

# HOUSE BILL 885

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HB 474/20 – JUD

CONSTITUTIONAL AMENDMENT

11r2267  
CF 11r2265

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By: **Delegate R. Watson**

Introduced and read first time: January 29, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

AN ACT concerning

### **Courts of Appeals and Special Appeals – Renaming**

FOR the purpose of proposing an amendment to the Maryland Constitution to change the name of the Court of Appeals to be the Supreme Court of Maryland, to change the name of the Court of Special Appeals to be the Appellate Court of Maryland, to change the name of a Judge of the Court of Appeals to be a Justice of the Supreme Court of Maryland, and to change the name of the Chief Judge of the Court of Appeals to be the Chief Justice of the Supreme Court of Maryland; providing that the Supreme Court of Maryland is the successor to the Court of Appeals; providing that the Appellate Court of Maryland is the successor to the Court of Special Appeals; providing that a Justice of the Supreme Court of Maryland is the successor to a Judge of the Court of Appeals; providing that the Chief Justice of the Supreme Court of Maryland is the successor to the Chief Judge of the Court of Appeals; providing that the Chief Judge of the Appellate Court of Maryland is the successor to the Chief Judge of the Court of Special Appeals; providing that a Judge of the Appellate Court of Maryland is the successor to a Judge of the Court of Special Appeals; providing that the Clerk of the Supreme Court of Maryland is the successor the Clerk of the Court of Appeals; providing that the Clerk of the Appellate Court of Maryland is the successor to the Clerk of the Court of Special Appeals; providing that certain names and titles of a certain unit and officials in laws and other documents mean the names and titles of the successor unit and officials; providing for the continuity of certain matters and persons; providing that letterhead, business cards, and other documents reflecting the renaming of the Court of Appeals, the Court of Special Appeals, a Judge of the Court of Appeals, and the Chief Judge of the Court of Appeals may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Court of Appeals, the Court of Special Appeals, a Judge of the Court of Appeals, and the Chief Judge of the Court of Appeals before the effective date of this Act are used; changing references to the Court of Appeals, the Court of Special Appeals, a Judge of the Court of Appeals, and the Chief Judge of the Court of Appeals in the Annotated Code of Maryland to the Supreme Court of Maryland, the Appellate Court of Maryland, a Justice of the Supreme Court of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Maryland, and the Chief Justice of the Supreme Court of Maryland, respectively, on the passage and ratification of a certain constitutional amendment; making stylistic changes; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to describe any corrections made in an editor's note following the section affected; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

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

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

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

BY proposing an amendment to the Maryland Constitution  
 Article V – Attorney-General and State's Attorneys  
 Section 6

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

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

### **Article II – Executive Department**

6.

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

(b) The Lieutenant Governor shall serve as acting Governor when notified in writing by the Governor that the Governor will be temporarily unable to perform the duties of [his] **THE GOVERNOR'S** office. The Lieutenant Governor also shall serve as acting Governor when the Governor is disabled but is unable to communicate to the Lieutenant

Governor the fact of [his] **THE GOVERNOR'S** inability to perform the duties of [his] **THE GOVERNOR'S** office. In either event the Lieutenant Governor shall serve as acting Governor until notified in writing by the Governor that [he] **THE GOVERNOR** is able to resume the duties of [his] **THE GOVERNOR'S** office or until the office becomes vacant.

(c) The General Assembly, by the affirmative vote of three-fifths of all its members in joint session, may adopt a resolution declaring that the Governor or Lieutenant Governor is unable by reason of physical or mental disability to perform the duties of [his] **THE** office. When action is undertaken pursuant to this subsection of the Constitution, the officer who concludes that the other officer is unable, by reason of disability to perform the duties of [his] **THE** office shall have the power to call the General Assembly into Joint Session. The resolution, if adopted, shall be delivered to the [Court of Appeals] **SUPREME COURT OF MARYLAND**, which then shall have exclusive jurisdiction to determine whether that officer is unable by reason of the disability to perform the duties of [his] **THE** office. If the [Court of Appeals] **SUPREME COURT OF MARYLAND** determines that such officer is unable to discharge the duties of [his] **THE** office by reason of a permanent disability, the office shall be vacant. If the [Court of Appeals] **SUPREME COURT OF MARYLAND** determines that such officer is unable to discharge the duties of [his] **THE** office by reason of a temporary disability, it shall declare the office to be vacant during the time of the disability and the Court shall have continuing jurisdiction to determine when the disability has terminated. If the General Assembly and the [Court of Appeals] **SUPREME COURT OF MARYLAND**, acting in the same manner as described above, determine that the Governor-elect or Lieutenant Governor-elect is unable by reason of physical or mental disability to perform the duties of the **ELECTED** office [to which he has been elected], [he] **THE ELECTED OFFICER** shall be disqualified to assume office.

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

(e) If vacancies in the offices of Governor and Lieutenant Governor exist at the same time, the General Assembly shall convene forthwith, and the office of Governor shall be filled for the remainder of the term by the affirmative vote of a majority of all members of the General Assembly in joint session. The person so chosen as Governor by the General Assembly shall then nominate a person to succeed to the office of Lieutenant Governor, upon confirmation by the affirmative vote of a majority of all members of the General Assembly in the same joint session. The President of the Senate shall serve as acting Governor until the newly elected Governor has qualified. If a vacancy exists in the office of Lieutenant Governor, at a time when the Lieutenant Governor is authorized to serve as acting Governor, the President of the Senate shall serve as acting Governor. If there is a vacancy in the office of the President of the Senate at a time when [he] **THE PRESIDENT** is authorized to serve as acting Governor, the Senate shall forthwith convene and fill the vacancy.

(f) When the Lieutenant Governor or a person elected by the General Assembly succeeds to the office of Governor, [he] **THE PERSON WHO SUCCEEDS TO THE OFFICE** shall have the title, powers, duties, and emoluments of that office; but when the Lieutenant Governor or the President of the Senate serves as acting Governor, [he] **THE ACTING GOVERNOR** shall have only the powers and duties of that office. When the President of the Senate serves as acting Governor, [he] **THE PRESIDENT** shall continue to be President of the Senate, but [his] **THE PRESIDENT'S** duties as president shall be performed by such other person as the Senate shall select.

(g) The [Court of Appeals] **SUPREME COURT OF MARYLAND** shall have original and exclusive jurisdiction to adjudicate disputes or questions arising from the failure of the Governor–elect to take office, or the service of the Lieutenant Governor or President of the Senate as acting Governor, or the creation of a vacancy in the office of Governor or Lieutenant Governor by reason of disability, or the succession to the office of Governor or Lieutenant Governor, or the exercise of the powers and duties of a successor to the office of Governor.

### Article III – Legislative Department

5.

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

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

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

30.

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

52.

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

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

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

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

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

(5a) The Budget and the Budget Bill as submitted by the Governor to the General Assembly shall have a figure for the total of all proposed appropriations and a figure for the total of all estimated revenues available to pay the appropriations, and the figure for total proposed appropriations shall not exceed the figure for total estimated revenues. Neither the Governor in submitting an amendment or supplement to the Budget Bill nor the General Assembly in amending the Budget Bill shall thereby cause the figure for total proposed appropriations to exceed the figure for total estimated revenues, including any revisions, and in the Budget Bill as enacted the figure for total estimated revenues always shall be equal to or exceed the figure for total appropriations.

(6) The General Assembly shall not amend the Budget Bill so as to affect either the obligations of the State under Section 34 of Article III of the Constitution, or the provisions made by the laws of the State for the establishment and maintenance of a system of public schools or the payment of any salaries required to be paid by the State of Maryland by the Constitution.

(6a) In enacting a balanced Budget Bill each fiscal year as required under this Section, the General Assembly may amend the bill by increasing or diminishing the items therein relating to the General Assembly, and by increasing or diminishing the items therein relating to the judiciary, but except as hereinbefore specified, may not alter the bill except to strike out or reduce items therein, provided, however, that the salary or compensation of any public officer may not be decreased during the public officer's term of office. When passed by both Houses, the Budget Bill shall be presented to the Governor for approval or disapproval according to Section 17 of Article II of this Constitution.

(6b) In enacting a balanced Budget Bill as required under this Section for fiscal year 2024 and each fiscal year thereafter, the General Assembly may amend the bill by increasing, diminishing, or adding items therein relating to the General Assembly, by increasing, diminishing, or adding items therein relating to the judiciary, and by increasing, diminishing, or adding items therein relating to the Executive Department, provided that the total of the appropriation for the Executive Department approved by the General Assembly does not exceed the total proposed appropriation for the Executive Department submitted by the Governor. The salary or compensation of any public officer

may not be decreased during the public officer's term of office. When passed by both Houses, the Budget Bill shall be a law immediately without further action by the Governor.

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

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

(9) Nothing in this section shall be construed as preventing the General Assembly from passing at any time, in accordance with the provisions of Section 28 of Article 3 of the Constitution and subject to the Governor's power of approval as provided in Section 17 of Article 2 of the Constitution, an appropriation bill to provide for the payment of any obligation of the State within the protection of Section 10 of Article 1 of the Constitution of the United States.

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

(11) For the purpose of making up the Budget, the Governor shall require from the proper State officials (including all executive departments, all executive and administrative offices, bureaus, boards, commissions and agencies that expend or supervise the expenditure of, and all institutions applying, for State moneys and appropriations) such itemized estimates and other information, in such form and at such times as directed by the Governor. An estimate for a program required to be funded by a law which will be in effect during the fiscal year covered by the Budget and which was enacted before July 1 of the fiscal year prior to that date shall provide a level of funding not less than that prescribed

in the law. The estimates for the Legislative Department, certified by the presiding officer of each House, of the Judiciary, as provided by law, certified by the [Chief Judge] **CHIEF JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND**, and for the public schools, as provided by law, shall be transmitted to the Governor, in such form and at such times as directed by the Governor, and shall be included in the Budget without revision.

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

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

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

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

#### **Article IV – Judiciary Department**

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] **THE** office for the term of fifteen years from the time of [his] **THE** election, and until [his] **THE JUDGE'S** successor is elected and qualified, or until [he] **THE JUDGE** shall have attained the age of seventy years, whichever may first happen, and be reeligible thereto until [he] **THE JUDGE** shall have attained the age of seventy years, and not after. In case of the inability of any of said Judges to discharge [his] **THE JUDGE'S** 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 a judge of the Orphans' Court for Harford County is authorized to perform.

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

4B.

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

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

(ii) Conduct hearings concerning such complaints, administer oaths and affirmations, issue process to compel the attendance of witnesses and the production

of evidence, and require persons to testify and produce evidence by granting them immunity from prosecution or from penalty or forfeiture.

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

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

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

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

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

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

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

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

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

this Constitution.

5A.

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

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

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

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

(e) The approval or rejection by the registered voters of a **JUSTICE OR** judge as provided for in subsections (c) and (d) shall be a vote for the **JUSTICE'S OR** judge's retention in office for a term of ten years or [his] **THE JUSTICE'S OR JUDGE'S** removal. The **JUSTICE'S OR** judge's name shall be on the appropriate ballot, without opposition, and the voters shall vote yes or no for [his] **THE JUSTICE'S OR JUDGE'S** retention in office. If the voters reject the retention in office of a **JUSTICE OR** judge, or if the vote is tied, the office becomes vacant ten days after certification of the election returns.

(f) An appellate court **JUSTICE OR** judge shall retire when [he] **THE JUSTICE OR JUDGE** attains [his] **THE JUSTICE'S OR JUDGE'S** seventieth birthday.

(g) A member of the General Assembly who is otherwise qualified for appointment to judicial office is not disqualified by reason of [his] **THE MEMBER'S** membership in a General Assembly which proposed or enacted any constitutional amendment or statute affecting the method of selection[. Continuance], **CONTINUANCE** in office, or retirement or removal of a **JUSTICE OR** judge, the creation or abolition of a court, an increase or decrease in the number of **JUSTICES OR** judges of any court, or an increase or decrease in the salary, pension or other allowances of any **JUSTICE OR** judge.

10.

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

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

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

14.

The [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be composed of seven [judges] **JUSTICES**, one from the First Appellate Judicial Circuit consisting of Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties; one from the Second Appellate Judicial Circuit consisting of Baltimore and Harford Counties; one from the Third Appellate Judicial Circuit, consisting of Allegany, Carroll, Frederick, Garrett, Howard, and Washington Counties; one from the Fourth Appellate Judicial Circuit, consisting of Prince George's County; one from the Fifth Appellate Judicial Circuit, consisting of Anne Arundel, Calvert, Charles, and St. Mary's Counties; one from the Sixth Appellate Judicial Circuit, consisting of Baltimore City; and one from the Seventh Appellate Judicial Circuit, consisting of Montgomery County. The [Judges] **JUSTICES** of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be residents of their respective Appellate Judicial Circuits. The term of each [Judge] **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall begin on the date of [his] **THE JUSTICE'S** qualification. One of the [Judges] **JUSTICES** of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be designated by the Governor as the [Chief Judge] **CHIEF JUSTICE**. The jurisdiction of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be co-extensive with the limits of the State and such as now is or may hereafter be prescribed by law. It shall hold its sessions in the City of Annapolis at such time or times as it shall from time to time by rule prescribe. Its session or sessions shall continue not less than ten months in each year, if the business before it shall so require, and it shall be competent for the [judges] **JUSTICES** temporarily to transfer their sittings elsewhere upon sufficient cause. The salary of each [Judge] **JUSTICE** of the [Court of Appeals] **SUPREME COURT OF MARYLAND** shall be that now or hereafter prescribed by the General Assembly and shall not be diminished during [his] **THE JUSTICE'S** continuance in office. Five of the [judges] **JUSTICES** shall constitute a quorum, and five [judges] **JUSTICES** shall sit in each case unless the [Court] **SUPREME COURT OF MARYLAND** shall direct that an additional [judge or judges] **JUSTICE OR JUSTICES** sit for any case. The concurrence of a majority of those sitting shall be sufficient for the decision of any cause, and an equal division of those sitting in a case has the effect of affirming the

decision appealed from if there is no application for reargument as hereinafter provided. In any case where there is an equal division or a three to two division of the [Court] **SUPREME COURT OF MARYLAND** a reargument before the full Court of seven [judges] **JUSTICES** shall be granted to the losing party upon application as a matter of right.

15.

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

16.

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

17.

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

18.

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

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

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

(3) 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.

(4) 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 a judge of the Orphans' Court for Harford County is authorized to perform.

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

22.

Where any trial is conducted by less than three Circuit Judges, upon the decision or determination of any point, or question, by the Court, it shall be competent to the party, against whom the ruling or decision is made, upon motion, to have the point, or question reserved for the consideration of three Judges of the Circuit, who shall constitute a court in banc for such purpose; and the motion for such reservation shall be entered of record, during the sitting at which such decision may be made; and the procedure for appeals to the Circuit Court in banc shall be as provided by the Maryland Rules. The decision of the said Court in banc shall be the effective decision in the premises, and conclusive, as against the party at whose motion said points, or questions were reserved; but such decision in banc shall not preclude the right of Appeal by an adverse party who did not seek in banc review, in those cases, civil or criminal, in which appeal to the [Court of Special Appeals]

**APPELLATE COURT OF MARYLAND** may be allowed by Law. The right of having questions reserved shall not, however, apply to trials of Appeals from judgments of the District Court, nor to criminal cases below the grade of felony, except when the punishment is confinement in the Penitentiary; and this Section shall be subject to such provisions as may hereafter be made by Law.

41E.

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

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

6.

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

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

3.

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

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

- (a) The Supreme Court of Maryland is the successor to the Court of Appeals.
- (b) The Appellate Court of Maryland is the successor to the Court of Special Appeals.
- (c) A Justice of the Supreme Court of Maryland is the successor to a Judge of the Court of Appeals.
- (d) The Chief Justice of the Supreme Court of Maryland is the successor to the Chief Judge of the Court of Appeals.

(e) The Chief Judge of the Appellate Court of Maryland is the successor to the Chief Judge of the Court of Special Appeals.

(f) A Judge of the Appellate Court of Maryland is the successor to a Judge of the Court of Special Appeals.

(g) The Clerk of the Supreme Court of Maryland is the successor to the Clerk of the Court of Appeals.

(h) The Clerk of the Appellate Court of Maryland is the successor to the Clerk of the Court of Special Appeals.

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

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

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

SECTION 5. AND BE IT FURTHER ENACTED, That:

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

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

SECTION 6. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the Court of Appeals to be the Supreme Court of Maryland, the renaming of the Court of Special Appeals to be the Appellate Court of Maryland, the renaming of a Judge of the Court of Appeals to be a Justice of the Supreme



Court of Maryland, or the renaming of the Chief Judge of the Court of Appeals to be the Chief Justice of the Supreme Court of Maryland may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Court of Appeals, the Court of Special Appeals, a Judge of the Court of Appeals, or the Chief Judge of the Court of Appeals before the effective date of this Act have been used.

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

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

SECTION 9. AND BE IT FURTHER ENACTED, That the amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2022 for adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment", as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.