A BILL ENTITLED

AN ACT concerning

Baltimore City – Ranked Choice Voting and Open Primaries

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to adopt, by law, a ranked choice voting system or an open primary system for elections for certain city offices; requiring that certain procedures apply to an open primary system; authorizing a local law implementing ranked choice voting or open primaries to provide for certain matters; providing that a primary election for Baltimore City municipal offices is not required to be held on a certain date under certain circumstances; authorizing the Mayor and City Council of Baltimore City to provide for the ballot format to be used in an election conducted by ranked choice voting; defining certain terms; making this Act an emergency measure; and generally relating to authorizing ranked choice voting and open primaries in Baltimore City elections.

BY repealing and reenacting, with amendments,

Article – Election Law
Section 8–101, 8–201(b), and 9–204
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Election Law

8–101.

(a) Under the supervision of the State Board, and in accordance with regulations and procedures adopted by the State Board, a local board shall conduct all elections held under this article in the county in which the board is located.
(b) Except where it would be inappropriate, or as otherwise provided in this article, the electoral process for primary elections, general elections, and special elections shall be uniform.

(C) (1) (I) In this subsection the following words have the meanings indicated.

(II) “Open primary” means a primary election in which:

1. Any registered voter, regardless of party affiliation, may vote for any of the candidates who are seeking the office;

2. There is one ballot that is distributed to all voters that lists all the candidates seeking the office with or without party designation; and

3. The candidates, equal in number to twice the number of offices to be filled, who receive the largest number of votes are nominated and advance to the general election.

(II) “Ranked choice voting” means the method of casting and tabulating votes in which:

1. Voters rank candidates in order of preference;

2. Tabulation proceeds in sequential rounds in which the candidate with the smallest number of votes is defeated; and

3. The candidate with the largest number of votes in the final round is elected.

(2) The Mayor and City Council of Baltimore City may, by law, adopt a ranked choice voting system or an open primary system for elections for the following offices:

(I) Mayor;

(II) President of the City Council;

(III) Comptroller; or
(IV) MEMBER OF THE CITY COUNCIL.

(3) THE PROCEDURES SPECIFIED IN SUBTITLE 8 OF THIS TITLE SHALL APPLY TO AN OPEN PRIMARY SYSTEM TO THE EXTENT THEY ARE CONSISTENT WITH THIS SUBSECTION.

(4) A LOCAL LAW ENACTED UNDER THIS SUBSECTION MAY PROVIDE FOR:

(I) THE BALLOT FORMAT FOR RANKED CHOICE VOTING;

(II) PROCEDURES FOR TABULATING VOTES;

(III) A SINGLE ELECTION CONDUCTED BY RANKED CHOICE VOTING ON THE DAY OF THE GENERAL ELECTION IN LIEU OF A PRIMARY ELECTION; AND

(IV) ANY OTHER PROVISION NECESSARY TO IMPLEMENT THIS SUBSECTION.

8–201.

(b) [In] EXCEPT AS PROVIDED IN § 8–101(C) OF THIS TITLE, IN Baltimore City, there shall be a primary election for municipal offices on the fourth Tuesday in April in the year in which the President of the United States is elected.

9–204.

(a) Subject to the other provisions of this subtitle and to different presentations required or made desirable by different voting systems, all ballots used in an election shall be as uniform as possible.

(b) Except as otherwise specifically provided in this title, or unless a provision is clearly inappropriate to absentee ballots, the provisions of this subtitle relating to ballot content and arrangement shall apply to the arrangement of absentee ballots.

(c) If applicable for the voting system in use, the appropriate components of the voting system shall be configured for a primary election to permit the voter to vote only for the candidates for which the voter is entitled to vote.

(D) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY, BY A LAW ADOPTED IN ACCORDANCE WITH § 8–101(C) OF THIS ARTICLE, PROVIDE FOR THE FORMAT OF BALLOTS TO BE USED IN AN ELECTION CONDUCTED BY RANKED CHOICE VOTING.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.