

# HOUSE BILL 871

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HB 1667/06 – HRU

CONSTITUTIONAL AMENDMENT

2lr1346

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By: **Delegates McComas, Alston, Aumann, Bates, Dwyer, Frank, Glass, Impallaria, Krebs, McConkey, McMillan, W. Miller, Parrott, Ready, B. Robinson, Schuh, Schulz, and Stocksedale**

Introduced and read first time: February 9, 2012

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **The Initiative**

3 FOR the purpose of amending the Maryland Constitution to provide for the Initiative;  
4 recognizing the power of the people to petition to a vote a proposal to add to,  
5 amend, and repeal the public general law or the Maryland Constitution under  
6 certain circumstances; prescribing requirements for the petition and for voting  
7 on the petitioned proposal; providing that initiated proposals that are adopted  
8 may not be amended or repealed for 2 years except under certain circumstances;  
9 generally relating to the Initiative process; providing that the Secretary of State  
10 shall have certain powers and duties; and submitting this amendment to the  
11 qualified voters of the State of Maryland for their adoption or rejection.

12 BY proposing an addition to the Maryland Constitution  
13 New Article XVI–A – The Initiative  
14 Section 1 through 4

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

18 **ARTICLE XVI–A – THE INITIATIVE**

19 **1.**

20 **THE PEOPLE OF THE STATE, RESERVING TO THEMSELVES THE POWER**  
21 **KNOWN AS THE INITIATIVE, MAY BY PETITION SUBMIT TO THE REGISTERED**  
22 **VOTERS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE POLLS ANY**  
23 **PROPOSED BILL TO ADD TO, REPEAL, OR AMEND THE PUBLIC GENERAL LAWS OR**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THE MARYLAND CONSTITUTION THAT WAS NOT APPROVED AT A REGULAR OR  
2 SPECIAL SESSION OF THE GENERAL ASSEMBLY.

3 2.

4 (A) BEFORE A PETITION OR ANY PART OF A PETITION IS CIRCULATED  
5 AMONG THE VOTERS OF THE STATE:

6 (1) THE TEXT OF THE PROPOSAL CONTAINED IN THE PETITION  
7 SHALL BE SUBMITTED TO THE SECRETARY OF STATE; AND

8 (2) IF A SUMMARY OF THE PROPOSAL IS INCLUDED IN THE  
9 PETITION, THE SUMMARY SHALL BE APPROVED FOR ACCURACY BY THE  
10 ATTORNEY GENERAL.

11 (B) (1) AN INITIATIVE PETITION MAY CONSIST OF SEVERAL PAPERS.

12 (2) EACH PAPER OF THE PETITION SHALL CONTAIN THE FULL  
13 TEXT OF THE PROPOSAL.

14 (C) EXCEPT THAT NO MORE THAN ONE-HALF OF THE SIGNERS OF A  
15 PETITION MAY BE REGISTERED VOTERS IN BALTIMORE CITY OR ANY SINGLE  
16 COUNTY, A PETITION TO SUBMIT TO THE VOTERS OF THE STATE A PROPOSAL  
17 CONCERNING THE PUBLIC GENERAL LAWS SHALL BE SIGNED BY REGISTERED  
18 VOTERS OF THE STATE IN A NUMBER EQUAL TO AT LEAST 10% OF THE VOTES  
19 CAST IN THE LAST ELECTION FOR GOVERNOR.

20 (D) (1) AN INITIATIVE PETITION SHALL BE FILED WITH THE  
21 SECRETARY OF STATE WITHIN 180 DAYS AFTER THE DATE OF THE FINAL  
22 ACTION ON THE BILL BY THE GENERAL ASSEMBLY.

23 (2) ATTACHED TO EACH PAPER OF SIGNATURES FILED WITH A  
24 PETITION, THERE SHALL BE AN AFFIDAVIT OF THE PERSON PROCURING THOSE  
25 SIGNATURES THAT STATES THAT BASED ON THE PERSON'S BEST KNOWLEDGE  
26 AND BELIEF:

27 (I) EVERY SIGNATURE ON THE PAPER IS GENUINE; AND

28 (II) THE SIGNERS ARE REGISTERED VOTERS IN THE STATE  
29 AND IN THE LOCAL JURISDICTION INDICATED ON THE PAPER.

30 (3) IF THE SECRETARY OF STATE DETERMINES THAT THE  
31 ORIGINAL AND ANY SUPPLEMENTAL PETITIONS BEAR THE REQUISITE NUMBER

1 OF VALID SIGNATURES, THE SECRETARY OF STATE SHALL CERTIFY THE  
2 PROPOSAL FOR A VOTE.

3 (E) THE GENERAL ASSEMBLY SHALL PRESCRIBE BY LAW THE FORM OF  
4 THE PETITION FOR AN INITIATIVE PROPOSAL, THE MANNER FOR VERIFYING  
5 THE AUTHENTICITY OF PETITIONS, AND OTHER ADMINISTRATIVE PROCEDURES  
6 THAT ARE NECESSARY AND NOT IN CONFLICT WITH THIS ARTICLE.

7 3.

8 (A) (1) AN INITIATIVE PROPOSAL CERTIFIED BY THE SECRETARY OF  
9 STATE AT LEAST 90 DAYS BEFORE THE NEXT GENERAL ELECTION SHALL BE  
10 SUBMITTED TO THE VOTERS AT THAT ELECTION.

11 (2) A PROPOSAL CERTIFIED BY THE SECRETARY OF STATE LESS  
12 THAN 90 DAYS BEFORE A GENERAL ELECTION SHALL BE SUBMITTED TO THE  
13 VOTERS AT THE NEXT SUCCEEDING GENERAL ELECTION.

14 (B) PRIOR TO THE ELECTION AT WHICH THE INITIATIVE PROPOSAL IS  
15 TO BE VOTED ON, THE TEXT OF THE PROPOSAL SHALL BE PUBLISHED IN A  
16 MANNER PROVIDED BY LAW.

17 (C) ON THE BALLOT USED IN THE ELECTION AT WHICH THE INITIATIVE  
18 PROPOSAL IS VOTED ON, EACH INITIATIVE PROPOSAL SHALL:

19 (1) APPEAR AS A SEPARATE ITEM IN A FORMAT, PRESCRIBED BY  
20 THE GENERAL ASSEMBLY, THAT SUFFICIENTLY IDENTIFIES THE PROPOSAL;  
21 AND

22 (2) BE FOLLOWED BY THE WORDS "FOR THE INITIATIVE  
23 PROPOSAL" AND "AGAINST THE INITIATIVE PROPOSAL".

24 (D) (1) THE VOTES CAST FOR AND AGAINST EACH INITIATIVE  
25 PROPOSAL SHALL BE RETURNED TO THE GOVERNOR WITHIN 30 DAYS.

26 (2) THE GOVERNOR SHALL MAKE A DETERMINATION OF THE  
27 NUMBER OF VOTES CAST FOR AND AGAINST THE PROPOSAL.

28 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS  
29 SUBSECTION, THE GOVERNOR SHALL IMMEDIATELY BY PROCLAMATION  
30 DECLARE THE PROPOSAL TO BE EFFECTIVE IF:

1                   **(I) IN THE CASE OF PUBLIC GENERAL LAW, AT LEAST 50%**  
2 **OF THE VOTES CAST ON THE PROPOSAL HAVE BEEN CAST IN FAVOR OF IT; OR**

3                   **(II) IN THE CASE OF A CHANGE TO THE MARYLAND**  
4 **CONSTITUTION, AT LEAST TWO-THIRDS OF THE VOTES CAST ON THE PROPOSAL**  
5 **HAVE BEEN CAST IN FAVOR OF IT.**

6                   **(4) IF TWO OR MORE INITIATIVE PROPOSALS RECEIVE A**  
7 **FAVORABLE MAJORITY AND THE GOVERNOR, WITH THE ADVICE OF THE**  
8 **ATTORNEY GENERAL, DETERMINES THAT THESE PROPOSALS ARE IN**  
9 **IRRECONCILABLE CONFLICT, THE GOVERNOR SHALL DECLARE ONLY THE**  
10 **PROPOSAL RECEIVING THE HIGHEST NUMBER OF VOTES TO BE PART OF THE**  
11 **PUBLIC GENERAL LAWS OR THE MARYLAND CONSTITUTION.**

12                   **(5) A PROPOSAL DECLARED TO BE PART OF THE PUBLIC**  
13 **GENERAL LAWS OR THE MARYLAND CONSTITUTION SHALL TAKE EFFECT 30**  
14 **DAYS AFTER THE ISSUANCE OF THE GOVERNOR'S PROCLAMATION.**

15 **4.**

16                   **AN INITIATIVE PROPOSAL THAT BECOMES PART OF THE PUBLIC GENERAL**  
17 **LAWS OR THE MARYLAND CONSTITUTION MAY BE AMENDED OR REPEALED IN**  
18 **THE 2 YEARS IMMEDIATELY FOLLOWING ITS EFFECTIVE DATE ONLY IF THE**  
19 **CHANGE IS APPROVED BY A TWO-THIRDS VOTE OF BOTH HOUSES OF THE**  
20 **GENERAL ASSEMBLY.**

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

26                   SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
27 proposed as an amendment to the Maryland Constitution shall be submitted to the  
28 qualified voters of the State at the next general election to be held in November, 2012  
29 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.  
30 At that general election, the vote on this proposed amendment to the Constitution  
31 shall be by ballot, and upon each ballot there shall be printed the words "For the  
32 Constitutional Amendment" and "Against the Constitutional Amendment," as now  
33 provided by law. Immediately after the election, all returns shall be made to the  
34 Governor of the vote for and against the proposed amendment, as directed by Article  
35 XIV of the Maryland Constitution, and further proceedings had in accordance with  
36 Article XIV.