

Bill No.: _____
Requested: _____
Committee: _____

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By: **Delegate Atterbeary**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Orphans’ Court Judges – Qualifications**

3 **Ho. Co. 02–19**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to prescribe
5 different qualifications for judges of the Orphans’ Court for Howard County;
6 requiring judges of the Orphans’ Court for Howard County to have been admitted to
7 practice law in the State and be members in good standing of the Maryland Bar; and
8 submitting this amendment to the qualified voters of the State for their adoption or
9 rejection.

10 BY proposing an amendment to the Maryland Constitution
11 Article IV – Judiciary Department
12 Section 40

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

16 **Article IV – Judiciary Department**

17 40.

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



1 (a) The qualified voters of the several Counties, except Montgomery County and
2 Harford County, shall elect three Judges of the Orphans' Courts of Counties who shall be
3 citizens of the State and residents, for the twelve months preceding, in the County for which
4 they may be elected.

5 (b) The qualified voters of the City of Baltimore shall elect three Judges of the
6 Orphans' Court for Baltimore City who shall be citizens of the State and residents, for the
7 twelve months preceding, in Baltimore City and who have been admitted to practice law in
8 this State and are members in good standing of the Maryland Bar.

9 (c) The qualified voters of Prince George's County shall elect three Judges of the
10 Orphans' Court for Prince George's County who shall be citizens of the State and residents,
11 for the twelve months preceding, in Prince George's County and who have been admitted
12 to practice law in this State and are members in good standing of the Maryland Bar.

13 (d) The qualified voters of Baltimore County shall elect three Judges of the
14 Orphans' Court for Baltimore County who shall be citizens of the State and residents, for
15 the twelve months preceding, in Baltimore County and who have been admitted to practice
16 law in this State and are members in good standing of the Maryland Bar.

17 **(E) THE QUALIFIED VOTERS OF HOWARD COUNTY SHALL ELECT THREE**
18 **JUDGES OF THE ORPHANS' COURT FOR HOWARD COUNTY WHO SHALL BE CITIZENS**
19 **OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS PRECEDING, IN HOWARD**
20 **COUNTY AND WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE**
21 **MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.**

22 **[(e)] (F)** The Judges shall have all the powers now vested in the Orphans' Courts
23 of the State, subject to such changes as the Legislature may prescribe.

24 **[(f)] (G)** Each of the Judges shall be paid such compensation as may be
25 regulated by Law, to be paid by the City or Counties, respectively.

26 **[(g)] (H)** In case of a vacancy in the office of Judge of the Orphans' Court, the
27 Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable
28 person to fill the vacancy for the residue of the term.

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 only one county and that the provisions of Article XIV, § 1 of the Maryland
4 Constitution concerning local approval of constitutional amendments 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.