

SENATE BILL 330

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1999 Regular Session
9lr0668

By: **Senators Miller, McFadden, Blount, and Hoffman**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 1999

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Baltimore City Elections Cycle**

3 FOR the purpose of altering the elections cycle for the Mayor and City Council of
4 Baltimore City to provide for the election of the Mayor and City Council at the
5 same time as the election for State officials and for local government officials in
6 jurisdictions other than Baltimore City; altering the dates for the primary and
7 general elections for the Mayor and City Council of Baltimore City; providing for
8 certain vesting rights in a certain pension system under certain circumstances,
9 subject to the passage and ratification of a certain Constitutional amendment;
10 making certain provisions of this Act contingent upon the passage and
11 ratification of a certain Constitutional amendment; and generally relating to
12 conforming the elections cycle for the Mayor and City Council of Baltimore City
13 to the elections cycle for State officials and for local government officials in
14 jurisdictions other than Baltimore City.

15 BY repealing and reenacting, with amendments,
16 Article 33 - Election Code
17 Section 5-801, 8-201, and 8-301
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1998 Supplement)

20 BY repealing and reenacting, with amendments,
21 The Charter of Baltimore City
22 Article II - General Powers
23 Section (24)(a-1)
24 (1996 Edition, as amended)

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

3 **Article 33 - Election Code**

4 5-801.

5 (a) A nominee may decline the nomination by filing a certificate of declination
6 on the prescribed form.

7 (b) The certificate of declination shall be under oath and filed:

8 (1) With the board at which the certificate of candidacy was filed; and

9 (2) (i) In the year of a gubernatorial election [or the year of an election
10 for the Mayor of the City of Baltimore], within 2 days after the election results are
11 certified; or

12 (ii) In the year of a presidential election, by the 70th day preceding
13 the general election.

14 (c) If a certificate of declination is filed under this section:

15 (1) The certificate of nomination to which the certificate of declination
16 relates is void;

17 (2) A vacancy in nomination is created to be filled in accordance with the
18 provisions of Subtitle 10 of this title;

19 (3) The name of the individual who declined the nomination may not
20 appear on the ballot unless the individual is selected to fill that vacancy; and

21 (4) The filing fee for the certificate of candidacy of that individual may
22 not be refunded.

23 8-201.

24 (a) [(1)] There shall be a statewide primary election in every even-numbered
25 year.

26 [(2)] (B) A primary election shall be held:

27 [(i)] (1) In the year in which the Governor is elected, on the second
28 Tuesday after the first Monday in September; and

29 [(ii)] (2) In the year in which the President of the United States is
30 elected, on the first Tuesday in March.

31 [(b) In Baltimore City, there shall be a primary election for municipal offices on
32 the second Tuesday following the first Monday in September in the year following the
33 election of the Governor.]

1 8-301.

2 (a) [(1)] There shall be a statewide general election in each even-numbered
3 year.

4 [(2)] (B) A statewide general election shall be held on the Tuesday
5 following the first Monday in November.

6 [(b) In Baltimore City, there shall be a general election for municipal offices on
7 the Tuesday following the first Monday in November in the year following the election
8 of the Governor.]

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

11 **The Charter of Baltimore City**

12 **Article II - General Powers**

13 The Mayor and City Council of Baltimore shall have full power and authority to
14 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
15 Maryland or by any Public General or Public Local Laws of the State of Maryland;
16 and in particular, without limitation upon the foregoing, shall have power by
17 ordinance, or such other method as may be provided for in its Charter, subject to the
18 provisions of said Constitution and Public General Laws:

19 (24) (a-1) To establish and maintain a separate system of pension and
20 retirement benefits for elected officials of Baltimore City; to fix the terms of and
21 restrictions on admission to that system and the classifications therein; to provide
22 that persons eligible for admission in that pension system shall not be eligible to
23 receive credit for the same years of service for which they received credit in any other
24 pension system supported wholly or in part by the City of Baltimore or State of
25 Maryland; to provide for the optional transfer to that pension system of any elected
26 official who is eligible to join it, from any other system of pensions and retirement
27 benefits operated and maintained by the Mayor and City Council of Baltimore; to
28 provide in connection with that pension system, benefits payable to the beneficiaries
29 and dependents of any participant in that pension system after the death of that
30 participant (whether accidental or otherwise and whether occurring in the actual
31 performance of duty or otherwise), subject to any exceptions, restrictions and
32 classifications that may be provided by ordinance; provided, however, that upon the
33 adoption of an ordinance providing for their participation in that pension system,
34 eligible elected officials who do not elect to participate in that pension system, shall
35 be entitled to the pensions, retirement benefits and other benefits or allowances, for
36 themselves, their widows and dependents, under the laws or ordinances in force
37 immediately prior to the adoption of that ordinance PROVIDED, HOWEVER, THAT,
38 SUBJECT TO THE PASSAGE OF CHAPTER _____ (S.B. 331) OF THE ACTS OF THE
39 GENERAL ASSEMBLY OF 1999, A CONSTITUTIONAL AMENDMENT, AND ITS
40 RATIFICATION BY THE VOTERS OF THE STATE, AN ELECTED OFFICIAL WHO IS
41 ELECTED AT THE ELECTION HELD ON NOVEMBER 2, 1999, AND SERVES A FULL

1 3-YEAR TERM OF OFFICE SHALL RECEIVE CREDIT IN THE PENSION SYSTEM FOR
2 VESTING PURPOSES FOR A 4-YEAR TERM OF OFFICE.

3 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act is
4 contingent on the passage of Chapter _____ (S.B. 331) (~~91-0686~~) of the Acts of the
5 General Assembly of 1999, a Constitutional Amendment, and its ratification by the
6 voters of the State.

7 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, subject to the
8 provisions of Section ~~2~~ 3 above, this Act shall take effect October 1, 1999.