
By: Senator Green (Chairman, Prince George's County Delegation)

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Charter Counties - Vacancies - Special Elections**

3 FOR the purpose of authorizing a charter county to provide for the conduct of a special
4 election in the event of a vacancy in the county council that occurs under certain
5 circumstances; requiring a local election board to conduct special elections under
6 certain circumstances; authorizing a local election board to develop certain
7 regulations for the conduct of special elections; making this Act contingent on the
8 passage of a certain Constitutional Amendment; and generally relating to the
9 authority of a charter county to hold a special election.

10 BY repealing and reenacting, with amendments,
11 Article 25A - Chartered Counties of Maryland
12 Section 5(Q)
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1995 Supplement)

15 BY adding to
16 Article 33 - Election Code
17 Section 2-9(h)
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1995 Supplement)

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

22 **Article 25A - Chartered Counties of Maryland**

23 5.

24 (Q)

25 (1) To provide for the appointment and removal of all county officers except
26 those whose appointment or election is provided for by the Constitution or public general
27 law, and to establish a merit system, if deemed desirable, in connection with the
28 appointment of all county officials and employees not elected or appointed under the
29 Constitution and the public general laws; to fix the qualifications and term of office of
30 such county executive authority as may be established, and to fix its compensation;

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1 provided that the county council may enact local laws designed to prevent conflicts
2 between the private interests and public duties of any county officers, including members
3 of the county council, and to govern the conduct and actions of all such county officers in
4 the performance of their public duties, and to provide for penalties, including removal
5 from office, for violation of any such laws or the regulations adopted thereunder.

6 (2) TO PROVIDE FOR THE CONDUCT OF A SPECIAL ELECTION TO FILL A
7 VACANCY IN THE COUNTY COUNCIL THAT OCCURS UPON THE DEATH OR
8 RESIGNATION OF A MEMBER OF THE COUNTY COUNCIL OR ON FORFEITURE OF
9 OFFICE BY A MEMBER OF THE COUNTY COUNCIL.

10 **Article 33 - Election Code**

11 2-9.

12 (H) IF A COUNTY CHARTER AUTHORIZES THE CONDUCT OF A SPECIAL
13 ELECTION TO FILL A VACANCY IN THE COUNTY COUNCIL, THE BOARD:

14 (1) SHALL CONDUCT THE SPECIAL ELECTION IN ACCORDANCE WITH
15 THE PROVISIONS OF THE CHARTER; AND

16 (2) MAY ADOPT REGULATIONS AS NECESSARY TO CONDUCT THE
17 SPECIAL ELECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the passage of this Act is
19 contingent on the passage of Chapter _____ (S.B._____/H.B._____) (6lr1926) of the
20 Acts of the General Assembly of 1996, a Constitutional Amendment, and its ratification
21 by the voters of the State.

22 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
23 of Section 2 above, this Act shall take effect January 1, 1997.