

SENATE BILL 438

L3, G1

(4lr1840)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Ways and Means* —

Introduced by **Senator Mathias**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Municipal Elections – Inclusion of Offices and Questions on the State Ballot**

3 FOR the purpose of authorizing a municipality to request that the State Board of
4 Elections include certain offices and questions on a certain ballot; requiring a
5 municipality to file a certain request with the State Board on or before a certain
6 date; requiring a municipality to include a certain certification as part of a
7 certain request; *providing that a municipality is not required to file a certain*
8 request under certain circumstances; requiring the municipal attorney or, in
9 certain circumstances, the clerk of the circuit court in the county in which the
10 municipal corporation is located, to prepare and certify, by a certain date, each
11 municipal question to be voted on at a certain election; requiring the State
12 Board, *after consultation with a certain local board of elections*, to make a
13 determination within a certain time period whether to include a municipal
14 question on the ballot; requiring certain questions certified for the ballot to be
15 assigned a certain identifier; requiring the State Board, under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 circumstances, to include certain offices and questions at the end of a ballot and
 2 arrange them in a certain order; providing for the application of certain
 3 provisions of the State election law; requiring a municipality to reimburse the
 4 State Board and the applicable local board of elections for certain costs incurred
 5 by the State Board or the local board; defining certain terms; and generally
 6 relating to the inclusion of offices and questions for a municipal election on a
 7 ballot prepared by the State Board of Elections.

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 7–103 and 13–101

11 Annotated Code of Maryland

12 (2010 Replacement Volume and 2013 Supplement)

13 BY adding to

14 Article – Local Government

15 Section 4–108.1

16 Annotated Code of Maryland

17 (2013 Volume)

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

20 **Article – Election Law**

21 7–103.

22 (a) **(1)** In this section THE FOLLOWING WORDS HAVE THE MEANINGS
 23 INDICATED.

24 **(2)** [, “county attorney”] “COUNTY ATTORNEY” means:

25 [(1)] (I) the attorney or law department established by a county
 26 charter or local law to represent the county generally, including its legislative and
 27 executive officers; or

28 [(2)] (II) if the county charter or local laws provide for different
 29 attorneys to represent the legislative and executive branches of county government,
 30 the attorney designated to represent the county legislative body.

31 **(3)** “MUNICIPAL ATTORNEY” MEANS:

32 (I) THE ATTORNEY OR LAW DEPARTMENT ESTABLISHED BY
 33 A MUNICIPAL CHARTER OR LOCAL LAW TO REPRESENT THE MUNICIPAL
 34 CORPORATION GENERALLY, INCLUDING ITS LEGISLATIVE AND EXECUTIVE
 35 OFFICERS; OR

1 **(II) IF THE MUNICIPAL CHARTER OR LOCAL LAWS PROVIDE**
2 **FOR DIFFERENT ATTORNEYS TO REPRESENT THE LEGISLATIVE AND EXECUTIVE**
3 **BRANCHES OF MUNICIPAL GOVERNMENT, THE ATTORNEY DESIGNATED TO**
4 **REPRESENT THE MUNICIPAL LEGISLATIVE BODY.**

5 (b) Each question shall appear on the ballot containing the following
6 information:

7 (1) a question number or letter as determined under subsection (d) of
8 this section;

9 (2) a brief designation of the type or source of the question;

10 (3) a brief descriptive title in boldface type;

11 (4) a condensed statement of the purpose of the question; and

12 (5) the voting choices that the voter has.

13 (c) (1) The Secretary of State shall prepare and certify to the State Board,
14 not later than the third Monday in August, the information required under subsection
15 (b) of this section, for all statewide ballot questions and all questions relating to an
16 enactment of the General Assembly which is petitioned to referendum.

17 (2) The State Board shall prepare and certify to the appropriate local
18 board, not later than the second Monday in August, the information required under
19 subsection (b) of this section for all questions that have been referred to the voters of
20 one county or part of one county pursuant to an enactment of the General Assembly.

21 (3) (i) The county attorney of the appropriate county shall prepare
22 and certify to the appropriate local board, not later than the third Monday in August,
23 the information required under subsection (b) of this section for each question to be
24 voted on in a single county or part of a county, except a question covered by paragraph
25 (1) or paragraph (2) of this subsection.

26 (ii) If the information required under subsection (b) of this
27 section has not been timely certified under subparagraph (i) of this paragraph, the
28 clerk of the circuit court for the jurisdiction shall prepare and certify that information
29 to the local board not later than the fourth Monday in August.

30 (iii) A local board shall provide a copy of each certified question
31 to the State Board within 48 hours after receipt of the certification from the certifying
32 authority.

1 (4) (I) THE MUNICIPAL ATTORNEY OF THE APPROPRIATE
 2 MUNICIPAL CORPORATION SHALL PREPARE AND CERTIFY TO THE STATE
 3 BOARD, NOT LATER THAN THE THIRD MONDAY IN AUGUST, THE INFORMATION
 4 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR EACH QUESTION TO
 5 BE VOTED ON IN THE MUNICIPAL CORPORATION, EXCEPT A QUESTION COVERED
 6 BY PARAGRAPHS (1) THROUGH (3) OF THIS SUBSECTION.

7 (II) IF THE INFORMATION REQUIRED UNDER SUBSECTION
 8 (B) OF THIS SECTION HAS NOT BEEN TIMELY CERTIFIED UNDER SUBPARAGRAPH
 9 (I) OF THIS PARAGRAPH, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY
 10 IN WHICH THE MUNICIPAL CORPORATION IS LOCATED SHALL PREPARE AND
 11 CERTIFY THAT INFORMATION TO THE STATE BOARD NOT LATER THAN THE
 12 FOURTH MONDAY IN AUGUST.

13 ~~(III) A MUNICIPAL CORPORATION SHALL PROVIDE A COPY~~
 14 ~~OF EACH CERTIFIED QUESTION TO THE STATE BOARD WITHIN 48 HOURS AFTER~~
 15 ~~RECEIPT OF THE CERTIFICATION FROM THE CERTIFYING AUTHORITY.~~

16 (d) (1) Each statewide question and each question relating to an
 17 enactment of the General Assembly which is petitioned to referendum shall be
 18 assigned a numerical identifier in the following order:

19 (i) by years of sessions of the General Assembly at which
 20 enacted; and

21 (ii) for each such session, by chapter numbers of the Session
 22 Laws of that session.

23 (2) A question that has been referred to the voters of one county or
 24 part of one county pursuant to an enactment of the General Assembly shall be
 25 assigned an alphabetical identifier in an order established by the State Board.

26 (3) Questions certified under subsection (c)(3)(i) or (ii) OR (C)(4)(I) OR
 27 (II) of this section shall be assigned an alphabetical OR ALPHANUMERIC identifier in
 28 an order established by the certifying authority IN CONSULTATION WITH THE STATE
 29 BOARD TO ~~GUARD AGAINST~~ PREVENT DUPLICATION OR CONFUSION, consistent
 30 with and following the questions certified by the State Board.

31 13-101.

32 (a) This title applies to each election conducted in accordance with this
 33 article.

34 (b) This title does not apply to:

1 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 2 **PARAGRAPH, IF THE STATE BOARD PREVIOUSLY INCLUDED A MUNICIPAL**
 3 **ELECTION ON THE BALLOT, THAT MUNICIPALITY'S ELECTIONS MAY CONTINUE**
 4 **TO APPEAR ON THE BALLOT WITHOUT THE MUNICIPALITY FILING AN**
 5 **ADDITIONAL REQUEST UNDER THIS SECTION.**

6 **(II) A MUNICIPALITY SHALL FILE A REQUEST UNDER THIS**
 7 **SECTION IF, SINCE THE MUNICIPALITY'S ELECTION LAST APPEARED ON THE**
 8 **BALLOT, THERE HAS BEEN A SIGNIFICANT CHANGE IN THE METHOD THE**
 9 **MUNICIPALITY USES TO CONDUCT ITS ELECTIONS.**

10 **(3) WITHIN 30 DAYS AFTER RECEIPT OF A MUNICIPALITY'S**
 11 **REQUEST UNDER THIS SECTION, THE STATE BOARD, AFTER CONSULTATION**
 12 **WITH THE LOCAL BOARD IN THE COUNTY WHERE THE MUNICIPALITY IS**
 13 **LOCATED, SHALL NOTIFY THE MUNICIPALITY OF ITS DECISION WHETHER TO**
 14 **INCLUDE THE MUNICIPAL ELECTION ON THE BALLOT.**

15 **(C) (D) (1) IF A MUNICIPALITY MAKES A REQUEST UNDER**
 16 **SUBSECTION (B) OF THIS SECTION AND SATISFIES THE REQUIREMENTS UNDER**
 17 **SUBSECTION (C) OF THIS SECTION, THE STATE BOARD SHALL, IN**
 18 **CONSULTATION WITH THE LOCAL BOARD IN THE COUNTY WHERE THE**
 19 **MUNICIPALITY IS LOCATED, SHALL REVIEW AND NOTIFY THE MUNICIPALITY OF**
 20 **ITS INTENT TO IF THE STATE BOARD APPROVES A MUNICIPALITY'S REQUEST**
 21 **UNDER THIS SECTION, THE STATE BOARD SHALL:**

22 **(1) (H) (1) INCLUDE THE OFFICES AND QUESTIONS AT THE**
 23 **END OF THE BALLOT; AND**

24 **(2) (H) (2) ARRANGE THE OFFICES AND QUESTIONS IN A**
 25 **SIMILAR ORDER AS OTHER OFFICES AND QUESTIONS ARE ARRANGED ON THE**
 26 **BALLOT.**

27 **(2) WITHIN 30 DAYS AFTER RECEIPT OF THE REQUEST, THE**
 28 **STATE BOARD SHALL NOTIFY THE MUNICIPALITY OF ITS DECISION WHETHER**
 29 **TO INCLUDE THE OFFICES AND QUESTIONS TO BE VOTED ON IN THE MUNICIPAL**
 30 **ELECTION ON THE BALLOT.**

31 **(E) A MUNICIPALITY SHALL REIMBURSE THE STATE BOARD AND THE**
 32 **APPLICABLE LOCAL BOARD FOR ANY ADDITIONAL COSTS INCURRED BY THE**
 33 **STATE BOARD OR LOCAL BOARD ON ACCOUNT OF INCLUDING THE OFFICES AND**
 34 **QUESTIONS TO BE VOTED ON IN A MUNICIPAL ELECTION ON THE BALLOT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~July~~ ~~October~~ July 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.