

SUMMARY OF QUESTION 1: CONSTITUTIONAL AMENDMENT
Prince George's County – Orphans' Court Judges – Qualifications
Chapter 394 of 2011 (Senate Bill 281)

This constitutional amendment would require that, in addition to the current eligibility requirements, each of the three judges of the Orphans' Court for Prince George's County be admitted to practice law in this State and be a member in good standing of the Maryland Bar.

An orphans' court hears all contested matters regarding a decedent's estate, including validity of wills and legal questions involving transfers of property. The court also supervises estates that are probated judicially; approves accounts, awards of personal representatives' commissions, and attorney's fees in all estates; and has concurrent jurisdiction with the circuit courts over the guardianship of minors and their property.

Currently, the Maryland Constitution provides for the election of three orphans' court judges in Baltimore City and in each county, except in Harford and Montgomery counties, where a circuit court judge sits as the orphans' court. Except in Baltimore City, the only requirements to qualify for election as an orphans' court judge are that an individual be a citizen of Maryland and reside for the preceding 12 months in the jurisdiction from which the individual is elected. In 2010, the voters of Maryland and Baltimore City adopted a constitutional amendment to require orphans' court judges in Baltimore City to also be admitted to practice law in this State and be members in good standing of the Maryland Bar.

For this constitutional amendment to be implemented, it must be approved by both a majority of the statewide voters and a majority of the voters in Prince George's County.

SUMMARY OF QUESTION 2: CONSTITUTIONAL AMENDMENT
Baltimore County – Orphans' Court Judges – Qualifications

Chapter 146 of 2012 (Senate Bill 48)

This constitutional amendment would require that, in addition to the current eligibility requirements, each of the three judges of the Orphans' Court for Baltimore County be admitted to practice law in this State and be a member in good standing of the Maryland Bar.

An orphans' court hears all contested matters regarding a decedent's estate, including validity of wills and legal questions involving transfers of property. The court also supervises estates that are probated judicially; approves accounts, awards of personal representatives' commissions, and attorney's fees in all estates; and has concurrent jurisdiction with the circuit courts over the guardianship of minors and their property.

Currently, the Maryland Constitution provides for the election of three orphans' court judges in Baltimore City and in each county, except in Harford and Montgomery counties, where a circuit court judge sits as the orphans' court. Except in Baltimore City, the only requirements to qualify for election as an orphans' court judge are that an individual be a citizen of Maryland and reside for the preceding 12 months in the jurisdiction from which the individual is elected. In 2010, the voters of Maryland and Baltimore City adopted a constitutional amendment to require orphans' court judges in Baltimore City to also be admitted to practice law in this State and be members in good standing of the Maryland Bar.

For this constitutional amendment to be implemented, it must be approved by both a majority of the statewide voters and a majority of the voters in Baltimore County.

SUMMARY OF QUESTION 3: CONSTITUTIONAL AMENDMENT
Elected Officials - Removal from Office - Crimes

Chapter 147 of 2012 (House Bill 211)

This proposed constitutional amendment changes the point at which an elected official charged with certain crimes is suspended or removed from office.

Under the State Constitution, there is a two-step process for removing a State or local elected official who, while in office, is convicted of or pleads nolo contendere (a plea stating that the defendant will not contest the charge but does not admit guilt or claim innocence) to a crime that is (1) a felony; or (2) a misdemeanor that is related to the elected official's public duties and responsibilities and involves moral turpitude, and for which the penalty may be imprisonment ("disqualifying misdemeanor"). First, if the elected official is convicted or pleads nolo contendere, the elected official is suspended from office. During the suspension, the elected official may not receive pay or benefits and the office is filled temporarily. Second, if the conviction is not appealed or is affirmed on appeal, the elected official is removed from office. If the conviction is reversed or overturned, the elected official is reinstated automatically for the remainder of the term, if any, and all pay and benefits are restored.

Under current law, a "conviction" occurs upon sentencing. Thus, an elected official who is found guilty or enters a guilty plea may continue in office until the official is sentenced for the crime, which may be months later. This proposed constitutional amendment establishes that a State or local official who is found guilty is suspended immediately upon the finding of guilt. A State or local official who pleads guilty or nolo contendere would be removed from office immediately without the possibility of reinstatement.

SUMMARY OF QUESTION 4: REFERENDUM BY PETITION
Statutory Enactment Petitioned to Statewide Referendum –
Public Institutions of Higher Education – Tuition Rates – Exemptions

Chapter 191 of 2011 (Senate Bill 167)

This Act allows certain individuals who attended and graduated from Maryland high schools to pay in-state tuition and, in certain instances, in-county tuition at community colleges. An individual who graduates from or earns a certain number of credits from a community college in the State is then eligible under the Act to pay the resident tuition rate at a public four-year higher education institution in Maryland under specified circumstances. Because of their inability to establish permanent residency, these individuals, including many immigrants, both documented and undocumented, are considered nonresidents for tuition purposes regardless of how long they have lived in Maryland. The Act also extends the time in which honorably discharged military veterans may qualify for in-state tuition rates.

Under the Act, an individual, including an undocumented individual, is authorized, regardless of residency status, to pay in-state tuition at a community college in Maryland if the individual:

- attended a Maryland high school for at least three years and either graduated from a Maryland high school or received the equivalent of a high school diploma in Maryland;

Summary of Question 4 continued on next page.

- provides the community college with documentation that the individual or the individual's parent or legal guardian has filed a Maryland income tax return annually (1) for the three years during which the individual attended high school in the State; (2) during any period between graduation from high school in the State and registration at a community college; and (3) during the period of attendance at the community college;
- provides an affidavit stating that the individual will file an application to become a permanent resident within 30 days after the individual becomes eligible to do so, if the individual is not a permanent resident;
- provides documentation that the individual has registered with the Selective Service System, if the individual is required to do so; and
- registers at the community college within four years after graduating from high school or within four years after receiving the equivalent of a high school diploma in Maryland.

An individual who meets the above requirements is eligible to pay the in-county tuition rate at a community college in Maryland if:

- the individual attends a community college supported by the county in which the high school from which the individual graduated is located; or
- in the case of an individual who received the equivalent of a high school diploma, the individual attends a community college supported by the county in which the high school most recently attended by the individual is located.

An individual who meets the above requirements and is awarded an associate's degree by, or earned 60 credits at, a community college in the State is eligible for the resident tuition rate at a public four-year higher education institution in Maryland if the individual:

- provides the institution a copy of the affidavit regarding application to become a permanent resident;
- provides the institution documentation regarding the annual filing of Maryland income tax returns by the individual or by the individual's parent or legal guardian up to and including the period of attendance at the institution; and
- registers at the institution within four years after graduating from, or achieving 60 credits at, a community college in the State.

For honorably discharged veterans of the U.S. Armed Forces, the Act extends the time period from one year after discharge to four years after discharge during which these veterans may present documentation to qualify for in-state tuition at public institutions of higher education in the State. The required documentation includes evidence that the veteran attended a Maryland high school for at least three years and documentation that the veteran graduated from a high school in the State or received the equivalent of a high school diploma in the State.

Currently, tuition policies at community colleges are set by State regulations and the boards of trustees for the colleges. There are three levels of tuition at community colleges:

in-county, out-of-county, and out-of-state. In general, there is a three-month residency requirement for community colleges.

Tuition policies for public four-year higher education institutions require individuals to have the legal ability under federal and State law to live permanently in Maryland in order to qualify for in-state tuition rates. In general, these individuals qualify for in-state tuition when they can document that they have lived continuously in Maryland for at least 12 consecutive months.

SUMMARY OF QUESTION 5: REFERENDUM BY PETITION **Statutory Enactment Petitioned to Statewide Referendum – Congressional Districting Plan**

Chapter 1 of the Special Session of 2011 (Senate Bill 1)

This Act establishes a new congressional districting plan for the election of Maryland's eight representatives in the U.S. House of Representatives based on new census figures, as required by law.

The U.S. Constitution requires each state to redraw its congressional district boundaries every 10 years after a census of the United States is taken by the federal government. Several legal requirements govern the process of drawing district lines. First, federal law requires that district boundaries be drawn so that the populations in each district are equal. Second, under federal law, district boundaries must be drawn so that minorities have an equal opportunity to participate in the electoral process and elect a representative of their choice. Finally, Maryland law requires that prisoners be counted at their last known address if they were Maryland residents before their incarceration. Prisoners who were not residents of Maryland before being incarcerated must be excluded from the census data that is used to establish the districts.

In the fall of 2011, the State of Maryland enacted a new congressional districting plan based on census data collected in 2010. The plan subsequently was challenged in federal court, but in December 2011 a three-judge panel of the U.S. District Court for the District of Maryland ruled that the plan was legal and constitutional. On June 25, 2012, the U.S. Supreme Court affirmed the district court ruling.

The State's plan provides that the 1st Congressional District consists of the entire Eastern Shore (Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties) and parts of Baltimore, Carroll, and Harford counties; the 2nd Congressional District consists of parts of Anne Arundel, Baltimore, Harford, and Howard counties and parts of Baltimore City; the 3rd Congressional District consists of parts of Anne Arundel, Baltimore, Howard, and Montgomery counties and parts of Baltimore City; the 4th Congressional District consists of parts of Anne Arundel and Prince George's counties; the 5th Congressional District consists of the entire Southern Maryland counties of Calvert, Charles, and St. Mary's and parts of Anne Arundel and Prince George's counties; the 6th Congressional District consists of the entire Western Maryland counties of Allegany, Garrett, and Washington and parts of Frederick and Montgomery counties; the 7th Congressional District consists of parts of Baltimore and Howard counties and parts of Baltimore City; and the 8th Congressional District consists of parts of Carroll, Frederick, and Montgomery counties.

If this question receives a majority of votes at the 2012 general election, the State's plan will remain in force. If, however, the question does not receive a majority of votes, the plan will be repealed 30 days after the official canvass of votes and a different plan will be enacted. Regardless of the outcome of the vote on the question at the 2012 general election, however, the congressional districting plan enacted under Chapter 1 will remain in effect for the duration of the two-year term of the U.S. Congress that begins in January 2013, and any member elected to the U.S. Congress at the November 2012 general election from those districts will remain in office until the end of that two-year term.

SUMMARY OF QUESTION 6: REFERENDUM BY PETITION
Statutory Enactment Petitioned to Statewide Referendum –
Civil Marriage Protection Act
Chapter 2 of 2012 (House Bill 438)

This Act amends current law to allow gay and lesbian couples to obtain a civil marriage license. Other prohibitions and age restrictions relating to who may legally marry remain in place.

The Act also provides religious protections. Religious entities retain exclusive control over their own theological doctrines, policy teachings, and beliefs regarding who may marry within that faith. No official of a religious order or body authorized to perform a marriage ceremony may be required to celebrate or officiate any particular marriage or religious rite of marriage in violation of the right to free exercise of religion as guaranteed by the U.S. and Maryland constitutions, and may not be subject to any fines or other penalties for the failure or refusal to do so.

Further, under the Act no religious entity may be required to provide services, accommodations, advantages, facilities, goods, or privileges if they are related to the celebration of a marriage that violates the entity's religious beliefs or to the promotion of marriage through any social or religious programs or services, unless State or federal funds are received for that specific program or service, nor does a refusal to provide any create a civil claim or cause of action. Moreover, the State may not penalize, withhold benefits from, or discriminate against the entity because of the refusal. The protections in the Act extend to associations, societies, or nonprofit institutions or organizations operated, supervised, or controlled by a religious entity. If this question is approved by voters, the resulting changes to the statute cannot be interpreted to prohibit any religious entities from limiting admission to or giving preferences to individuals of the same religion or denomination when otherwise permitted by law.

Finally, the Act also states that a fraternal benefit society that is operated, supervised, or controlled by a religious organization may not be required to admit individuals as members or provide insurance benefits if doing so would be a violation of its religious beliefs. Such refusals may not create a civil claim or cause of action or form the basis for the withholding of governmental benefits or services.

The Act does not affect existing laws prohibiting discrimination in employment, housing, or public accommodations on the basis of sexual orientation.

SUMMARY OF QUESTION 7: REFERENDUM BY STATUTORY ENACTMENT
Gaming Expansion – Video Lottery Terminals and Table Games

Chapter 1 of the Second Special Session of 2012 (Senate Bill 1)

Chapter 1 of the Acts of the General Assembly of the second special session of 2012 (1) authorizes video lottery operation licensees to operate "table games"; (2) increases from 15,000 to 16,500 the maximum number of video lottery terminals that may be operated in the State; and (3) increases from five to six the maximum number of video lottery operation licenses that may be awarded in the State and allows a video lottery facility to operate in Prince George's County.

Article XIX of the Maryland Constitution, approved by the voters at the November 2008 general election, authorized a maximum of five video lottery facility licenses at specified locations in Allegany County, Anne Arundel County, Baltimore City, Cecil County, and Worcester County. All five licenses have been awarded, and the facilities in Anne Arundel County, Cecil County, and Worcester County are open to the public.

Article XIX also requires that additional forms or expansion of commercial gaming in the State, such as provided under Chapter 1, be approved by referendum in a general election.

Prince George's County Facility

Chapter 1 states the intent of the General Assembly that a video lottery operation license may not be awarded in Prince George's County unless this referendum is approved by a majority of the voters in Prince George's County voting on the question.

If a video lottery facility is authorized in Prince George's County, it must be located within a four-mile radius of the intersection of Bock Road and St. Barnabas Road, which encompasses both National Harbor and Rosecroft Raceway. A facility in Prince George's County may be allocated up to 3,000 video lottery terminals. Neither video lottery terminals nor table games may be operational in Prince George's County until the earlier of July 1, 2016, or 30 months after the video lottery facility in Baltimore City is open.

Upon the opening of a Prince George's County facility, a guaranteed additional allocation from video lottery terminal proceeds is provided to certain video lottery licensees for capital improvements and marketing and promotional costs.

Use of Gaming Proceeds

Chapter 1 adds expansion of public early childhood education programs to the permitted uses of gaming proceeds, including proceeds from table games if the referendum is approved statewide. Under current law, the primary purpose of video lottery terminals is to raise revenue for: (1) education for the children of the State in public schools (prekindergarten through grade 12); (2) public school construction and public school capital improvements; and (3) construction of capital projects at community colleges and public senior higher education institutions.

Additional Changes to State Gaming Laws

If the voters statewide approve this referendum, other changes to current law will take effect, including:

- Allowing a video lottery facility to operate 24 hours a day, 7 days a week. Under current law, a video lottery facility may be open from 8 a.m. to 2 a.m., Sunday through Thursday, and 8 a.m. to 4 a.m. on Friday and Saturday.
- Altering the distribution of and required uses of video lottery terminal proceeds.
- Providing for the distribution of proceeds from the operation of table games.