

HOUSE BILL 417

G1, P5
SB 73/22 – EHE

CONSTITUTIONAL AMENDMENT

3lr0586

By: **Delegates Foley, Acevero, Boaf, Edelson, Fair, Fraser–Hidalgo, Guyton, Kaufman, Lehman, J. Long, Palakovich Carr, Qi, Ruth, Shetty, Solomon, Stewart, Terrasa, and Vogel**

Introduced and read first time: January 30, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Special Election to Fill a Vacancy in Office**

3 FOR the purpose of requiring that a special election be held at the same time as the regular
4 statewide primary and general elections that are held in the second year of a term
5 to fill a vacancy in the office of Delegate or Senator in the General Assembly if the
6 vacancy occurs on or before a certain date.

7 BY proposing an amendment to the Maryland Constitution
8 Article III – Legislative Department
9 Section 13

10 BY proposing an amendment to the Maryland Constitution
11 Article XVII – Quadrennial Elections
12 Section 2

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

16 **Article III – Legislative Department**

17 13.

18 (a) (1) In case of death, disqualification, resignation, refusal to act, expulsion,
19 or removal from the county or city for which he shall have been elected, of any person who
20 shall have been chosen as a Delegate or Senator, or in case of a tie between two or more
21 such qualified persons, the Governor shall appoint a person to fill such vacancy from a
22 person whose name shall be submitted to him in writing, within thirty days after the
23 occurrence of the vacancy, by the Central Committee of the political party, if any, with

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 which the Delegate or Senator, so vacating, had been affiliated, at the time of the last
2 election or appointment of the vacating Senator or Delegate, in the County or District from
3 which he or she was appointed or elected, provided that the appointee shall be of the same
4 political party, if any, as was that of the Delegate or Senator, whose office is to be filled, at
5 the time of the last election or appointment of the vacating Delegate or Senator, and it shall
6 be the duty of the Governor to make said appointment within fifteen days after the
7 submission thereof to him.

8 (2) If a name is not submitted by the Central Committee within thirty days
9 after the occurrence of the vacancy, the Governor within another period of fifteen days shall
10 appoint a person, who shall be affiliated with the same political party, if any as was that of
11 the Delegate or Senator, whose office is to be filled, at the time of the last election or
12 appointment of the vacating Delegate or Senator, and who is otherwise properly qualified
13 to hold the office of Delegate or Senator in the District or County.

14 (3) In the event there is no Central Committee in the County or District
15 from which said vacancy is to be filled, the Governor shall within fifteen days after the
16 occurrence of such vacancy appoint a person, from the same political party, if any, as that
17 of the vacating Delegate or Senator, at the time of the last election or appointment of the
18 vacating Senator or Delegate, who is otherwise properly qualified to hold the office of
19 Delegate or Senator in such District or County.

20 [(4) In every case when any person is so appointed by the Governor, his
21 appointment shall be deemed to be for the unexpired term of the person whose office has
22 become vacant.]

23 (b) In addition, and in submitting a name to the Governor to fill a vacancy in a
24 Legislative or Delegate district, as the case may be, in any of the twenty-three counties of
25 Maryland, the Central Committee or committees shall follow these provisions:

26 (1) If the vacancy occurs in a district having the same boundaries as a
27 county, the Central Committee of the county shall submit the name of a resident of the
28 district.

29 (2) If the vacancy occurs in a district which has boundaries comprising a
30 portion of one county, the Central Committee of that county shall submit the name of a
31 resident of the district.

32 (3) If the vacancy occurs in a district which has boundaries comprising a
33 portion or all of two or more counties, the Central Committee of each county involved shall
34 have one vote for submitting the name of a resident of the district; and if there is a tie vote
35 between or among the Central Committees, the list of names there proposed shall be
36 submitted to the Governor, and he shall make the appointment from the list.

37 (C) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
38 **AN INDIVIDUAL APPOINTED UNDER THIS SECTION SHALL SERVE UNTIL A**
39 **SUCCESSOR IS ELECTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO FILL THE**

1 REMAINDER OF THE TERM.

2 (2) AN INDIVIDUAL APPOINTED UNDER THIS SECTION SHALL SERVE
3 FOR THE REMAINDER OF THE TERM IF THE VACANCY OCCURS AFTER THE DATE THAT
4 IS FIFTY-FIVE DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF
5 CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND
6 YEAR OF THE TERM.

7 (3) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS
8 FIFTY-FIVE DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY
9 FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF
10 THE TERM, THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER
11 THE OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY
12 ELECTION AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME
13 AS THE REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE
14 GENERAL ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.

15 **Article XVII – Quadrennial Elections**

16 2.

17 (A) [Except for a special election that may be authorized to fill a vacancy in a
18 County Council or a vacancy in the office of chief executive officer or County Executive,
19 under Article XI–A, Section 3 of the Constitution,] **EXCEPT AS PROVIDED IN**
20 **SUBSECTION (B) OF THIS SECTION**, elections by qualified voters for State and county
21 officers shall be held on the Tuesday next after the first Monday of November, in the year
22 nineteen hundred and twenty–six, and on the same day in every fourth year thereafter.

23 (B) **THIS SECTION DOES NOT APPLY TO A SPECIAL ELECTION:**

24 (1) **TO FILL A VACANCY IN A COUNTY COUNCIL OR A VACANCY IN THE**
25 **OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE UNDER ARTICLE**
26 **XI–A, § 3 OF THE CONSTITUTION; OR**

27 (2) **TO FILL A VACANCY IN THE OFFICE OF DELEGATE OR SENATOR IN**
28 **THE GENERAL ASSEMBLY UNDER ARTICLE III, § 13(C) OF THE CONSTITUTION.**

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

33 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
34 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
35 voters of the State at the next general election to be held in November 2024 for adoption or

1 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
2 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
3 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
4 the Constitutional Amendment”, as now provided by law. Immediately after the election,
5 all returns shall be made to the Governor of the vote for and against the proposed
6 amendment, as directed by Article XIV of the Maryland Constitution, and further
7 proceedings had in accordance with Article XIV.