SENATE BILL 396

By: **Senators Pinsky, Feldman, Lam, and Lee**
Introduced and read first time: January 27, 2020
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1   AN ACT concerning

2   Election Law – Deadline for Selection of Lieutenant Governor

3   FOR the purpose of proposing an amendment to the Maryland Constitution to repeal the
4   requirement that a candidate for Governor who seeks nomination in a primary
5   election designate a candidate for Lieutenant Governor at the time of filing a
6   certificate of candidacy; requiring a candidate for Governor who seeks nomination in
7   a primary election to designate a candidate for Lieutenant Governor within a certain
8   time after the primary election; requiring that the name of the candidate for
9   Governor appear on the primary election ballot without a candidate for Lieutenant
10   Governor; requiring a candidate for Lieutenant Governor to file a certificate of
11   candidacy at a certain time; making clarifying, conforming, and stylistic changes;
12   and submitting this amendment to the qualified voters of the State for their adoption
13   or rejection.

14   BY proposing an amendment to the Maryland Constitution
15   Article II – Executive Department
16   Section 1B

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:

Article II – Executive Department

21   1B.

22   **[**Each candidate who shall seek a nomination for Governor, under any method
23   provided by law for such nomination, including primary elections, shall at the time of filing
24   for said office designate a candidate for Lieutenant Governor, and the names of the said
25   candidate for Governor and Lieutenant Governor shall be listed on the primary election

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EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
    [Brackets] indicate matter deleted from existing law.

1 ballot, or otherwise considered for nomination jointly with each other.**]**

2   **(A)** **A CANDIDATE WHO SEEKS A NOMINATION FOR GOVERNOR IN A**
3 **PRIMARY ELECTION SHALL DESIGNATE A CANDIDATE FOR LIEUTENANT GOVERNOR**
4 **WITHIN 21 DAYS AFTER THE PRIMARY ELECTION.**

5   **(B)** **A CANDIDATE WHO SEEKS A NOMINATION FOR GOVERNOR UNDER ANY**
6 **METHOD PROVIDED BY LAW OTHER THAN A PRIMARY ELECTION SHALL DESIGNATE**
7 **A CANDIDATE FOR LIEUTENANT GOVERNOR AT THE TIME OF FILING A**
8 **DECLARATION OF INTENT TO SEEK NOMINATION, AND THE CANDIDATE FOR**
9 **GOVERNOR AND THE DESIGNATED CANDIDATE FOR LIEUTENANT GOVERNOR**
10 **SHALL BE CONSIDERED FOR NOMINATION JOINTLY.**

11   **(C)** **(1)** No candidate for Governor may designate a candidate for Lieutenant
12 Governor **[**to contest for the said offices jointly with him**]** without the consent of the **[**said**]**
13 candidate for Lieutenant Governor, and no candidate for Lieutenant Governor may
14 designate a candidate for Governor**[**, to contest jointly for said offices with him**]** without
15 the consent of the **[**said**]** candidate for Governor**[**, said consent to be in writing on a form
16 provided for such purpose and filed at the time the said candidates shall file their
17 certificates of candidacy, or other documents by which they seek nomination**]**.

18   **(2)** **A CANDIDATE SHALL PROVIDE CONSENT UNDER THIS**
19 **SUBSECTION IN WRITING AT THE TIME OF FILING A CERTIFICATE OF CANDIDACY OR**
20 **A DECLARATION OF INTENT.**

21   **(D)** In **[**any**]** **A GENERAL** election, **[**including a primary election,**]** candidates for
22 Governor and Lieutenant Governor shall be listed jointly on the ballot, and a vote cast for
23 the candidate for Governor shall also be cast for **THE CANDIDATE FOR** Lieutenant
24 Governor jointly listed on the ballot with **[**him, and**]** the **CANDIDATE FOR GOVERNOR.**

25   **(E)** **IN A PRIMARY ELECTION:**

26   **(1)** **THE NAME OF THE CANDIDATE FOR GOVERNOR SHALL BE LISTED**
27 **ON THE PRIMARY ELECTION BALLOT WITHOUT A CANDIDATE FOR LIEUTENANT**
28 **GOVERNOR; AND**

29   **(2)** **THE CANDIDATE FOR LIEUTENANT GOVERNOR SHALL FILE A**
30 **CERTIFICATE OF CANDIDACY AT THE TIME THE CANDIDATE FOR LIEUTENANT**
31 **GOVERNOR IS DESIGNATED BY THE CANDIDATE FOR GOVERNOR.**

32   **(F)** **THE** election of **THE** Governor, or the nomination of a candidate for Governor,
33 also shall constitute the election for the same term, or the nomination, of the Lieutenant
34 Governor who was listed on the ballot or was being considered jointly with **[**him**]** **THE**
35 **CANDIDATE FOR GOVERNOR**.

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

5   SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
6 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
7 voters of the State at the next general election to be held in November 2020 for adoption or
8 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
9 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
10 ballot there shall be printed the words "For the Constitutional Amendment" and "Against
11 the Constitutional Amendment", as now provided by law. Immediately after the election,
12 all returns shall be made to the Governor of the vote for and against the proposed
13 amendment, as directed by Article XIV of the Maryland Constitution, and further
14 proceedings had in accordance with Article XIV.