

until his successor shall have qualified; but the Governor chosen at the first election under this Constitution shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected; unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

[Section 1. The executive power of the State shall be vested in a Governor, whose term of office shall commence on the Second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified; and he shall be ineligible to succeed himself as Governor for the term directly following that for which he was elected.]¹

This section referred to in refusing a mandamus directing the Governor to count certain votes and to exclude certain other votes for and against the adoption of the Constitution. *Miles v. Bradford*, 22 Md. 183.

This section referred to in construing art. 15, sec. 3, and art. 4, sec. 42—see notes to the former. *Smith v. Thursby*, 28 Md. 258.

This section referred to in construing art. 2, sec. 15, of the Constitution—see notes thereto. *Cull v. Whettle*, 114 Md. 90.

See notes to art. 7, sec. 3, Md. Constitution, and see arts. 8, *et seq.*, and art. 34, Declaration of Rights.

As to the Governor and the administrative departments of the state, see art. 41, An. Code.

Sec. 2. An election for Governor, under this Constitution, shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and on the same day and month in every fourth year thereafter, at the places of voting for delegates to the General Assembly; and every person qualified to vote for Delegates shall be qualified and entitled to vote for Governor; the election to be held in the same manner as the election of Delegates, and the returns thereof under seal to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to said Speaker, at the commencement of the session of the General Assembly next ensuing said election.

Sec. 3. The Speaker of the House of Delegates shall then open the said returns in the presence of both Houses; and the person having the highest number of votes, and being constitutionally eligible, shall be the Governor, and shall qualify, in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

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 the 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 Gov-

¹ This amendment was submitted by ch. 381, 1939, and will be voted upon by the people in Nov. 1940.