

HOUSE BILL 26

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EMERGENCY BILL
(PRE-FILED)

9lr0419

By: **Delegate Lierman**

Requested: August 20, 2018

Introduced and read first time: January 9, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Ranked Choice Voting and Open Primaries**

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

14 BY repealing and reenacting, with amendments,
15 Article – Election Law
16 Section 8–101, 8–201(b), and 9–204
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2018 Supplement)

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

21 **Article – Election Law**

22 8–101.

23 (a) Under the supervision of the State Board, and in accordance with regulations
24 and procedures adopted by the State Board, a local board shall conduct all elections held
25 under this article in the county in which the board is located.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except where it would be inappropriate, or as otherwise provided in this
2 article, the electoral process for primary elections, general elections, and special elections
3 shall be uniform.

4 (c) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
5 MEANINGS INDICATED.

6 (ii) "OPEN PRIMARY" MEANS A PRIMARY ELECTION IN WHICH:

7 1. ANY REGISTERED VOTER, REGARDLESS OF PARTY
8 AFFILIATION, MAY VOTE FOR ANY OF THE CANDIDATES WHO ARE SEEKING THE
9 OFFICE;

10 2. THERE IS ONE BALLOT THAT IS DISTRIBUTED TO ALL
11 VOTERS THAT LISTS ALL THE CANDIDATES SEEKING THE OFFICE WITH OR WITHOUT
12 PARTY DESIGNATION; AND

13 3. THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE
14 NUMBER OF OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES
15 ARE NOMINATED AND ADVANCE TO THE GENERAL ELECTION.

16 (iii) "RANKED CHOICE VOTING" MEANS THE METHOD OF
17 CASTING AND TABULATING VOTES IN WHICH:

18 1. VOTERS RANK CANDIDATES IN ORDER OF
19 PREFERENCE;

20 2. TABULATION PROCEEDS IN SEQUENTIAL ROUNDS IN
21 WHICH THE CANDIDATE WITH THE SMALLEST NUMBER OF VOTES IS DEFEATED; AND

22 3. THE CANDIDATE WITH THE LARGEST NUMBER OF
23 VOTES IN THE FINAL ROUND IS ELECTED.

24 (2) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY, BY
25 LAW, ADOPT A RANKED CHOICE VOTING SYSTEM OR AN OPEN PRIMARY SYSTEM FOR
26 ELECTIONS FOR THE FOLLOWING OFFICES:

27 (i) MAYOR;

28 (ii) PRESIDENT OF THE CITY COUNCIL;

29 (iii) COMPTROLLER; OR

1 **(IV) MEMBER OF THE CITY COUNCIL.**

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

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

7 **(I) THE BALLOT FORMAT FOR RANKED CHOICE VOTING;**

8 **(II) PROCEDURES FOR TABULATING VOTES;**

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

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

14 8–201.

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

18 9–204.

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

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

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

28 **(D) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY, BY A LAW**
29 **ADOPTED IN ACCORDANCE WITH § 8–101(C) OF THIS ARTICLE, PROVIDE FOR THE**
30 **FORMAT OF BALLOTS TO BE USED IN AN ELECTION CONDUCTED BY RANKED CHOICE**
31 **VOTING.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.