

CONSTITUTIONAL AMENDMENT

United States Senator, Attorney General, and Comptroller – Appointments and Special Elections to Fill a Vacancy

Chapter 511 of 2016 (House Bill 260)

Summary

This proposed constitutional amendment alters procedures for filling vacancies in the offices of Attorney General and Comptroller. Under current provisions of the Maryland Constitution, the Attorney General and the Comptroller are elected to four-year terms by the qualified voters of the State at the same election in which the Governor is elected. When a vacancy occurs in the office of the Attorney General or Comptroller due to death, resignation, or any other reason, the Governor is required to appoint a qualified individual to fill the vacancy for the remainder of the term. In the case of the Comptroller, the appointment is subject to confirmation by the State Senate.

Under this proposed constitutional amendment, the Governor would be required to make an appointment to fill a vacancy in the office of Attorney General or Comptroller from a list of three individuals submitted by the State Central Committee of the political party with which the vacating Attorney General or Comptroller had been affiliated when elected or appointed. An appointee to the office of Comptroller must subsequently be confirmed by the State Senate. The State Central Committee must submit names to the Governor within 30 days after the occurrence of the vacancy, and the Governor must make the appointment within 15 days after the names are submitted. If the State Central Committee fails to submit names by the deadline, the Governor is required to appoint any qualified individual affiliated with the appropriate political party within 15 days after the deadline. If the vacating Attorney General or Comptroller was not affiliated with a political party, the Governor is required to appoint any qualified individual within 15 days after the occurrence of the vacancy. The appointee serves for the remainder of the term, unless the vacancy occurs 21 days before the deadline for filing a certificate of candidacy for the regular statewide election that is held in the second year of the term, in which case a special election is held at the same time as the regular statewide election. If a special election is held, the appointee serves until a successor is elected at the special election.

The legislation that proposed this constitutional amendment also included statutory provisions establishing a similar process for filling a vacancy in the office of United States Senator. These statutory provisions have taken effect and are not affected by this constitutional referendum.

The Attorney General is the chief legal officer of the State. The Attorney General's Office acts as legal advisor and representative of State agencies and represents the State in litigation. The Comptroller is the chief financial officer of the State and, among other duties, supervises the collection of most State taxes and regulates the alcohol, tobacco, and motor fuel industries. The Comptroller also serves with the Governor and the Treasurer on the Board of Public Works, which reviews and approves most State contracts and exercises other fiscal and regulatory powers.