AN ACT concerning

General Assembly – Member Called to Active Duty – Temporary Replacement

FOR the purpose of proposing an amendment to the Maryland Constitution to authorize the General Assembly to enact legislation to provide for the prompt and temporary replacement of an incumbent member of the House of Delegates or the Senate of Maryland who is unavailable to perform the duties of the office because the member is ordered to active duty in the armed services of the United States; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution

Article III – Legislative Department

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (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 III – Legislative Department

(a) (1) [In] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a Delegate or Senator, or in case of a tie between two or more such qualified persons, the Governor shall appoint a person to fill such vacancy from a person whose name shall be submitted to him in writing, within thirty days after the occurrence of the vacancy, by the Central Committee of the political party, if any, with which the Delegate or Senator, so vacating, had been affiliated, at the time of the last election or appointment of the vacating Senator or
Delegate, in the County or District from which he or she was appointed or elected, provided that the appointee shall be of the same political party, if any, as was that of the Delegate or Senator, whose office is to be filled, at the time of the last election or appointment of the vacating Delegate or Senator, and it shall be the duty of the Governor to make said appointment within fifteen days after the submission thereof to him.

(II) The General Assembly shall have the power to provide by suitable enactment for the prompt and temporary succession to the powers and duties of a Delegate or Senator in the event the Delegate or Senator is unavailable to perform the duties of the office because the Delegate or Senator is ordered to active duty in the armed services of the United States.

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

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

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

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

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

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

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

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