

SENATE BILL 733

P1

CONSTITUTIONAL AMENDMENT

5lr2845
CF 5lr2167

By: **Senator King**

Introduced and read first time: January 27, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Officers – Gender–Neutral Language**

3 FOR the purpose of altering terminology in the Maryland Constitution that refers to
4 constitutional officers to be gender–neutral.

5 BY proposing an amendment to the Maryland Constitution
6 Article II – Executive Department
7 Section 1, 1A, 1B, 5, 9, 10, 10A, 11, 16, 19, 20, 21, 22, and 23

8 BY proposing an amendment to the Maryland Constitution
9 Article V – Attorney–General and State’s Attorneys
10 Section 1 and 3

11 BY proposing an amendment to the Maryland Constitution
12 Article VI – Treasury Department
13 Section 1, 2, 3, 4, 5, and 6

14 BY proposing an amendment to the Maryland Constitution
15 Article IX – Militia and Military Affairs
16 Section 2

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

20 **Article II – Executive Department**

21 1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



The executive power of the State shall be vested in a Governor, whose term of office shall commence on the third Wednesday of January next ensuing [his] **THE GOVERNOR'S** election, and continue for four years, and until [his] **THE GOVERNOR'S** successor shall have qualified; and a person who has served two consecutive popular elective terms of office as Governor shall be ineligible to succeed [himself] **THEMSELF** as Governor for the term immediately following the second of said two consecutive popular elective terms.

1A.

There shall be a Lieutenant Governor, who shall have only the duties delegated to [him] **THE LIEUTENANT GOVERNOR** by the Governor and shall have such compensation as the General Assembly shall provide by law, except that beginning in the year 1978 the salary of the Lieutenant Governor shall be as provided under Section 21A of this Article. No person who is ineligible under this Constitution to be elected Governor shall be eligible to hold the office of Lieutenant Governor.

1B.

Each candidate who shall seek a nomination for Governor, under any method provided by law for such nomination, including primary elections, shall at the time of filing for said office designate a candidate for Lieutenant Governor, and the names of the said candidate for Governor and Lieutenant Governor shall be listed on the primary election ballot, or otherwise considered for nomination jointly with each other. No candidate for Governor may designate a candidate for Lieutenant Governor to contest for the said offices jointly with [him] **THE CANDIDATE FOR GOVERNOR** without the consent of the said candidate for Lieutenant Governor, and no candidate for Lieutenant Governor may designate a candidate for Governor, to contest jointly for said offices with [him] **THE CANDIDATE FOR LIEUTENANT GOVERNOR** without the consent of the said candidate for Governor, said consent to be in writing on a form provided for such purpose and filed at the time the said candidates shall file their certificates of candidacy, or other documents by which they seek nomination. In any election, including a primary election, candidates for Governor and Lieutenant Governor shall be listed jointly on the ballot, and a vote cast for the candidate for Governor shall also be cast for Lieutenant Governor jointly listed on the ballot with [him] **THE CANDIDATE FOR GOVERNOR**, and the election of Governor, or the nomination of a candidate for Governor, also shall constitute the election for the same term, or the nomination, of the Lieutenant Governor who was listed on the ballot or was being considered jointly with [him] **THE CANDIDATE FOR GOVERNOR**.

5.

A person to be eligible for the office of Governor or Lieutenant Governor must have attained the age of thirty years, and must have been a resident and registered voter of the State for five years next immediately preceding [his] **THE CANDIDATE'S** election.

9.

1 [He] **THE GOVERNOR** shall take care that the Laws are faithfully executed.

2 10.

3 [He] **THE GOVERNOR** shall nominate, and, by and with the advice and consent of
4 the Senate, appoint all civil and military officers of the State, whose appointment, or
5 election, is not otherwise herein provided for, unless a different mode of appointment be
6 prescribed by the Law creating the office.

7 10A.

8 (a) Except as provided in subsection (b) of this section, a Governor may not
9 appoint a person to an office in the Executive Branch of State Government during:

10 (1) The period between a primary election in which the Governor is not
11 renominated or is ineligible to succeed [himself] **THEMSELF AS GOVERNOR** and the
12 inauguration of the next succeeding Governor; or

13 (2) If the Governor is nominated in the primary election but defeated in the
14 general election, the period between the general election and the inauguration of the next
15 succeeding Governor.

16 (b) In an emergency during the periods described in subsection (a) of this section,
17 a Governor may appoint a person to an office in the Executive Branch that the Governor
18 has the power to fill on a temporary basis upon filing a statement of emergency with the
19 Secretary of State. Appointments made under this subsection are subject to the approval
20 of the next succeeding Governor, who may remove the temporary officeholder and appoint
21 a replacement.

22 11.

23 In case of any vacancy during the recess of the Senate, in any office which the
24 Governor has power to fill, [he] **THE GOVERNOR** shall appoint some suitable person to
25 said office, whose commission shall continue in force until the end of the next session of the
26 Legislature, or until some other person is appointed to the same office, whichever shall first
27 occur; and the nomination of the person thus appointed during the recess, or of some other
28 person in [his] **THE PERSON'S** place, shall be made to the Senate on the first day of the
29 next regular meeting of the Senate.

30 16.

31 The Governor shall convene the Legislature, or the Senate alone, on extraordinary
32 occasions; and whenever from the presence of an enemy, or from any other cause, the seat
33 of Government shall become an unsafe place for the meeting of the Legislature, [he] **THE**
34 **GOVERNOR** may direct their sessions to be held at some other convenient place.

1 19.

2 [He] **THE GOVERNOR** shall, from time to time, inform the Legislature of the
3 condition of the State and recommend to their consideration such measures as [he] **THE**
4 **GOVERNOR** may judge necessary and expedient.

5 20.

6 [He] **THE GOVERNOR** shall have power to grant reprieves and pardons, except in
7 cases of impeachment, and in cases, in which [he] **THE GOVERNOR** is prohibited by other
8 Articles of this Constitution; and to remit fines and forfeitures for offences against the
9 State; but shall not remit the principal or interest of any debt due the State, except, in cases
10 of fines and forfeitures; and before granting a nolle prosequi, or pardon, [he] **THE**
11 **GOVERNOR** shall give notice, in one or more newspapers, of the application made for it,
12 and of the day on, or after which, [his] **THE GOVERNOR'S** decision will be given; and in
13 every case, in which [he] **THE GOVERNOR** exercises this power, [he] **THE GOVERNOR**
14 shall report to either Branch of the Legislature, whenever required, the petitions,
15 recommendations and reasons, which influenced [his] **THE GOVERNOR'S** decision.

16 21.

17 The Governor shall reside at the seat of government, and, from and after the fourth
18 Wednesday in January 1967, shall receive for [his] **THE GOVERNOR'S** services an annual
19 salary of twenty-five thousand dollars, except that beginning in the year 1978 the salary
20 of the Governor shall be as provided in Section 21A of this Article.

21 22.

22 A Secretary of State shall be appointed by the Governor, by and with the advice and
23 consent of the Senate, who shall continue in office, unless sooner removed by the Governor,
24 till the end of the official term of the Governor from whom [he] **THE SECRETARY OF**
25 **STATE** received [his] **THE SECRETARY OF STATE'S** appointment, and receive such
26 annual salary as the General Assembly may from time to time by law prescribe.

27 23.

28 The Secretary of State shall carefully keep and preserve a Record of all official acts
29 and proceedings, which may at all times be inspected by a committee of either Branch of
30 the Legislature; and [he] **THE SECRETARY OF STATE** shall perform such other duties as
31 may be prescribed by Law, or as may properly belong to [his] **THE SECRETARY OF**
32 **STATE'S** office, together with all clerical duty belonging to the Executive Department.

33 **Article V – Attorney-General and State's Attorneys**

34 1.

1 There shall be an Attorney-General elected by the qualified voters of the State, on
2 general ticket, on the Tuesday next after the first Monday in the month of November,
3 nineteen hundred and fifty-eight, and on the same day, in every fourth year thereafter,
4 who shall hold [his] **THE OFFICE OF ATTORNEY GENERAL** for four years from the time of
5 [his] **THE ATTORNEY GENERAL'S** election and qualification, and until [his] **THE**
6 **ATTORNEY GENERAL'S** successor is elected and qualified, and shall be re-eligible thereto,
7 and shall be subject to removal for incompetency, willful neglect of duty or misdemeanor in
8 office, on conviction in a Court of Law.

9 3.

10 (a) The Attorney General shall:

11 (1) Prosecute and defend on the part of the State all cases pending in the
12 appellate courts of the State, in the Supreme Court of the United States or the inferior
13 Federal Courts, by or against the State, or in which the State may be interested, except
14 those criminal appeals otherwise prescribed by the General Assembly.

15 (2) Investigate, commence, and prosecute or defend any civil or criminal
16 suit or action or category of such suits or actions in any of the Federal Courts or in any
17 Court of this State, or before administrative agencies and quasi legislative bodies, on the
18 part of the State or in which the State may be interested, which the General Assembly by
19 law or joint resolution, or the Governor, shall have directed or shall direct to be
20 investigated, commenced and prosecuted or defended.

21 (3) When required by the General Assembly by law or joint resolution, or
22 by the Governor, aid any State's Attorney or other authorized prosecuting officer in
23 investigating, commencing, and prosecuting any criminal suit or action or category of such
24 suits or actions brought by the State in any Court of this State.

25 (4) Give [his] **THE ATTORNEY GENERAL'S** opinion in writing whenever
26 required by the General Assembly or either branch thereof, the Governor, the Comptroller,
27 the Treasurer or any State's Attorney on any legal matter or subject.

28 (b) The Attorney General shall have and perform any other duties and possess
29 any other powers, and appoint the number of deputies or assistants, as the General
30 Assembly from time to time may prescribe by law.

31 (c) The Attorney General shall receive for [his] **THE ATTORNEY GENERAL'S**
32 services the annual salary as the General Assembly from time to time may prescribe by
33 law, but [he] **THE ATTORNEY GENERAL** may not receive any fees, perquisites or rewards
34 whatever, in addition to [his] **THE ATTORNEY GENERAL'S** salary, for the performance of
35 any official duty.

36 (d) The Governor may not employ any additional counsel, in any case whatever,
37 unless authorized by the General Assembly.

Article VI – Treasury Department

1.

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

(b) The terms of office of the Comptroller and Treasurer shall be for four years, and until their successors shall qualify; and neither of the officers shall be allowed, or receive any fees, commissions or perquisites of any kind in addition to [his salary] **THEIR SALARIES** for the performance of any duty or services whatsoever.

(c) (1) In case of a vacancy in the office of the Comptroller by death or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment as provided in this subsection.

(2) 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 Comptroller had been affiliated at the time of the Comptroller's last election or appointment.

(3) Each individual whose name is submitted to the Governor must have been a registered voter affiliated with the political party of the vacating Comptroller on the date immediately preceding the date on which the vacancy occurred.

(4) The Governor shall make the appointment within 15 days after names are submitted by the State Central Committee of the appropriate political party.

(5) 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 Comptroller on the date immediately preceding the date on which the vacancy occurred.

(6) If the vacating Comptroller was not affiliated with a political party at the time of the Comptroller's last election or appointment, the Governor shall appoint any qualified individual within 15 days after the occurrence of the vacancy.

(7) Except as provided in paragraph (8) of this subsection, an individual appointed under this subsection shall serve until a successor is elected under paragraph (9) of this subsection to fill the remainder of the term.

(8) An individual appointed under this subsection 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 regular statewide election that is held in the second year of the term.

(9) If the vacancy occurs on or before the date that is 21 days before the deadline for filing certificates of candidacy for the regular statewide election that is held in the second year of the term, 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 regular statewide primary election and regular statewide general election that are held in the second year of the term.

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

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

2.

The Comptroller shall have the general superintendence of the fiscal affairs of the State; [he] **THE COMPTROLLER** shall digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; prepare and report estimates of the revenue and expenditures of the State; superintend and enforce the prompt collection of all taxes and revenue; adjust and settle, on terms prescribed by law, with delinquent collectors and receivers of taxes and State revenue; preserve all public accounts; and decide on the forms of keeping and stating accounts. [He] **THE COMPTROLLER**, or such of [his] **THE COMPTROLLER'S** deputies as may be authorized to do so by the Legislature, shall grant, under regulations prescribed by Law, all warrants for money to be paid out of the Treasury, in pursuance of appropriations by law, and countersign all checks drawn by the Treasurer upon any bank or banks in which the moneys of the State, may, from time to time, be deposited. [He] **THE COMPTROLLER** shall prescribe the formalities of the transfer of stock, or other evidence of the State debt, and countersign the same, without which such evidence shall not be valid; [he] **THE COMPTROLLER** shall make to the General Assembly full reports of all [his] **THE COMPTROLLER'S** proceedings, and of the state of the Treasury Department within ten days after the commencement of each session; and perform such other duties as shall be prescribed by law.

3.

The Treasurer shall receive the moneys of the State, and, until otherwise prescribed by law, deposit them, as soon as received, to the credit of the State, in such bank or banks as [he] **THE TREASURER** may, from time to time, with the approval of the Governor, select

(the said bank or banks giving security, satisfactory to the Governor, for the safekeeping and forthcoming, when required of said deposits), and [he] **THE TREASURER** or such of [his] **THE TREASURER'S** deputies as may be authorized to do so by the Legislature shall disburse the same for the purposes of the State according to law, upon warrants drawn by the Comptroller, or [his] **THE COMPTROLLER'S** duly authorized deputy, and on checks countersigned by the Comptroller, or [his] **THE COMPTROLLER'S** duly authorized deputy. The Legislature may prescribe, by law, for the Treasurer to disburse the moneys of the State by a system other than by the use of checks. The Treasurer or such of [his] **THE TREASURER'S** deputies as may be authorized to do so by the Legislature shall take receipts for all moneys paid from the Treasury Department; and receipt for moneys received by [him] **THE TREASURER** shall be endorsed upon warrants signed, by the Comptroller, or such deputy as may be authorized to do so by law, without which warrants, so signed, no acknowledgment of money received into the Treasury shall be valid; and upon warrants issued by the Comptroller, or [his] **THE COMPTROLLER'S** duly authorized deputy, the Treasurer shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on account of the sinking fund. Every bond, certificate, or other evidence of the debt of the State shall be signed by the Treasurer, Chief Deputy Treasurer, or a Deputy Treasurer, and countersigned by the Comptroller, Chief Deputy Comptroller, or a Deputy Comptroller; and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same filed in [his] **THE TREASURER'S** office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the Legislature may make provisions for the loss of certificates, or other evidences of the debt; and may prescribe, by law, the manner in which the Treasurer shall receive and keep the moneys of the State.

4.

The Treasurer shall render [his] **THE TREASURER'S** Accounts, quarterly, to the Comptroller; and shall publish, monthly, in such newspapers as the Governor may direct, an abstract thereof, showing the amount of cash on hand, and the place, or places of deposit thereof; and on the third day of each regular session of the legislature, he shall submit to the Senate and House of Delegates fair and accurate copies of all Accounts by [him] **THE TREASURER**, from time to time, rendered and settled with the Comptroller. [He] **THE TREASURER** shall, at all times, submit to the Comptroller the inspection of the money in [his] **THE TREASURER'S** hands, and perform all other duties that shall be prescribed by Law.

5.

The Comptroller shall qualify, and enter on the duties of [his] **THE COMPTROLLER'S** office, on the third Monday of January next succeeding the time of [his] **THE COMPTROLLER'S** Election, or as soon thereafter as practicable. And the Treasurer shall qualify within one month after [his] **THE TREASURER'S** appointment by the Legislature.

6.

Whenever during the recess of the Legislature charges shall be preferred to the Governor against the Comptroller or Treasurer, for incompetency, malfeasance in office, willful neglect of duty, or misappropriation of the funds of the State, it shall be the duty of the Governor forthwith to notify the party so charged, and fix a day for a hearing of said charges; and if, in the case of the Comptroller, from the evidence taken, under oath, on said hearing before the Governor, the said allegations shall be sustained, it shall be the duty of the Governor to remove the Comptroller and appoint another in [his] **THE COMPTROLLER'S** place, who shall hold the office for the unexpired term of the Comptroller so removed. However, if, in the case of the Treasurer, from the evidence taken under oath in the hearing before the Governor, the allegations are sustained, it is the duty of the Governor to remove the Treasurer, and the deputy treasurer shall act as Treasurer until the next regular or extraordinary session of the Legislature following the appointment, whereupon a successor shall be chosen by the Legislature who shall serve for the unexpired term of the Treasurer so removed.

Article IX – Militia and Military Affairs

2.

There shall be an Adjutant General, appointed by the Governor, by and with the advice and consent of the Senate. [He] **THE ADJUTANT GENERAL** shall hold [his] **THE** office until the appointment and qualification of [his] A successor, or until removed in pursuance of the sentence of a Court Martial. [He] **THE ADJUTANT GENERAL** shall perform such duties, and receive such compensation, or emoluments, as are now, or may be prescribed by Law. [He] **THE ADJUTANT GENERAL** shall discharge the duties of [his] **THE** office at the seat of Government, unless absent, under orders, on duty; and no other officer of the General Staff of the Militia shall receive salary or pay, except when on service, and mustered in with troops.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of 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 amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2026 for adoption or rejection in accordance with Article XIV of the Maryland Constitution. At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on 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

1 amendment, as directed by Article XIV of the Maryland Constitution, and further
2 proceedings had in accordance with Article XIV.