

HOUSE BILL 260

P1

CONSTITUTIONAL AMENDMENT

6lr0370
CF 6lr2796

By: **Delegates Moon, Gutierrez, Kelly, Platt, Smith, and Tarlau**

Introduced and read first time: January 25, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **United States Senator, Attorney General, and Comptroller – Appointments to**
3 **Fill a Vacancy**

4 FOR the purpose of requiring the Governor to appoint an individual to fill a vacancy in the
5 office of United States Senator, Attorney General, or Comptroller from a list of names
6 submitted by the State Central Committee of the political party of the vacating
7 officeholder; requiring individuals whose names are submitted to the Governor to
8 have been affiliated with the political party of the vacating officeholder before the
9 vacancy occurred; providing for the appointment of an individual to fill a vacancy in
10 the office of United States Senator, Attorney General, or Comptroller in
11 circumstances where the political party of the vacating officeholder fails to submit
12 names to the Governor within a certain period of time or the vacating officeholder
13 was not affiliated with a political party; providing for the effective dates of this Act;
14 submitting the constitutional amendment proposed by this Act to the qualified voters
15 of the State of Maryland for their adoption or rejection; and generally relating to
16 appointments to fill a vacancy in the office of United States Senator, Attorney
17 General, or Comptroller.

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 8–602
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2015 Supplement)

23 BY proposing an amendment to the Maryland Constitution
24 Article V – Attorney–General and State’s Attorneys
25 Section 5

26 BY proposing an amendment to the Maryland Constitution
27 Article VI – Treasury Department
28 Section 1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Election Law

8–602.

(a) (1) (I) If there is a vacancy in the office of United States Senator, the Governor shall appoint an eligible individual to fill the vacancy **AS PROVIDED IN THIS PARAGRAPH.**

(II) **THE GOVERNOR SHALL APPOINT ONE OF THREE INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING, WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE VACATING SENATOR HAD BEEN AFFILIATED AT THE TIME OF THE SENATOR’S LAST ELECTION OR APPOINTMENT.**

(III) **EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING SENATOR ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

(IV) **THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY.**

(V) **IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING SENATOR ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

(VI) **IF THE VACATING SENATOR WAS NOT AFFILIATED WITH A POLITICAL PARTY AT THE TIME OF THE SENATOR’S LAST ELECTION OR APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.**

(2) Except as provided in paragraph (3) of this subsection, the appointed individual shall serve until a successor is elected pursuant to subsection (b) of this section to fill the remainder of the term.

(3) The appointed individual shall serve for the remainder of the term if the vacancy occurs after the date that is 21 days before the deadline for filing certificates of candidacy for the election that is held in the fourth year of the term.

(b) If the vacancy occurs before the date that is 21 days before the deadline for filing certificates of candidacy for the next succeeding regular statewide election, the Governor shall issue a proclamation immediately after the occurrence of the vacancy declaring that a special primary election and a special general election shall be held at the same time as the next regular statewide primary election and regular statewide general election.

SECTION 2. AND BE IT FURTHER ENACTED, (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 V – Attorney-General and State’s Attorneys

5.

(A) In case of vacancy in the office of Attorney General, occasioned by death, resignation, removal from the State, or from office, or other disqualification, the Governor shall appoint [a person] **AN INDIVIDUAL** to fill the vacancy for the [residue] **REMAINDER** of the term **AS PROVIDED IN THIS SECTION**.

(B) **THE GOVERNOR SHALL APPOINT ONE OF THREE INDIVIDUALS WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING, WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE VACATING ATTORNEY GENERAL HAD BEEN AFFILIATED AT THE TIME OF THE ATTORNEY GENERAL’S LAST ELECTION OR APPOINTMENT.**

(C) **EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING ATTORNEY GENERAL ON THE DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

(D) **THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY.**

(E) **IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER AFFILIATED**

1 WITH THE POLITICAL PARTY OF THE VACATING ATTORNEY GENERAL ON THE DATE
2 IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

3 (F) IF THE VACATING ATTORNEY GENERAL WAS NOT AFFILIATED WITH A
4 POLITICAL PARTY AT THE TIME OF THE ATTORNEY GENERAL'S LAST ELECTION OR
5 APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL
6 WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.

7 Article VI – Treasury Department

8 1.

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

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

18 (C) (1) In case of a vacancy in the office of the Comptroller by death or
19 otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such
20 vacancy by appointment AS PROVIDED IN THIS SUBSECTION, to continue until another
21 election and until the qualification of the successor.

22 (2) THE GOVERNOR SHALL APPOINT ONE OF THREE INDIVIDUALS
23 WHOSE NAMES ARE SUBMITTED TO THE GOVERNOR IN WRITING, WITHIN 30 DAYS
24 AFTER THE OCCURRENCE OF THE VACANCY, BY THE STATE CENTRAL COMMITTEE
25 OF THE POLITICAL PARTY, IF ANY, WITH WHICH THE VACATING COMPTROLLER HAD
26 BEEN AFFILIATED AT THE TIME OF THE COMPTROLLER'S LAST ELECTION OR
27 APPOINTMENT.

28 (3) EACH INDIVIDUAL WHOSE NAME IS SUBMITTED TO THE
29 GOVERNOR MUST HAVE BEEN A REGISTERED VOTER AFFILIATED WITH THE
30 POLITICAL PARTY OF THE VACATING COMPTROLLER ON THE DATE IMMEDIATELY
31 PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.

32 (4) THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 15
33 DAYS AFTER NAMES ARE SUBMITTED BY THE STATE CENTRAL COMMITTEE OF THE
34 APPROPRIATE POLITICAL PARTY.

1 **(5) IF NAMES ARE NOT SUBMITTED BY THE STATE CENTRAL**
2 **COMMITTEE OF THE APPROPRIATE POLITICAL PARTY WITHIN 30 DAYS AFTER THE**
3 **OCCURRENCE OF THE VACANCY, THE GOVERNOR SHALL APPOINT WITHIN ANOTHER**
4 **PERIOD OF 15 DAYS ANY QUALIFIED INDIVIDUAL WHO WAS A REGISTERED VOTER**
5 **AFFILIATED WITH THE POLITICAL PARTY OF THE VACATING COMPTROLLER ON THE**
6 **DATE IMMEDIATELY PRECEDING THE DATE ON WHICH THE VACANCY OCCURRED.**

7 **(6) IF THE VACATING COMPTROLLER WAS NOT AFFILIATED WITH A**
8 **POLITICAL PARTY AT THE TIME OF THE COMPTROLLER'S LAST ELECTION OR**
9 **APPOINTMENT, THE GOVERNOR SHALL APPOINT ANY QUALIFIED INDIVIDUAL**
10 **WITHIN 15 DAYS AFTER THE OCCURRENCE OF THE VACANCY.**

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

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
19 determines that the amendment to the Maryland Constitution proposed by Section 2 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 4. AND BE IT FURTHER ENACTED, That the amendment to the
23 Maryland Constitution proposed by Section 2 of this Act shall be submitted to the qualified
24 voters of the State at the next general election to be held in November 2016 for their
25 adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general
26 election, the vote on this proposed amendment to the Constitution shall be by ballot, and
27 upon each ballot there shall be printed the words "For the Constitutional Amendment" and
28 "Against the Constitutional Amendment," as now provided by law. Immediately after the
29 election, 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.

32 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
33 4 of this Act, this Act shall take effect July 1, 2016.