

# HOUSE BILL 985

G1

CONSTITUTIONAL AMENDMENT

11r2440

---

By: **Delegate Impallaria**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – State Officials – Recall Election**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to provide that  
4 certain State officials are subject to a recall election; requiring that the recall of a  
5 certain State official be proposed by the filing of a petition for recall with the  
6 Secretary of State; prohibiting a petition for recall from being filed within a certain  
7 number of days at the beginning of the term of a certain State official; providing that  
8 a petition for recall is sufficient if it has certain signatures that are equal in number  
9 to at least a certain percentage of certain votes; requiring the Secretary of State to  
10 certify the petition for recall and refer it to a vote under certain circumstances;  
11 requiring the special recall election to be held within a certain number of days after  
12 the certification of a certain petition; and submitting the amendment to the qualified  
13 voters of the State for their adoption or rejection.

14 BY proposing an addition to the Maryland Constitution  
15 New Article XVII–A – Recall Elections  
16 Section 1 through 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 XVII–A – RECALL ELECTIONS**

21 **1.**

22 **THE FOLLOWING STATE OFFICIALS ARE SUBJECT TO A RECALL ELECTION:**

23 **(1) THE GOVERNOR;**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) THE LIEUTENANT GOVERNOR;**

2           **(3) THE ATTORNEY GENERAL; AND**

3           **(4) THE COMPTROLLER.**

4   **2.**

5           **(A) THE RECALL OF A STATE OFFICIAL LISTED IN SECTION 1 OF THIS**  
6 **ARTICLE SHALL BE PROPOSED BY THE FILING OF A PETITION FOR RECALL WITH THE**  
7 **SECRETARY OF STATE.**

8           **(B) A PETITION FOR RECALL MAY NOT BE FILED DURING THE FIRST 120**  
9 **DAYS OF THE TERM OF OFFICE OF A STATE OFFICIAL SUBJECT TO RECALL.**

10 **3.**

11           **(A) A PETITION FOR RECALL SHALL BE SUFFICIENT IF IT HAS SIGNATURES**  
12 **FROM REGISTERED VOTERS THAT ARE EQUAL IN NUMBER TO AT LEAST 25% OF THE**  
13 **NUMBER OF VOTES CAST IN THE STATE AT THE LAST PRECEDING GUBERNATORIAL**  
14 **ELECTION.**

15           **(B) IF A PETITION FOR RECALL FILED WITH THE SECRETARY OF STATE HAS**  
16 **THE REQUIRED NUMBER OF SIGNATURES, THE SECRETARY OF STATE SHALL**  
17 **CERTIFY THE PETITION FOR RECALL AND REFER IT TO A VOTE.**

18           **(C) THE SPECIAL RECALL ELECTION SHALL BE HELD WITHIN 120 DAYS**  
19 **AFTER THE CERTIFICATION OF THE PETITION.**

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

24           SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the  
25 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
26 voters of the State at the next general election to be held in November 2022 for adoption or  
27 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
28 the vote on the proposed amendment to the Constitution shall be by ballot, and on each  
29 ballot there shall be printed the words “For the Constitutional Amendment” and “Against  
30 the Constitutional Amendment”, as now provided by law. Immediately after the election,  
31 all returns shall be made to the Governor of the vote for and against the proposed  
32 amendment, as directed by Article XIV of the Maryland Constitution, and further  
33 proceedings had in accordance with Article XIV.