

SENATE BILL 176

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2002 Regular Session
2lr0780

By: **The President (Department of Legislative Services - Code Revision)**

Introduced and read first time: January 17, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law Article - Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Election Law Article in
4 the Annotated Code of Maryland; correcting a certain obsolete reference; making
5 certain provisions of this Act subject to a certain contingency; providing for the
6 effective date of this Act; and generally relating to the Election Law Article.

7 BY renumbering
8 Article 1 - Rules of Interpretation
9 Section 25(k) through (aa), respectively
10 to be Section 25(1) through (bb), respectively
11 Annotated Code of Maryland
12 (2001 Replacement Volume)

13 BY adding to
14 Article 1 - Rules of Interpretation
15 Section 25(k)
16 Annotated Code of Maryland
17 (2001 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article 2B - Alcoholic Beverages
20 Section 15-112(r)(10)(i)
21 Annotated Code of Maryland
22 (2001 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article 24 - Political Subdivisions - Miscellaneous Provisions
25 Section 1-108(c) and 13-104(1)
26 Annotated Code of Maryland
27 (2001 Replacement Volume)

28 BY repealing and reenacting, with amendments,

1 Article 25B - Home Rule for Code Counties
2 Section 1(d), 7(a), and 10(h)(2)(ii)
3 Annotated Code of Maryland
4 (2001 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article - Corporations and Associations
7 Section 5-6B-18.2(b)(2)
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2001 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 4-401(10)(viii) and 5-106(h)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 3-114(c), 3-201(e)(8), 3-801(d)(2)(iii), and 3-1101(e)(5)
18 Annotated Code of Maryland
19 (2001 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article - Environment
22 Section 9-934(d)(2)
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 2001 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Real Property
27 Section 11-111.2(b)(2) and 11B-111.2(b)(2)
28 Annotated Code of Maryland
29 (1996 Replacement Volume and 2001 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - State Finance and Procurement
32 Section 13-218(a)(7), 17-401, and 17-402
33 Annotated Code of Maryland
34 (2001 Replacement Volume)

35 BY repealing and reenacting, with amendments,
36 Article - State Government

1 Section 2-1243(a)(1)(iii), 15-102(p)(2)(i) and (cc), 15-605(d)(2)(ii), 15-707(a)(3),
2 15-714(a), 15-715(h), (i)(2), and (j), 15-844(b) and (c), and 15-845(b)(1)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2001 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - State Personnel and Pensions
7 Section 2-304(b)(1) and (d)(1), 22-201(b)(6), and 23-201(b)(5)
8 Annotated Code of Maryland
9 (1997 Replacement Volume and 2001 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Tax - Property
12 Section 7-232
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 8-714(b)(4)(i)
18 Annotated Code of Maryland
19 (2001 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article - Education
22 Section 3-1401(b)(2)
23 Annotated Code of Maryland
24 (2001 Replacement Volume)
25 (As enacted by Section 1 of Chapter 323 of the Acts of the General Assembly of
26 2001)

27 BY repealing and reenacting, with amendments,
28 Article - Education
29 Section 3-1401(b)(3)
30 Annotated Code of Maryland
31 (2001 Replacement Volume)
32 (As enacted by Section 2 of Chapter 323 of the Acts of the General Assembly of
33 2001)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
35 MARYLAND, That Section(s) 25(k) through (aa), respectively, of Article 1 - Rules of
36 Interpretation of the Annotated Code of Maryland be renumbered to be Section(s)
37 25(l) through (bb), respectively.

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

3 **Article 1 - Rules of Interpretation**

4 25.

5 (K) A SECTION OF THE ELECTION LAW ARTICLE MAY BE CITED AS: "§ OF THE
6 ELECTION LAW ARTICLE".

7 **Article 2B - Alcoholic Beverages**

8 15-112.

9 (r) (10) (i) In this paragraph, "candidate", "contribution", and "political
10 committee" have the meanings stated in [Article 33,] § 1-101 of the [Code]
11 ELECTION LAW ARTICLE.

12 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

13 1-108.

14 (c) If the charter of a political subdivision contains a durational residency
15 requirement that is longer than 6 months, the longer durational residency
16 requirement shall be retained if the governing body of the political subdivision
17 reaffirms the longer durational residency requirement by enactment of an ordinance
18 effective no later than 4 weeks prior to the filing deadline specified in [Article 33, §
19 5-303(a) of the Code] § 5-303(A) OF THE ELECTION LAW ARTICLE.

20 13-104.

21 Notwithstanding any other law of this State effective on or before June 30, 1973,
22 or any local law, the restrictions imposed by this title are the only restrictions on the
23 political activities of an employee of a local entity, except for the restrictions that are:

24 (1) Imposed on an employee of a board of supervisors of elections by
25 [Article 33, § 2-301 of the Code] § 2-301 OF THE ELECTION LAW ARTICLE; or

26 **Article 25B - Home Rule for Code Counties**

27 1.

28 (d) "Registered voter" means a person who is registered to vote in State and
29 county elections under the provisions of [Article 33 of this Code] THE ELECTION LAW
30 ARTICLE.

31 7.

32 (a) The board of supervisors of elections, at the next regular congressional
33 election and in accordance with requirements as to time, notice, and form in [Article

1 33 of this Code] THE ELECTION LAW ARTICLE, shall submit the question of code home
 2 rule status to the registered voters of the county for their adoption or rejection. The
 3 ballots or voting machine labels, as the case may be, shall contain the words "For
 4 Adoption of Code Home Rule Status" and "Against Adoption of Code Home Rule
 5 Status". If a majority of those who vote on the question cast their votes in favor of
 6 adoption, the board of county commissioners publicly shall so proclaim within ten
 7 days after receiving a certification of the votes from the board of supervisors of
 8 elections; and on the thirtieth day following the public proclamation the county shall
 9 become a code home rule county. If a majority of those persons who vote on the
 10 question cast their votes against adoption, the board of county commissioners
 11 likewise shall so proclaim, and in this event the proposal is rejected at that election.
 12 10.

13 (h) (2) The citizens of a code county, by petition, may submit to the
 14 registered voters of the county any public local law or portion thereof enacted under
 15 this subtitle. The submission shall be:

16 (ii) In accordance with requirements as to time, notice, and form in
 17 [Article 33 of this Code] THE ELECTION LAW ARTICLE; and

18 **Article - Corporations and Associations**

19 5-6B-18.2.

20 (b) Except as provided in subsection (c) of this section, a recorded covenant or
 21 restriction, a provision in a declaration, or a provision in the bylaws or rules of
 22 cooperative housing corporation may not prohibit or restrict the display of:

23 (2) A sign that advertises the support or defeat of any question
 24 submitted to the voters in accordance with [Article 33 of the Code] THE ELECTION
 25 LAW ARTICLE.

26 **Article - Courts and Judicial Proceedings**

27 4-401.

28 Except as provided in § 4-402 of this subtitle, and subject to the venue
 29 provisions of Title 6 of this article, the District Court has exclusive original civil
 30 jurisdiction in:

31 (10) A proceeding for adjudication of:

32 (viii) A civil infraction relating to a violation of the [Fair Election
 33 Practices Act of the election laws as provided under Article 33, § 13-604 of the Code]
 34 CAMPAIGN FINANCE LAWS UNDER § 13-604 OF THE ELECTION LAW ARTICLE;

1 5-106.

2 (h) A prosecution to impose a civil fine for an offense arising under [Article 33,
3 § 13-604 of the Code] § 13-604 OF THE ELECTION LAW ARTICLE shall be instituted
4 within 3 years after the offense was committed.

5 **Article - Education**

6 3-114.

7 (c) The election of the county boards shall be held as provided in Subtitles 2
8 through 13 of this title and [Article 33 of the Code] THE ELECTION LAW ARTICLE.

9 3-201.

10 (e) (8) Except as provided in this subsection, an election to fill a vacancy on
11 the Allegany County Board of Education shall be governed by §§ 8-801 through 8-806
12 of [Article 33 of the Code] THE ELECTION LAW ARTICLE.

13 3-801.

14 (d) (2) (iii) The election provided for in subparagraph (i) of this paragraph
15 shall be governed by Title 8, Subtitle 8 of [Article 33 of the Code] THE ELECTION LAW
16 ARTICLE.

17 3-1101.

18 (e) (5) Except as specified in this section, elections shall be conducted in
19 accordance with [Article 33,] Title 8, Subtitle 8 of the [Code] ELECTION LAW
20 ARTICLE.

21 **Article - Environment**

22 9-934.

23 (d) (2) Except as otherwise provided in this subtitle, [Article 33 of the Code]
24 THE ELECTION LAW ARTICLE governs the conduct of the referendum.

25 **Article - Real Property**

26 11-111.2.

27 (b) Except as provided in subsection (c) of this section, a recorded covenant or
28 restriction, a provision in a declaration, or a provision in the bylaws or rules of a
29 condominium may not restrict or prohibit the display of:

30 (2) A sign that advertises the support or defeat of any question
31 submitted to voters in accordance with [Article 33 of the Code] THE ELECTION LAW
32 ARTICLE.

1 11B-111.2.

2 (b) Except as provided in subsection (c) of this section, a recorded covenant or
3 restriction, a provision in a declaration, or a provision in the bylaws or rules of a
4 homeowners association may not restrict or prohibit the display of:

5 (2) A sign that advertises the support or defeat of any question
6 submitted to the voters in accordance with [Article 33 of the Code] THE ELECTION
7 LAW ARTICLE.

8 **Article - State Finance and Procurement**

9 13-218.

10 (a) Each procurement contract shall include clauses covering:

11 (7) the obligation of the contractor to comply with the political
12 contribution reporting requirements under Title 14 of [Article 33 of the Code] THE
13 ELECTION LAW ARTICLE, to which the contractor may be subject as required under §
14 17-402 of this article; and

15 17-401.

16 In this subtitle, "contribution" has the meaning stated in [Article 33,] § 1-101 of
17 the [Code] ELECTION LAW ARTICLE.

18 17-402.

19 Each State or local government procurement contract shall include a clause
20 covering the obligation of a contractor to comply with the political contribution
21 reporting requirements under Title 14 of [Article 33 of the Code] THE ELECTION LAW
22 ARTICLE to which the contractor may be subject.

23 **Article - State Government**

24 2-1243.

25 (a) (1) After each regular session, the Department shall compile and index:

26 (iii) the certificates of the [State Administrative Board of Election
27 Laws] STATE BOARD OF ELECTIONS as to the referendum vote on a law, if the vote
28 has not been published previously; and

29 15-102.

30 (p) (2) "Gift" does not include the solicitation, acceptance, receipt, or
31 regulation of a political contribution that is regulated in accordance with:

32 (i) [Article 33 of the Code] THE ELECTION LAW ARTICLE; or

1 (cc) "Political contribution" means contributions as defined in [Article 33,] §
2 1-101 of the [Code] ELECTION LAW ARTICLE.

3 15-605.

4 (d) (2) In the year of the election the statement shall be filed on or before the
5 earlier of:

6 (ii) the last day for the withdrawal of a candidacy under [Article
7 33,] § 5-502 of the [Code] ELECTION LAW ARTICLE.

8 15-707.

9 (a) In addition to any other report required under this subtitle, an individual
10 regulated lobbyist described in § 15-701(a)(1), (2), (3), or (4) of this subtitle shall file
11 a separate report disclosing any contributions made:

12 (3) under the provisions of [Article 33 of the Code] THE ELECTION
13 LAW ARTICLE; and

14 15-714.

15 (a) In this section, "candidate", "contribution", and "political committee" have
16 the meanings provided in [Article 33,] § 1-101 of the [Code] ELECTION LAW
17 ARTICLE.

18 15-715.

19 (h) A person who files, under the provisions of [Article 33,] Title 14 of the
20 [Code] ELECTION LAW ARTICLE, all information required by this section may satisfy
21 the requirements of this section by submitting a notice to that effect on the
22 appropriate prescribed form.

23 (i) The State Board of Elections shall:

24 (2) retain each statement filed under this section in the same manner,
25 and subject to the same standards of public access, as a statement filed under the
26 provisions of [Article 33,] Title 14 of the [Code] ELECTION LAW ARTICLE; and

27 (j) The statement required under this section shall be filed in the manner
28 prescribed for statements filed under [Article 33,] Title 14 of the [Code] ELECTION
29 LAW ARTICLE.

30 15-844.

31 (b) "Candidate" has the meaning stated in [Article 33,] § 1-101 of the [Code]
32 ELECTION LAW ARTICLE, but only as it applies to a candidate seeking election as a
33 local official.

34 (c) "Contribution" and "political committee" have the meanings stated in
35 [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE.

1 15-845.

2 (b) This Part VI may not be construed to prohibit a lobbyist from:

3 (1) making a personal contribution within the limitations established
4 under [Article 33 of the Code] THE ELECTION LAW ARTICLE; or

5 **Article - State Personnel and Pensions**

6 2-304.

7 (b) Notwithstanding any other law of the State effective on or before June 30,
8 1973, the restrictions imposed by subsection (c) of this section are the only restrictions
9 on the political activities of an employee, except for:

10 (1) the restrictions imposed on employees of a board of supervisors of
11 elections by [Article 33,] § 2-301 of the [Code] ELECTION LAW ARTICLE; and

12 (d) (1) In this subsection, "political contribution" means a contribution as
13 defined in [Article 33,] § 1-101 of the [Code] ELECTION LAW ARTICLE.

14 22-201.

15 (b) Sections 22-202 through 22-204 of this subtitle do not apply to:

16 (6) an employee of a board of supervisors of elections who [chose]
17 CHOOSES to stay in a local merit system under [Article 33,] § 2-207 of the [Code]
18 ELECTION LAW ARTICLE.

19 23-201.

20 (b) Sections 23-202 through 23-205 of this subtitle do not apply to:

21 (5) an employee of a board of supervisors of elections who [chose]
22 CHOOSES to stay in a local merit system under [Article 33,] § 2-207 of the [Code]
23 ELECTION LAW ARTICLE;

24 **Article - Tax - Property**

25 7-232.

26 A voting system, as defined in [Article 33,] § 1-101 of the [Code] ELECTION
27 LAW ARTICLE, and related equipment, that is leased, rented, or acquired by a board of
28 supervisors of elections is not subject to valuation or to property tax.

1

Article - Transportation

2 8-714.

3 (b) A permit is not required under this section to erect or maintain any
4 outdoor sign:

5 (4) That advertises a candidate or the support or defeat of any
6 proposition. This sign:

7 (i) Shall comply with all provisions of [Article 33 of this Code] THE
8 ELECTION LAW ARTICLE;

9 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11

Article - Education

12 3-1401.

13 (b) (2) Members of the Worcester County Board shall be elected in
14 accordance with [Article 33,] Title 8, Subtitle 8 of the [Code] ELECTION LAW
15 ARTICLE.

16 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
17 read as follows:

18

Article - Education

19 3-1401.

20 (b) (3) Members of the Worcester County Board shall be elected in
21 accordance with [Article 33,] Title 8, Subtitle 8 of the [Code] ELECTION LAW
22 ARTICLE.

23 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act
24 shall take effect January 1, 2003, contingent on the taking effect of the contingency
25 set forth in Section 6 of Chapter 323 of the Acts of the General Assembly of 2001 and
26 on the taking effect of Chapter _____ (S.B. 1) of the Acts of the General Assembly of
27 2002.

28 SECTION 6. AND BE IT FURTHER ENACTED, That Section 4 of this Act
29 shall take effect January 1, 2003, contingent on the failure to take effect of the
30 contingency set forth in Section 6 of Chapter 323 of the Acts of the General Assembly
31 of 2001 and on the taking effect of Chapter _____ (S.B. 1) of the Acts of the General
32 Assembly of 2002.

33 SECTION 7. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this
34 Act shall take effect January 1, 2003, contingent on the taking effect of Chapter _____
35 (S.B. 1) of the Acts of the General Assembly of 2002, and if Chapter _____ does not

1 become effective, this Act shall be null and void without the necessity of further action
2 by the General Assembly.