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By: **Senator Giannetti**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Estates - Elective Share - Election of Surviving Spouse**

3 FOR the purpose of altering the period during which a surviving spouse may make an  
4 election to take an elective share under certain circumstances; providing for the  
5 application of this Act; and generally relating to the period during which a  
6 surviving spouse may elect to take an elective share.

7 BY repealing and reenacting, with amendments,  
8 Article - Estates and Trusts  
9 Section 3-206(a)  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Estates and Trusts**

15 3-206.

16 (a) (1) The election by a surviving spouse to take an elective share shall be  
17 made within the later of:

18 (i) [Nine] EIGHT months after the date of the decedent's death; or

19 (ii) Six months after the first appointment of a personal  
20 representative under a will.

21 (2) The court may extend the time for election, before its expiration, for a  
22 period not to exceed three months at a time, upon notice given to the personal  
23 representative and for good cause shown.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
25 construed to apply only prospectively and may not be applied or interpreted to have  
26 any effect on or application to an estate of a decedent who dies before October 1, 2004.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2004.