

SENATE BILL 1017

G1, L2

CONSTITUTIONAL AMENDMENT

4lr2926
CF 4lr2959

By: **Montgomery County Senators**

Introduced and read first time: February 13, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Chief Executive Officer or County Executive – Special Election to Fill a**
3 **Vacancy in Office**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to provide
5 that a county charter may provide for the filling of a vacancy in the office of
6 chief executive officer or county executive of a county by special election;
7 proposing an amendment to the Maryland Constitution regarding a special
8 election to fill certain vacancies in office; submitting an amendment to the
9 Maryland Constitution to the qualified voters of the State for their adoption or
10 rejection; altering provisions of law regarding the filling of a vacancy by special
11 election to allow a county to have a special election to fill a vacancy in the office
12 of chief executive officer or county executive; and generally relating to the filling
13 of a vacancy in the office of chief executive officer or county executive by special
14 election.

15 BY proposing an amendment to the Maryland Constitution
16 Article XI–A – Local Legislation
17 Section 3

18 BY proposing an amendment to the Maryland Constitution
19 Article XVII – Quadrennial Elections
20 Section 2

21 BY repealing and reenacting, without amendments,
22 Article – Election Law
23 Section 5–303
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2013 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Election Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8–401
 2 Annotated Code of Maryland
 3 (2010 Replacement Volume and 2013 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article – Local Government
 6 Section 10–205
 7 Annotated Code of Maryland
 8 (2013 Volume)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 10 MARYLAND, (Three–fifths of all the members elected to each of the two Houses
 11 concurring), That it be proposed that the Maryland Constitution read as follows:

12 **Article XI–A – Local Legislation**

13 3.

14 Every charter so formed shall provide for an elective legislative body in which
 15 shall be vested the law–making power of said City or County. Such legislative body in
 16 the City of Baltimore shall be known as the City Council of the City of Baltimore, and
 17 in any county shall be known as the County Council of the County. The chief executive
 18 officer **OR COUNTY EXECUTIVE**, if any such charter shall provide for the election of
 19 such executive officer **OR COUNTY EXECUTIVE**, or the presiding officer of said
 20 legislative body, if such charter shall not provide for the election of a chief executive
 21 officer **OR COUNTY EXECUTIVE**, shall be known in the City of Baltimore as Mayor of
 22 Baltimore, and in any County as the President or Chairman of the County Council of
 23 the County, and all references in the Constitution and laws of this State to the Mayor
 24 of Baltimore and City Council of the City of Baltimore or to the County Commissioners
 25 of the Counties, shall be construed to refer to the Mayor of Baltimore and City Council
 26 of the City of Baltimore and to the President or Chairman and County Council herein
 27 provided for whenever such construction would be reasonable. From and after the
 28 adoption of a charter by the City of Baltimore, or any County of this State, as
 29 hereinbefore provided, the Mayor of Baltimore and City Council of the City of
 30 Baltimore or the County Council of said County, subject to the Constitution and Public
 31 General Laws of this State, shall have full power to enact local laws of said City or
 32 County including the power to repeal or amend local laws of said City or County
 33 enacted by the General Assembly, upon all matters covered by the express powers
 34 granted as above provided, and, as expressly authorized by statute, to provide for the
 35 filling of a vacancy in the County Council **OR COUNTY EXECUTIVE** by special
 36 election; provided that nothing herein contained shall be construed to authorize or
 37 empower the County Council of any County in this State to enact laws or regulations
 38 for any incorporated town, village, or municipality in said County, on any matter
 39 covered by the powers granted to said town, village, or municipality by the Act
 40 incorporating it, or any subsequent Act or Acts amendatory thereto. Provided,
 41 however, that the charters for the various Counties shall specify the number of days,
 42 not to exceed forty–five, which may but need not be consecutive, that the County

1 Council of the Counties may sit in each year for the purpose of enacting legislation for
2 such Counties, and all legislation shall be enacted at the times so designated for that
3 purpose in the charter, and the title or a summary of all laws and ordinances proposed
4 shall be published once a week for two successive weeks prior to enactment followed by
5 publication once after enactment in at least one newspaper of general circulation in
6 the county, so that the taxpayers and citizens may have notice thereof. The validity of
7 emergency legislation shall not be affected if enacted prior to the completion of
8 advertising thereof. These provisions concerning publication shall not apply to
9 Baltimore City. All such local laws enacted by the Mayor of Baltimore and City
10 Council of the City of Baltimore or the Council of the Counties as hereinbefore
11 provided, shall be subject to the same rules of interpretation as those now applicable
12 to the Public Local Laws of this State, except that in case of any conflict between said
13 local law and any Public General Law now or hereafter enacted the Public General
14 Law shall control.

15 **Article XVII – Quadrennial Elections**

16 2.

17 Except for a special election that may be authorized to fill a vacancy in a County
18 Council **OR A VACANCY IN THE OFFICE OF CHIEF EXECUTIVE OFFICER OR**
19 **COUNTY EXECUTIVE**, under Article XI–A, Section 3 of the Constitution, elections by
20 qualified voters for State and county officers shall be held on the Tuesday next after
21 the first Monday of November, in the year nineteen hundred and twenty–six, and on
22 the same day in every fourth year thereafter.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article – Election Law**

26 5–303.

27 (a) Except as provided in subsections (b) and (c) of this section:

28 (1) in the year in which the Governor is elected, a certificate of
29 candidacy shall be filed not later than 9 p.m. on the last Tuesday in February in the
30 year in which the primary election will be held; and

31 (2) for any other regularly scheduled election, a certificate of
32 candidacy shall be filed not later than 9 p.m. on the Wednesday that is 83 days before
33 the day on which the primary election will be held.

34 (b) A certificate of candidacy for an office to be filled by a special election
35 under this article shall be received and filed in the office of the appropriate board not
36 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the

1 special primary election specified by the Governor in the proclamation for the special
2 primary election.

3 (c) The certificate of candidacy for the election of a write-in candidate shall
4 be filed by the earlier of:

5 (1) 7 days after a total expenditure of at least \$51 is made to promote
6 the candidacy by a campaign finance entity of the candidate; or

7 (2) 5 p.m. on the Wednesday preceding the day of the election for
8 which the certificate is filed.

9 8-401.

10 (a) A special primary election and a special general election may be held at a
11 time other than the date of a regular primary election and a regular general election:

12 (1) to fill a vacancy in the office of Representative in Congress; or

13 (2) to fill a vacancy in the county council **OR IN THE OFFICE OF**
14 **CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE** if the charter of that county
15 provides for special elections.

16 (b) (1) Special elections to fill a vacancy in the office of Representative in
17 Congress shall be held at the time specified in Subtitle 7 of this title.

18 (2) Special elections to fill vacancies in a county council **OR IN THE**
19 **OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE** shall be held as
20 provided in the county charter.

21 (c) An election to fill a vacancy in the office of United States Senator shall be
22 held concurrently with a regular election as provided in Subtitle 6 of this title.

23 Article – Local Government

24 10-205.

25 A county may provide for the conduct of a special election to fill a vacancy in the
26 county council **OR IN THE OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY**
27 **EXECUTIVE**.

28 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
29 determines that the amendment to the Maryland Constitution proposed by Section 1
30 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of
31 the Maryland Constitution concerning local approval of constitutional amendments do
32 not apply.

1 SECTION 4. AND BE IT FURTHER ENACTED, That the amendment to the
2 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the
3 qualified voters of the State at the next general election to be held in November 2014
4 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
5 At that general election, the vote on this proposed amendment to the Constitution
6 shall be by ballot, and upon each ballot there shall be printed the words “For the
7 Constitutional Amendment” and “Against the Constitutional Amendment,” as now
8 provided by law. Immediately after the election, all returns shall be made to the
9 Governor of the vote for and against the proposed amendment, as directed by Article
10 XIV of the Maryland Constitution, and further proceedings had in accordance with
11 Article XIV.

12 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
13 Sections 3 and 4 of this Act, this Act shall take effect June 1, 2014.