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Annotated Code of Maryland
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*** CURRENT THROUGH THE 2006 REGULAR AND SPECIAL SESSIONS ***
*** WITH UPDATES OF MATERIAL IN EFFECT JANUARY 1, 2007 ***
*** ANNOTATIONS ARE CURRENT THROUGH NOVEMBER 20, 2006 ***

CONSTITUTION OF MARYLAND
ARTICLE II. EXECUTIVE DEPARTMENT

GO TO MARYLAND STATUTES ARCHIVE DIRECTORY

Md. Const. art. II, § 1 (2006)

Section 1. Executive power vested in Governor; term of office; when ineligible to succeed himself

The executive power of the State shall be vested in a Governor, whose term of office shall commence on the third Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified; and a person who has served two consecutive popular elective terms of office as Governor shall be ineligible to succeed himself as Governor for the term immediately following the second of said two consecutive popular elective terms.

HISTORY: 1939, ch. 381, rejected Nov. 5, 1940; 1947, ch. 109, ratified Nov. 2, 1948; 1964, ch. 161, ratified Nov. 3, 1964; 1970, ch. 576, ratified Nov. 3, 1970.

NOTES:

CROSS REFERENCES. --See article 8 and article 34 of the Declaration of Rights.

As to the Governor and the administrative departments of the State, see article 41 of the Code.

EDITOR'S NOTE. --Chapter 788, Acts 1969, which was repealed by ch. 576, Acts 1970, had proposed amendments to article II, §§ 1, 3 and 13 and to article III, §§ 14, 15, 27 and 52.

EXECUTIVE ORDERS. --The Governor's broad authority, under Article 8 of the Maryland Declaration of Rights as well as under §§ 3-302 and 3-401 of the *State Government Article*, to issue executive orders for the guidance and direction of units and employees of the Executive Branch necessarily permits the promulgation of an executive order authorizing limited collective-bargaining rights for Executive Branch employees. *McCulloch v. Glendening*, 347 Md. 272, 701 A.2d 99 (1997).

APPOINTMENT OF MEMBERS OF COMMISSION ON MEDICAL DISCIPLINE. --Placing the authority to appoint members of the Commission on Medical Discipline in the Medical and Chirurgical Faculty, a professional organization chartered by the General Assembly of Maryland by Chapter 105 of Acts of 1798, rather than in the hands of the Governor, does not offend the separation of powers provision of the *Maryland Declaration of Rights*. *Commission on Medical Discipline v. Stillman*, 291 Md. 390, 435 A.2d 747 (1981).

GOVERNOR'S POWER TO REMOVE OFFICERS PRIOR TO EXPIRATION OF TERMS OF OFFICE. --Court of Appeals of Maryland holds that the power to remove officers appointed by a Governor, during the term of the officers' appointment, for misconduct or incompetency, is solely the Governor's, and the attempt by the Legislature to terminate those officers, previously appointed by the Governor and approved by the Senate, prior to the expiration of their terms of office, is an usurpation of executive power in violation of *Md. Const. art. II, §§ 1, 9 and 15* and in violation of *Article 8 of the Declaration of Rights of Maryland*. *Schisler v. State*, 394 Md. 519, 907 A.2d 175 (2006).

THE GOVERNOR HAD THE AUTHORITY TO APPROVE A MEMORANDUM OF UNDERSTANDING between the World Health Organization and the Maryland Department of Health and Mental Hygiene. *81 Op. Att'y Gen. 58* (Feb. 6, 1996).

DRUG-FREE WORKPLACE POLICY. --Executive order embodying the State's drug-free workplace policy addressing Executive Branch employees is valid and enforceable through applicable disciplinary procedures. *74 Op. Att'y Gen. 200* (1989).

APPLIED IN Dep't of Pub. Safety & Corr. Servs. v. Beard, 142 Md. App. 283, 790 A.2d 57 (2002), cert. denied, 369 Md. 180, 798 A.2d 552 (2002).

CITED IN Miles v. Bradford, 22 Md. 170 (1864); *Smith v. Thursby*, 28 Md. 244 (1868); *Cull v. Whettle*, 114 Md. 58, 78 A. 820 (1910); *Buchholtz v. Hill*, 178 Md. 280, 13 A.2d 348 (1940); *Maryland Classified Employees Ass'n v. Schaefer*, 325 Md. 19, 599 A.2d 91 (1991), cert. denied, 502 U.S. 1090, 112 S. Ct. 1160, 117 L. Ed. 2d 407 (1992).