

HOUSE BILL 288

G1, P1

CONSTITUTIONAL AMENDMENT

6lr0371
CF 6lr2803

By: **Delegates Moon, Hixson, Gutierrez, Kelly, Luedtke, Platt, Smith, Tarlau, and M. Washington**

Introduced and read first time: January 26, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Attorney General and Comptroller – Special Elections to Fill a Vacancy**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to require an
4 individual appointed by the Governor to fill a vacancy in the offices of either the
5 Attorney General or the Comptroller to serve until a successor is elected to fill the
6 remainder of the term, except in certain circumstances; requiring an individual
7 appointed by the Governor to fill a vacancy in the offices of either the Attorney
8 General or the Comptroller to serve for the remainder of the term if the vacancy
9 occurs after a certain date; requiring that a special election be held at the same time
10 as a certain regular statewide election to fill a vacancy in the offices of either the
11 Attorney General or the Comptroller if the vacancy occurs on or before a certain date;
12 generally relating to filling vacancies in the offices of either the Attorney General or
13 the Comptroller by special election; and submitting this amendment to the qualified
14 voters of the State for their adoption or rejection.

15 BY proposing an amendment to the Maryland Constitution
16 Article V – Attorney–General and State’s Attorneys
17 Section 5

18 BY proposing an amendment to the Maryland Constitution
19 Article VI – Treasury Department
20 Section 1

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

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

25 5.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) In case of A vacancy in the office of Attorney General, occasioned by death,
2 resignation, removal from the State, or from office, or other disqualification, the Governor
3 shall appoint [a person] AN ELIGIBLE INDIVIDUAL to fill the vacancy [for the residue of
4 the term].

5 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
6 INDIVIDUAL APPOINTED UNDER SUBSECTION (A) OF THIS SECTION SHALL SERVE
7 UNTIL A SUCCESSOR IS ELECTED UNDER SUBSECTION (D) OF THIS SECTION TO FILL
8 THE REMAINDER OF THE TERM.

9 (C) THE INDIVIDUAL APPOINTED UNDER SUBSECTION (A) OF THIS SECTION
10 SHALL SERVE FOR THE REMAINDER OF THE TERM IF THE VACANCY OCCURS AFTER
11 THE DATE THAT IS 21 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF
12 CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND
13 YEAR OF THE TERM.

14 (D) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS 21 DAYS
15 BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE
16 REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM,
17 THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE
18 OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION
19 AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE
20 REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL
21 ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.

22 Article VI – Treasury Department

23 1.

24 (A) There shall be a Treasury Department, consisting of a Comptroller chosen by
25 the qualified electors of the State, who shall receive such salary as may be fixed by law; and
26 a Treasurer, to be appointed on joint ballot by the two Houses of the Legislature at each
27 regular session in which begins the term of the Governor, who shall receive such salary as
28 may be fixed by law.

29 (B) The terms of office of the Comptroller and Treasurer shall be for four years,
30 and until their successors shall qualify; and neither of the officers shall be allowed, or
31 receive any fees, commissions or perquisites of any kind in addition to his salary for the
32 performance of any duty or services whatsoever.

33 (C) (1) In case of a vacancy in the office of the Comptroller by death or
34 otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such
35 vacancy by appointment[, to continue until another election and until the qualification of
36 the successor] OF AN ELIGIBLE INDIVIDUAL.

1 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
2 **THE INDIVIDUAL APPOINTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL**
3 **SERVE UNTIL A SUCCESSOR IS ELECTED UNDER PARAGRAPH (4) OF THIS**
4 **SUBSECTION TO FILL THE REMAINDER OF THE TERM.**

5 **(3) THE INDIVIDUAL APPOINTED UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION SHALL SERVE FOR THE REMAINDER OF THE TERM IF THE VACANCY**
7 **OCCURS AFTER THE DATE THAT IS 21 DAYS BEFORE THE DEADLINE FOR FILING**
8 **CERTIFICATES OF CANDIDACY FOR THE REGULAR STATEWIDE ELECTION THAT IS**
9 **HELD IN THE SECOND YEAR OF THE TERM.**

10 **(4) IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS 21**
11 **DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE**
12 **REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM,**
13 **THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE**
14 **OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION**
15 **AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE**
16 **REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL**
17 **ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM.**

18 **(D)** In case of a vacancy in the office of the Treasurer by death or otherwise, the
19 Deputy Treasurer shall act as Treasurer until the next regular or extraordinary session of
20 the Legislature following the creation of the vacancy, whereupon the Legislature shall
21 choose a successor to serve for the duration of the unexpired term of office.

22 **(E)** The Comptroller and the Treasurer shall keep their offices at the seat of
23 government, and shall take such oaths and enter into such bonds for the faithful discharge
24 of their duties as are now or may hereafter be prescribed by law.

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
30 proposed as an amendment to the Maryland Constitution shall be submitted to the
31 qualified voters of the State at the next general election to be held in November 2016 for
32 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
33 general election, the vote on this proposed amendment to the Constitution shall be by
34 ballot, and upon each ballot there shall be printed the words "For the Constitutional
35 Amendment" and "Against the Constitutional Amendment," as now provided by law.
36 Immediately after the election, all returns shall be made to the Governor of the vote for and
37 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
38 and further proceedings had in accordance with Article XIV.