

SENATE BILL 24

D1

CONSTITUTIONAL AMENDMENT
(PRE-FILED)

2lr0629

By: **Senator Carter**

Requested: October 5, 2021

Introduced and read first time: January 12, 2022

Assigned to: Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Court of Appeals – Chief Judge – Senate Confirmation**

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

6 BY proposing an amendment to the Maryland Constitution

7 Article IV – Judiciary Department

8 Section 14

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

12 **Article IV – Judiciary Department**

13 14.

14 The Court of Appeals shall be composed of seven judges, one from the First Appellate
15 Judicial Circuit consisting of Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset,
16 Talbot, Wicomico, and Worcester Counties; one from the Second Appellate Judicial Circuit
17 consisting of Baltimore and Harford Counties; one from the Third Appellate Judicial
18 Circuit, consisting of Allegany, Carroll, Frederick, Garrett, Howard, and Washington
19 Counties; one from the Fourth Appellate Judicial Circuit, consisting of Prince George's
20 County; one from the Fifth Appellate Judicial Circuit, consisting of Anne Arundel, Calvert,
21 Charles, and St. Mary's Counties; one from the Sixth Appellate Judicial Circuit, consisting
22 of Baltimore City; and one from the Seventh Appellate Judicial Circuit, consisting of
23 Montgomery County. The Judges of the Court of Appeals shall be residents of their
24 respective Appellate Judicial Circuits. The term of each Judge of the Court of Appeals shall
25 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.



1 [designated] **NOMINATED AND, BY AND WITH THE ADVICE AND CONSENT OF THE**
2 **SENATE, APPOINTED** by the Governor as the Chief Judge. The jurisdiction of the Court of
3 Appeals shall be co-extensive with the limits of the State and such as now is or may
4 hereafter be prescribed by law. It shall hold its sessions in the City of Annapolis at such
5 time or times as it shall from time to time by rule prescribe. Its session or sessions shall
6 continue not less than ten months in each year, if the business before it shall so require,
7 and it shall be competent for the judges temporarily to transfer their sittings elsewhere
8 upon sufficient cause. The salary of each Judge of the Court of Appeals shall be that now
9 or hereafter prescribed by the General Assembly and shall not be diminished during his
10 continuance in office. Five of the judges shall constitute a quorum, and five judges shall sit
11 in each case unless the Court shall direct that an additional judge or judges sit for any case.
12 The concurrence of a majority of those sitting shall be sufficient for the decision of any
13 cause, and an equal division of those sitting in a case has the effect of affirming the decision
14 appealed from if there is no application for reargument as hereinafter provided. In any case
15 where there is an equal division or a three to two division of the Court a reargument before
16 the full Court of seven judges shall be granted to the losing party upon application as a
17 matter of right.

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

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