

(d) At the conclusion of the recording of ballots, the Chairman shall permit any Member to change his vote before the final results are announced. If a Member changes his vote, he shall announce the change by voice vote, and the change also shall be recorded and subscribed to by the Member on a signed ballot. In this event the original paper ballot cast by the Member shall be withdrawn and destroyed. The final vote of each Member shall be journalized.

(e) If any person receives in the election for Governor the votes of a majority of the Members present and voting in the Joint Session, a quorum being present, he shall be declared elected as Governor.

11.

(a) The Chairman of the Joint Session shall certify to the Office of the Secretary of State the name of the person elected to the office of Governor.

(b) The paper ballots cast in the election shall be conveyed to the office of the Secretary of State, with the request they be transmitted promptly to the Hall of Records for permanent keeping in the archives.

12.

The proceedings of the Joint Session, including a copy of the certification of the office of the Secretary of State, shall be included in the Journals of the Senate and of the House of Delegates for the current session of the General Assembly.

Rules—Appendix A

EXCERPTS FROM THE OPINION OF THE STATE LAW DEPARTMENT ON THE ELECTION OF A GOVERNOR BY THE GENERAL ASSEMBLY OF MARYLAND

(Daily Record, December 3, 1968)

“We will now summarize our views in brief responses to your questions.

“First: We believe that the House and Senate are required to meet together in a single assembly to elect a governor. We think that this was clearly the intent of the framers of the Constitution of 1851, and the authors of the Constitution of 1867. We also believe that this was the view of the 1959 General Assembly in adopting the amendments to Sections 6 and 7 of Article II in this year. Further, we find that a single assembly was convened on each of the three previous occasions when the General Assembly met to fill a vacancy in the office of Governor.

“Second: We believe that a quorum of 93 members must be present before the General Assembly can conduct the election of a governor. Once the presence of a quorum is established, it is our opinion that a governor must be elected by a majority of all of the votes cast on the question, and not by a mere plurality of the votes cast. We find no authority for the proposition that a constitutional majority is required for such election.

“Third: We believe that the mandate of Section 4 of Article II of the Constitution is clear and unambiguous in requiring that the vote be taken viva voce, and that a secret ballot by the General Assembly is not permitted in electing a governor.”