

COMPARISON OF CONSTITUTIONS

PROPOSED CONSTITUTION OF 1968

CONSTITUTION OF 1867

**Tie Votes and Salaries**

**Section 4.23. Tie Votes.**

If at any general election two or more candidates for governor, for attorney general, or for comptroller shall have the highest and an equal number of votes for the same office, one of them shall be elected to that office by the affirmative vote of a majority of all members of the General Assembly in joint session. The election shall be the first order of business after the organization of each house. The election of a governor shall constitute the election for the same term of the lieutenant governor who was listed on the ballot with him at the general election.

**Section 4.24. Salaries.**

The salary of the governor, of the lieutenant governor, of the attorney general, and of

vacancy in either of the offices by death or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election or a choice by the Legislature, as the case may be, and until the qualification of the successor. . . .

**Sec. 5.** The Comptroller shall qualify, and enter on the duties of his office, on the third Monday of January next succeeding the time of his election, or as soon thereafter as practicable. . . .

**Art. II, sec. 4.** If two or more persons shall have the highest and an equal number of votes for Governor, one of them shall be chosen Governor by the Senate and House of Delegates; and all questions in relation to the eligibility of Governor, and to the Returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates; and if the person, or persons, having the highest number of votes, be ineligible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor by the General Assembly shall be determined by a joint majority of the Senate and House of Delegates; and the vote shall be taken *viva voce*. But if two or more persons shall have the highest and an equal number of votes, then, a second vote shall be taken, which shall be confined to the persons having an equal number; and if the vote should again be equal, then the election of Governor shall be determined by lot between those, who shall have the highest and an equal number on the first vote.

**Art. V, sec. 2.** All elections for Attorney General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts for the several counties, and the Clerk of the Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be to decide on the election and qualification of the person returned; and in case of a tie between two or more persons, to designate which of said persons shall qualify as Attorney General, and to administer the oath of office to the person elected.

**Art. II, sec. 21.** The Governor shall reside at the seat of government, and, from and after the fourth Wednesday in Janu-