

# SENATE BILL 706

G1

CONSTITUTIONAL AMENDMENT

3lr1024  
CF 3lr1023

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By: **Senators Madaleno, Kelley, Montgomery, and Robey**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Referendum Petitions**

3 FOR the purpose of altering the earliest date by which a nonemergency law may take  
4 effect; altering the date by which petitions to refer a law to referendum must be  
5 filed; requiring the Secretary of State to refer certain laws to referendum at  
6 certain elections if sufficient petitions are filed; altering the number of  
7 signatures required to refer a law to referendum; repealing provisions requiring  
8 that petitions containing a certain number of signatures be filed by certain  
9 dates; and submitting this amendment to the qualified voters of the State for  
10 their adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution  
12 Article XVI – The Referendum  
13 Section 2 and 3

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

17 **Article XVI – The Referendum**

18 2.

19 (A) No law enacted by the General Assembly shall take effect until [the first  
20 day of June next after the session at which it may be passed,] **90 DAYS AFTER ITS**  
21 **PASSAGE**, unless it contains a Section declaring such law an emergency law and  
22 necessary for the immediate preservation of the public health or safety and is passed  
23 upon a ye and nay vote supported by three-fifths of all the members elected to each  
24 of the two Houses of the General Assembly. [The effective date of a law other than an  
25 emergency law may be extended as provided in Section 3(b) hereof.] If [before said

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 first day of June] **WITHIN 60 DAYS OF PASSAGE OF A LAW OR PART OF A LAW**  
2 **CAPABLE OF REFERENDUM** there shall have been filed with the Secretary of the  
3 State a petition to refer to a vote of the people [any] **THE** law or part of a law [capable  
4 of referendum], as in this Article provided, the same shall be referred by the Secretary  
5 of State to such vote, and shall not become a law or take effect until thirty days after  
6 its approval by a majority of the electors voting thereon at the [next ensuing] election  
7 held throughout the State for Members of the House of Representatives of the United  
8 States **SPECIFIED IN SUBSECTION (B) OF THIS SECTION**. An emergency law shall  
9 remain in force notwithstanding such petition, but shall stand repealed thirty days  
10 after having been rejected by a majority of the qualified electors voting thereon. No  
11 measure changing the salary of any officer, or granting any franchise or special  
12 privilege, or creating any vested right or interest, shall be enacted as an emergency  
13 law. No law making any appropriation for maintaining the State Government, or for  
14 maintaining or aiding any public institution, not exceeding the next previous  
15 appropriation for the same purpose, shall be subject to rejection or repeal under this  
16 Section. The increase in any such appropriation for maintaining or aiding any public  
17 institution shall only take effect as in the case of other laws, and such increase or any  
18 part thereof specified in the petition, may be referred to a vote of the people upon  
19 petition.

20 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
21 **SUBSECTION, IF SUFFICIENT REFERENDUM PETITIONS ARE FILED AGAINST AN**  
22 **ACT OR PART OF AN ACT, THE SECRETARY OF STATE SHALL REFER THE ACT OR**  
23 **PART OF THE ACT TO REFERENDUM AT THE FIRST ELECTION FOR MEMBERS OF**  
24 **THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES HELD AFTER THE**  
25 **PASSAGE OF THE ACT OR PART OF THE ACT.**

26 **(2) IF SUFFICIENT REFERENDUM PETITIONS ARE FILED AGAINST**  
27 **AN ACT OR PART OF AN ACT THAT IS PASSED ON OR AFTER JUNE 1 BUT ON OR**  
28 **BEFORE THE DAY OF THE GENERAL ELECTION IN A YEAR IN WHICH MEMBERS OF**  
29 **THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES ARE ELECTED, THE**  
30 **SECRETARY OF STATE SHALL REFER THE ACT OR PART OF THE ACT TO**  
31 **REFERENDUM AT THE SECOND ELECTION FOR MEMBERS OF THE HOUSE OF**  
32 **REPRESENTATIVES OF THE UNITED STATES HELD AFTER THE PASSAGE OF THE**  
33 **ACT OR PART OF THE ACT.**

34 3.

35 (a) The referendum petition against an Act or part of an Act passed by the  
36 General Assembly, shall be sufficient if signed by [three] **FIVE** percent of the qualified  
37 voters of the State of Maryland, calculated [upon the whole number of votes cast for  
38 Governor at the last preceding Gubernatorial election] **ON THE DATE THAT THE ACT**  
39 **OR PART OF THE ACT PASSED THE GENERAL ASSEMBLY**, of whom not more than  
40 half are residents of Baltimore City, or of any one County. However, any Public Local  
41 Law for any one County or the City of Baltimore, shall be referred by the Secretary of

1 State only to the people of the County or City of Baltimore, upon a referendum petition  
2 of ten percent of the qualified voters of the County or City of Baltimore, as the case  
3 may be, calculated [upon the whole number of votes cast respectively for Governor at  
4 the last preceding Gubernatorial election] **ON THE DATE THAT THE PUBLIC LOCAL**  
5 **LAW PASSED THE GENERAL ASSEMBLY.**

6 (b) [If more than one-third, but less than the full number of signatures  
7 required to complete any referendum petition against any law passed by the General  
8 Assembly, be filed with the Secretary of State before the first day of June, the time for  
9 the law to take effect and for filing the remainder of signatures to complete the  
10 petition shall be extended to the thirtieth day of the same month, with like effect.

11 If an Act is passed less than 45 days prior to June 1, it may not become effective  
12 sooner than 31 days after its passage. To bring this Act to referendum, the first  
13 one-third of the required number of signatures to a petition shall be submitted within  
14 30 days after its passage. If the first one-third of the required number of signatures is  
15 submitted to the Secretary of State within 30 days after its passage, the time for the  
16 Act to take effect and for filing the remainder of the signatures to complete the  
17 petition shall be extended for an additional 30 days.

18 (c) In this Article, “pass” or “passed” means any final action upon any Act or  
19 part of an Act by both Houses of the General Assembly; and “enact” or “enacted”  
20 means approval of an Act or part of an Act by the Governor.

21 [(d)](C) Signatures on a petition for referendum on an Act or part of an Act  
22 may be signed at any time after the Act or part of an Act is passed.

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
29 proposed as an amendment to the Maryland Constitution shall be submitted to the  
30 qualified voters of the State at the next general election to be held in November 2014  
31 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.  
32 At that general election, the vote on this proposed amendment to the Constitution  
33 shall be by ballot, and upon each ballot there shall be printed the words “For the  
34 Constitutional Amendment” and “Against the Constitutional Amendment,” as now  
35 provided by law. Immediately after the election, all returns shall be made to the  
36 Governor of the vote for and against the proposed amendment, as directed by Article  
37 XIV of the Maryland Constitution, and further proceedings had in accordance with  
38 Article XIV.