

# HOUSE BILL 313

G1

CONSTITUTIONAL AMENDMENT

2lr0315

---

By: **Delegate Novotny**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Recall Elections**

3 FOR the purpose of providing that certain officials are subject to a recall election; and  
4 establishing recall election procedures.

5 BY proposing an amendment to the Maryland Constitution

6 Article XVII – Quadrennial Elections

7 Section 2

8 BY proposing an addition to the Maryland Constitution

9 New Article XVII–A – Recall Elections

10 Section 1 through 4

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

14 **Article XVII – Quadrennial Elections**

15 2.

16 Except for a special election that may be authorized to fill a vacancy in a County  
17 Council or a vacancy in the office of chief executive officer or County Executive, under  
18 Article XI–A, Section 3 of the Constitution, **OR A RECALL ELECTION, UNDER ARTICLE**  
19 **XVII–A OF THE CONSTITUTION**, elections by qualified voters for State and county  
20 officers shall be held on the Tuesday next after the first Monday of November, in the year  
21 nineteen hundred and twenty–six, and on the same day in every fourth year thereafter.

22 **ARTICLE XVII–A – RECALL ELECTIONS**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **1.**

2 **THE FOLLOWING OFFICIALS ARE SUBJECT TO A RECALL ELECTION:**

3 **(1) THE GOVERNOR;**

4 **(2) THE LIEUTENANT GOVERNOR;**

5 **(3) THE ATTORNEY GENERAL;**

6 **(4) THE COMPTROLLER;**

7 **(5) A MEMBER OF THE MARYLAND GENERAL ASSEMBLY;**

8 **(6) A MAYOR;**

9 **(7) A COUNTY EXECUTIVE;**

10 **(8) A COUNTY COMMISSIONER;**

11 **(9) THE PRESIDENT OF THE CITY COUNCIL OF BALTIMORE;**

12 **(10) A COUNTY COUNCIL MEMBER;**

13 **(11) A CITY COUNCIL MEMBER;**

14 **(12) A COUNTY TREASURER;**

15 **(13) A CITY COMPTROLLER;**

16 **(14) A STATE'S ATTORNEY; AND**

17 **(15) A COUNTY BOARD OF EDUCATION MEMBER.**

18 **2.**

19 **(A) THE RECALL OF AN OFFICIAL DESCRIBED IN SECTION 1 OF THIS**  
20 **ARTICLE SHALL BE PROPOSED BY THE FILING OF A PETITION FOR RECALL WITH THE**  
21 **SECRETARY OF STATE.**

22 **(B) A PETITION FOR RECALL MAY NOT BE FILED DURING THE FIRST 120**  
23 **DAYS OF THE TERM OF OFFICE OF AN OFFICIAL SUBJECT TO RECALL.**

1 **3.**

2 (A) A PETITION FOR RECALL SHALL BE SUFFICIENT IF IT HAS SIGNATURES  
3 FROM REGISTERED VOTERS ELIGIBLE TO VOTE FOR THE OFFICE IDENTIFIED IN THE  
4 RECALL PETITION THAT ARE EQUAL IN NUMBER TO AT LEAST 25% OF THE NUMBER  
5 OF VOTES CAST IN THE IMMEDIATELY PRECEDING ELECTION FOR THE OFFICE  
6 IDENTIFIED IN THE RECALL PETITION.

7 (B) IF A PETITION FOR RECALL FILED WITH THE SECRETARY OF STATE HAS  
8 THE REQUIRED NUMBER OF SIGNATURES, THE SECRETARY OF STATE SHALL  
9 CERTIFY THE PETITION FOR RECALL AND REFER IT TO A VOTE.

10 (C) THE SPECIAL RECALL ELECTION SHALL BE HELD WITHIN 120 DAYS  
11 AFTER THE CERTIFICATION OF THE PETITION.

12 **4.**

13 A BALLOT FOR A SPECIAL RECALL ELECTION SHALL:

14 (1) FIRST, PRESENT A QUESTION FOR A VOTER TO INDICATE A  
15 PREFERENCE TO RECALL OR TO NOT RECALL THE OFFICIAL WHOSE RECALL IS  
16 BEING SOUGHT; AND

17 (2) SECOND, PRESENT A QUESTION FOR A VOTER TO INDICATE A  
18 PREFERRED CANDIDATE TO SUCCEED THE OFFICIAL WHOSE RECALL IS BEING  
19 SOUGHT, IF THE VOTER INDICATED A PREFERENCE TO RECALL THE OFFICIAL.

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the  
25 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified  
26 voters of the State at the next general election to be held in November 2022 for adoption or  
27 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,  
28 the vote on the proposed amendment to the Constitution shall be by ballot, and on each  
29 ballot there shall be printed the words "For the Constitutional Amendment" and "Against  
30 the Constitutional Amendment", as now provided by law. Immediately after the election,  
31 all returns shall be made to the Governor of the vote for and against the proposed  
32 amendment, as directed by Article XIV of the Maryland Constitution, and further  
33 proceedings had in accordance with Article XIV.