SENATE BILL 24
CONSTITUTIONAL AMENDMENT
(PRE–FILED)

By: Senator Carter
Requested: October 5, 2021
Introduced and read first time: January 12, 2022
Assigned to: Executive Nominations

A BILL ENTITLED

AN ACT concerning

Court of Appeals – Chief Judge – Senate Confirmation

FOR the purpose of changing the method for appointing the Chief Judge of the Court of Appeals by requiring the Governor to obtain the advice and consent of the Senate on the appointment.

BY proposing an amendment to the Maryland Constitution

Article IV – Judiciary Department

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 IV – Judiciary Department

The Court of Appeals shall be composed of seven judges, 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 of the Court of Appeals shall be residents of their respective Appellate Judicial Circuits. The term of each Judge of the Court of Appeals shall begin on the date of his qualification. One of the Judges of the Court of Appeals shall be

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
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[designated] NOMINATED AND, BY AND WITH THE ADVICE AND CONSENT OF THE
SENATE, APPOINTED by the Governor as the Chief Judge. The jurisdiction of the Court of
Appeals 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 temporarily to transfer their sittings elsewhere
upon sufficient cause. The salary of each Judge of the Court of Appeals shall be that now
or hereafter prescribed by the General Assembly and shall not be diminished during his
continuance in office. Five of the judges shall constitute a quorum, and five judges shall sit
in each case unless the Court shall direct that an additional judge or judges 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 a reargument before
the full Court of seven judges shall be granted to the losing party upon application as a
matter of right.

SECTION 2. 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 3. 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.