten years thereafter.

32 (e) The approval or rejection by the registered voters of a judge as provided for in  
33 subsections (c) and (d) shall be a vote for the judge's retention in office for a term of ten  
34 years or his removal. The judge's name shall be on the appropriate ballot, without  
35 opposition, and the voters shall vote yes or no for his retention in office. If the voters reject  
36 the retention in office of a judge, or if the vote is tied, the office becomes vacant ten days

1 after certification of the election returns.

2 (f) An appellate court judge shall retire when he attains his seventieth birthday.

3 (g) A member of the General Assembly who is otherwise qualified for  
4 appointment to judicial office is not disqualified by reason of his membership in a General  
5 Assembly which proposed or enacted any constitutional amendment or statute affecting the  
6 method of selection. Continuance in office, or retirement or removal of a judge, the creation  
7 or abolition of a court, an increase or decrease in the number of judges of any court, or an  
8 increase or decrease in the salary, pension or other allowances of any judge.

9 10.

10 (a) (1) The Clerks of the Courts shall have charge and custody of records and  
11 other papers and shall perform all the duties which appertain to their offices, as are  
12 regulated by Law.

13 (2) The office and business of the Clerks, in all their departments, shall be  
14 subject to and governed in accordance with rules adopted by the [Court of Appeals]  
15 **SUPREME COURT OF MARYLAND** pursuant to Section 18 of this article.

16 (b) The offices of the Clerks shall be funded through the State budget. All fees,  
17 commissions, or other revenues established by Law for these offices shall be State revenues,  
18 unless provided otherwise by the General Assembly.

19 14.

20 The [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be composed of  
21 seven [judges] **JUSTICES**, one from the First Appellate Judicial Circuit consisting of  
22 Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and  
23 Worcester Counties; one from the Second Appellate Judicial Circuit consisting of Baltimore  
24 and Harford Counties; one from the Third Appellate Judicial Circuit, consisting of  
25 Allegany, Carroll, Frederick, Garrett, Howard, and Washington Counties; one from the  
26 Fourth Appellate Judicial Circuit, consisting of Prince George's County; one from the Fifth  
27 Appellate Judicial Circuit, consisting of Anne Arundel, Calvert, Charles, and St. Mary's  
28 Counties; one from the Sixth Appellate Judicial Circuit, consisting of Baltimore City; and  
29 one from the Seventh Appellate Judicial Circuit, consisting of Montgomery County. The  
30 [Judges] **JUSTICES** of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be  
31 residents of their respective Appellate Judicial Circuits. The term of each [Judge] **JUSTICE**  
32 of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall begin on the date of his  
33 qualification. One of the [Judges] **JUSTICES** of the [Court of Appeals] **SUPREME COURT**  
34 **OF MARYLAND** shall be designated by the Governor as the [Chief Judge] **CHIEF JUSTICE**.  
35 The jurisdiction of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be  
36 co-extensive with the limits of the State and such as now is or may hereafter be prescribed  
37 by law. It shall hold its sessions in the City of Annapolis at such time or times as it shall  
38 from time to time by rule prescribe. Its session or sessions shall continue not less than ten

1 months in each year, if the business before it shall so require, and it shall be competent for  
2 the [judges] **JUSTICES** temporarily to transfer their sittings elsewhere upon sufficient  
3 cause. The salary of each [Judge] **JUSTICE** of the [Court of Appeals] **SUPREME COURT**  
4 **OF MARYLAND** shall be that now or hereafter prescribed by the General Assembly and  
5 shall not be diminished during his continuance in office. Five of the [judges] **JUSTICES**  
6 shall constitute a quorum, and five [judges] **JUSTICES** shall sit in each case unless the  
7 [Court] **SUPREME COURT OF MARYLAND** shall direct that an additional [judge or  
8 judges] **JUSTICE OR JUSTICES** sit for any case. The concurrence of a majority of those  
9 sitting shall be sufficient for the decision of any cause, and an equal division of those sitting  
10 in a case has the effect of affirming the decision appealed from if there is no application for  
11 reargument as hereinafter provided. In any case where there is an equal division or a three  
12 to two division of the [Court] **SUPREME COURT OF MARYLAND** a reargument before the  
13 full Court of seven [judges] **JUSTICES** shall be granted to the losing party upon application  
14 as a matter of right.

15 15.

16 Any [judge] **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**  
17 or of an intermediate court of appeal who heard the cause below either as a trial judge or  
18 as a judge of any intermediate court of appeal as the case may be shall not participate in  
19 the decision. In every case an opinion, in writing, shall be filed within three months after  
20 the argument, or submission of the cause; and the judgment of the [Court of Appeals]  
21 **SUPREME COURT OF MARYLAND** shall be final and conclusive.

22 16.

23 Provision shall be made by Law for publishing Reports of all causes, argued and  
24 determined in the [Court of Appeals] **SUPREME COURT OF MARYLAND** and in the  
25 intermediate courts of appeal, which the **JUSTICES OR** judges thereof, respectively, shall  
26 designate as proper for publication.

27 17.

28 There shall be a Clerk of the [Court of Appeals] **SUPREME COURT OF MARYLAND**,  
29 who shall be appointed by and shall hold his office at the pleasure of said [Court of Appeals]  
30 **SUPREME COURT OF MARYLAND**.

31 18.

32 (a) The [Court of Appeals] **SUPREME COURT OF MARYLAND** from time to time  
33 shall adopt rules and regulations concerning the practice and procedure in and the  
34 administration of the appellate courts and in the other courts of this State, which shall  
35 have the force of law until rescinded, changed or modified by the [Court of Appeals]  
36 **SUPREME COURT OF MARYLAND** or otherwise by law. The power of courts other than  
37 the [Court of Appeals] **SUPREME COURT OF MARYLAND** to make rules of practice and

1 procedure, or administrative rules, shall be subject to the rules and regulations adopted by  
2 the [Court of Appeals] **SUPREME COURT OF MARYLAND** or otherwise by law.

3 (b) (1) The [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals]  
4 **SUPREME COURT OF MARYLAND** shall be the administrative head of the Judicial system  
5 of the State. The [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME**  
6 **COURT OF MARYLAND** shall from time to time require, from each of the judges of the  
7 Circuit Courts, of the District Court and of any intermediate courts of appeal, reports as to  
8 the judicial work and business of each of the judges and their respective courts.

9 (2) Subject to paragraphs (3) and (4) of this subsection, the [Chief Judge]  
10 **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND** may, in  
11 case of a vacancy, or of the illness, disqualification or other absence of a **JUSTICE OR** judge  
12 or for the purpose of relieving an accumulation of business in any court assign any **JUSTICE**  
13 **OR** judge except a judge of the Orphans' Court to sit temporarily in any court except an  
14 Orphans' Court.

15 (3) A retired judge of the Circuit Court for Montgomery County that sits as  
16 the Orphans' Court for Montgomery County may be assigned by the [Chief Judge] **CHIEF**  
17 **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon approval of  
18 a majority of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, to do an act that  
19 a judge of the Orphans' Court for Montgomery County is authorized to perform.

20 (4) A retired judge of the Circuit Court for Harford County that sits as the  
21 Orphans' Court for Harford County may be assigned by the [Chief Judge] **CHIEF JUSTICE**  
22 of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, upon approval of a majority  
23 of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, to do an act that a judge of  
24 the Orphans' Court for Harford County is authorized to perform.

25 (5) Any judge assigned by the [Chief Judge] **CHIEF JUSTICE** of the [Court  
26 of Appeals] **SUPREME COURT OF MARYLAND** pursuant to this section has all the power  
27 and authority pertaining to a **JUSTICE OR** judge of the court to which the **JUSTICE OR**  
28 judge is so assigned; and the **JUSTICE'S OR** judge's power and authority shall continue  
29 with respect to all cases (including any motion, or other matters incidental thereto) which  
30 may come before the **JUSTICE OR** judge by virtue of such assignment until the **JUSTICE'S**  
31 **OR** judge's action thereon shall be completed. In the absence of the [Chief Judge] **CHIEF**  
32 **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, the provisions of  
33 this section shall be applicable to the senior judge present in the [Court of Appeals]  
34 **SUPREME COURT OF MARYLAND**. The powers of the [Chief Judge] **CHIEF JUSTICE** set  
35 forth in this section shall be subject to any rule or regulation adopted by the [Court of  
36 Appeals] **SUPREME COURT OF MARYLAND**.

37 22.

38 Where any trial is conducted by less than three Circuit Judges, upon the decision or

1 determination of any point, or question, by the Court, it shall be competent to the party,  
2 against whom the ruling or decision is made, upon motion, to have the point, or question  
3 reserved for the consideration of three Judges of the Circuit, who shall constitute a court  
4 in banc for such purpose; and the motion for such reservation shall be entered of record,  
5 during the sitting at which such decision may be made; and the procedure for appeals to  
6 the Circuit Court in banc shall be as provided by the Maryland Rules. The decision of the  
7 said Court in banc shall be the effective decision in the premises, and conclusive, as against  
8 the party at whose motion said points, or questions were reserved; but such decision in banc  
9 shall not preclude the right of Appeal by an adverse party who did not seek in banc review,  
10 in those cases, civil or criminal, in which appeal to the [Court of Special Appeals]  
11 **MARYLAND APPELLATE COURT** may be allowed by Law. The right of having questions  
12 reserved shall not, however, apply to trials of Appeals from judgments of the District Court,  
13 nor to criminal cases below the grade of felony, except when the punishment is confinement  
14 in the Penitentiary; and this Section shall be subject to such provisions as may hereafter  
15 be made by Law.

16 41E.

17 The [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF**  
18 **MARYLAND** shall designate one judge of the District Court as Chief Judge of that Court,  
19 to serve as Chief Judge at [his] **THE CHIEF JUSTICE OF THE SUPREME COURT OF**  
20 **MARYLAND'S** pleasure. The Chief Judge of the District Court may assign administrative  
21 duties to other judges of the District Court and shall perform such other duties in the  
22 administration of the District Court as may be prescribed by rule or by law.

## 23 **Article V – Attorney–General and State’s Attorneys**

24 6.

25 It shall be the duty of the Clerk of the [Court of Appeals] **SUPREME COURT OF**  
26 **MARYLAND** and the Clerks of any intermediate courts of appeal, respectively, whenever a  
27 case shall be brought into said Courts, in which the State is a party or has interest,  
28 immediately to notify the Attorney General thereof.

## 29 **Article XVII – Quadrennial Elections**

30 3.

31 All State and county officers elected by qualified voters (except judges of the Circuit  
32 Courts, judges of the Supreme Bench of Baltimore City, [judges of the Court of Appeals]  
33 **JUSTICES OF THE SUPREME COURT OF MARYLAND** and judges of any intermediate  
34 courts of appeal) shall hold office for terms of four years, and until their successors shall  
35 qualify.

36 **SECTION 2. AND BE IT FURTHER ENACTED,** That, as provided in this Act:

1 (a) The Supreme Court of Maryland is the successor of the Court of Appeals.

2 (b) The Maryland Appellate Court is the successor of the Court of Special Appeals.

3 (c) A Justice of the Supreme Court of Maryland is the successor to a Judge of the  
4 Court of Appeals.

5 (d) The Chief Justice of the Supreme Court of Maryland is the successor to the  
6 Chief Judge of the Court of Appeals.

7 (e) In every law, executive order, rule, regulation, policy, or document created by  
8 an official, an employee, or a unit of this State, the names and titles of those units and  
9 officials mean the names and titles of the successor unit or official.

10 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act affects the  
11 term of office of an appointed or elected member of any commission, office, department,  
12 agency, or other unit. An individual who is a member of a unit on the effective date of this  
13 Act shall remain for the balance of the term to which appointed or elected, unless the  
14 member sooner dies, resigns, or is removed under provisions of law.

15 SECTION 4. AND BE IT FURTHER ENACTED, That any transaction or  
16 employment status affected by or flowing from any change of nomenclature or any statute  
17 amended by this Act and validly entered into or existing before the effective date of this Act  
18 and every right, duty, or interest flowing from a statute amended by this Act remains valid  
19 after the effective date of this Act and may be terminated, completed, consummated, or  
20 enforced as required or allowed by any statute amended by this Act as though the  
21 amendment had not occurred. If a change in nomenclature involves a change in name or  
22 designation of any State unit, the successor unit shall be considered in all respects as  
23 having the powers and obligations granted the former unit.

24 SECTION 5. AND BE IT FURTHER ENACTED, That:

25 (1) the continuity of every commission, office, department, agency, or other  
26 unit is retained; and

27 (2) the personnel, records, files, furniture, fixtures, and other properties  
28 and all appropriations, credits, assets, liabilities, and obligations of each retained unit are  
29 continued as the personnel, records, files, furniture, fixtures, properties, appropriations,  
30 credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

31 SECTION 6. AND BE IT FURTHER ENACTED, That letterhead, business cards,  
32 and other documents reflecting the renaming of the Court of Appeals to the Supreme Court  
33 of Maryland, the renaming of the Court of Special Appeals to the Maryland Appellate  
34 Court, the renaming of a Judge of the Court of Appeals to a Justice of the Supreme Court  
35 of Maryland, or the renaming of the Chief Judge of the Court of Appeals to the Chief Justice  
36 of the Supreme Court of Maryland may not be used until all letterhead, or business cards,  
37 and other documents already in print and reflecting the name of the Court of Appeals, the

1 Court of Special Appeals, a Judge of the Court of Appeals, or the Chief Judge of the Court  
2 of Appeals before the effective date of this Act have been used.

3 SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the  
4 Annotated Code of Maryland, in consultation with and subject to the approval of the  
5 Department of Legislative Services, shall correct, with no further action required by the  
6 General Assembly, cross-references and terminology rendered incorrect by this Act. The  
7 publisher shall adequately describe any correction made in an editor's note following the  
8 section affected.

9 SECTION 8. AND BE IT FURTHER ENACTED, That the General Assembly  
10 determines that the amendment to the Maryland Constitution proposed by Section 1 of this  
11 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland  
12 Constitution concerning local approval of constitutional amendments do not apply.

13 SECTION 9. AND BE IT FURTHER ENACTED, That the amendment to the  
14 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
15 voters of the State at the next general election to be held in November 2020 for adoption or  
16 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
17 the vote on the proposed amendment to the Constitution shall be by ballot, and on each  
18 ballot there shall be printed the words "For the Constitutional Amendment" and "Against  
19 the Constitutional Amendment", as now provided by law. Immediately after the election,  
20 all returns shall be made to the Governor of the vote for and against the proposed  
21 amendment, as directed by Article XIV of the Maryland Constitution, and further  
22 proceedings had in accordance with Article XIV.