

COMPARISON OF CONSTITUTIONS

PROPOSED CONSTITUTION OF 1968

CONSTITUTION OF 1867

Section 5.21. Procedures of Nominating Commissions.

Each nominating commission shall act only upon the concurrence of a majority of its members. Each commission shall elect one of its members as chairman.

Section 5.22. Judicial Term of Office.

The continuance in office of each judge shall be subject to approval or rejection at the next general election following the expiration of two years from the date of the occurrence of the vacancy to which he was appointed and at the general election every eight years thereafter. The continuance in office of each judge of the Court of Appeals and of the Intermediate Appellate Court shall be subject to approval or rejection by the voters of the entire State. The continuance in office of each judge of the Superior Court and of the District Court shall be subject to approval or rejection by the voters of the county or the district in which the office then exists. The Court of Appeals shall prescribe by rule for a poll by secret ballot of the lawyers of the area in which a judge stands for election regarding the desirability of his continuance in office. The Court of Appeals shall prescribe by rule for publication of the results of the poll. If the voters reject the continuance in office of a judge the office shall be vacant.

Art. IV, sec. 3. The Judges of the said several Courts other than the Court of Appeals or any intermediate courts of appeal shall, subject to the provisions of Section 5 of this Article of the Constitution, be elected in Baltimore City and in each county, by the qualified voters of the city and of each county, respectively, except that in the First and Second Judicial Circuits the said Judges of the several Courts shall be elected by the qualified voters in each respective Judicial Circuit as hereinafter provided, all of the said Judges to be elected at the general election to be held on the Tuesday after the first Monday in November, as now provided for in the Constitution. Each of the said Judges shall hold his office for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after. In case of the inability of any of said Judges to discharge his duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor to retire said Judge from office.

See Art. IV, Sec. 5 at Section 5.15 for election of judge appointed to fill a vacancy.

Sec. 11. The election for Judges, hereinafter provided, and all elections for Clerks, Registers of Wills, and other officers, provided in this Constitution, except State's Attorneys, shall be certified, and the returns made, by the Clerks of the Circuit Courts of the Counties, and the Clerk of the Superior Court of Baltimore City, respectively, to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been, respectively, elected; and in all such elections, the person having the greatest number of votes shall be declared to be elected.

Sec. 12. If in any case of election for Judges, Clerks of the Courts of Law, and