

# HOUSE BILL 278

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By: **Delegates Frank, Aumann, Bates, Boteler, Dwyer, Eckardt, Elliott, George, Haddaway, Jennings, Krebs, McComas, McConkey, Miller, Norman, O'Donnell, Schuh, Serafini, Shank, Shewell, Smigiel, Sossi, Stocksdale, Stull, and Weldon**

Introduced and read first time: January 29, 2009

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Special Election to Fill Vacancy in the Office of United States**  
3 **Senator**

4 FOR the purpose of altering the process for filling a vacancy in the office of United  
5 States Senator; repealing the authority of the Governor to make an  
6 appointment to fill a vacancy in the office of United States Senator under  
7 certain circumstances; requiring the Governor to issue a proclamation to call for  
8 a special election to fill a vacancy in the office of United States Senator under  
9 certain circumstances; and generally relating to filling a vacancy in the office of  
10 United States Senator.

11 BY repealing and reenacting, without amendments,  
12 Article - Election Law  
13 Section 8-601  
14 Annotated Code of Maryland  
15 (2003 Volume and 2008 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Election Law  
18 Section 8-602  
19 Annotated Code of Maryland  
20 (2003 Volume and 2008 Supplement)

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

23 **Article - Election Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-601.

2 Except for a special election to fill a vacancy, an election for the office of United  
3 States Senator shall be held:

4 (1) in 1998 and every sixth year thereafter; and

5 (2) in 2000 and every sixth year thereafter.

6 8-602.

7 (a) (1) **[If] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS**  
8 **SUBSECTION, IF** there is a vacancy in the office of United States Senator, the  
9 Governor shall [appoint an eligible individual to fill the vacancy.

10 (2) Except as provided in paragraph (3) of this subsection, the  
11 appointed individual shall serve until a successor is elected pursuant to subsection (b)  
12 of this section to fill the remainder of the term.

13 (3) The appointed individual shall serve for the remainder of the term  
14 if the vacancy occurs after the date that is 21 days before the deadline for filing  
15 certificates of candidacy for the election that is held in the fourth year of the term] **BY**  
16 **PROCLAMATION CALL A SPECIAL ELECTION TO BE HELD ON A DATE THAT IS NOT**  
17 **LESS THAN 60 BUT NOT MORE THAN 90 DAYS AFTER THE DATE THE VACANCY**  
18 **OCCURS.**

19 (2) **IF THE VACANCY OCCURS ON A DATE THAT IS NOT LESS THAN**  
20 **60 BUT NOT MORE THAN 90 DAYS BEFORE THE DATE OF THE PRIMARY**  
21 **ELECTION FOR THAT OFFICE, THE GOVERNOR SHALL BY PROCLAMATION CALL**  
22 **THE SPECIAL ELECTION TO BE HELD ON THE DATE OF THE PRIMARY ELECTION.**

23 (3) **IF THE VACANCY OCCURS ON A DATE THAT IS LESS THAN 60**  
24 **DAYS BEFORE OR IS ON OR AFTER THE DATE OF THE PRIMARY ELECTION IN THE**  
25 **YEAR IN WHICH A CANDIDATE TO FILL THE OFFICE IS REGULARLY ELECTED,**  
26 **THE GOVERNOR MAY NOT CALL A SPECIAL ELECTION.**

27 (b) [If the vacancy occurs before the date that is 21 days before the deadline  
28 for filing certificates of candidacy for the next succeeding regular statewide election,  
29 the Governor shall issue a proclamation immediately after the occurrence of the  
30 vacancy declaring that a special primary election and a special general election shall  
31 be held at the same time as the next regular statewide primary election and regular  
32 statewide general election] **IF THERE IS A VACANCY IN THE OFFICE OF UNITED**  
33 **STATES SENATOR, THE GOVERNOR MAY, AT LEAST 5 BUT NOT LATER THAN 30**  
34 **DAYS AFTER THE DATE OF THE VACANCY, APPOINT A QUALIFIED INDIVIDUAL TO**  
35 **FILL THE VACANCY TEMPORARILY UNTIL THE RESULTS OF ANY SPECIAL**  
36 **ELECTION CALLED TO FILL THE VACANCY ARE CERTIFIED.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    July 1, 2009.