

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 26

(Senator Miller, *et al.*)

Rules

Rules and Executive Nominations

Maryland Constitutional Convention - Sense of the Voters

This bill requires the question of whether a convention for the purpose of altering the Maryland Constitution or framing a new constitution will be called under Section 2 of Article XIV of the Maryland Constitution to be submitted to the legal and qualified voters of the State at the November 2010 general election. The bill also specifies procedural requirements for submittal of the question to the voters and determination of the result of the vote.

The bill takes effect July 1, 2010.

Fiscal Summary

State Effect: None. The bill serves to implement an existing requirement of the Maryland Constitution.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Section 2 of Article XIV of the Maryland Constitution states that it is the duty of the General Assembly to “provide by Law for taking, at the general election to be held in [1970], and every twenty years thereafter, the sense of the People in regard to calling a Convention for altering this Constitution[.]” If “a majority of voters at such election or elections” vote for the convention, the General Assembly must provide by law at its next session for the assembling of, and elections of delegates to, the convention.

Any new constitution or change or amendment to the existing constitution that is adopted by the convention must then be submitted to the voters of the State to be adopted “by a majority of voters voting thereon.”

State law contains various provisions applicable to ballot questions, including ballot questions relating to the calling of a constitutional convention. Under the provisions, a question relating to the holding of a constitutional convention qualifies for the ballot automatically every 20 years pursuant to Section 2 of Article XIV of the Maryland Constitution. Other provisions relate to the text of the questions and notice provided to voters.

Background: A constitutional convention has never been called pursuant to Section 2 of Article XIV of the Maryland Constitution, although Maryland has otherwise held five constitutional conventions, in 1776, 1851, 1864, 1867, and 1967-1968. In 1930 and 1950, the question of calling a convention received small majorities of voters voting on the question, but the General Assembly declined to call a convention in both cases, reasoning that a majority of all voters voting at the election was required, not only a majority of those voting on the question. The question of calling a convention did not receive the required majority in 1970 or 1990.

For more background and history related to Section 2 of Article XIV, see *The Maryland State Constitution: A Reference Guide* (2006) by Dan Friedman.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2010
a/mwc

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510