

HOUSE BILL 369

G1

9lr1272

By: **Delegates Ali, Gilchrist, Gutierrez, Ivey, Manno, McComas, Montgomery, Reznik, Shewell, Stukes, and Valderrama**

Introduced and read first time: February 2, 2009

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Election for US Senate Vacancies Act**

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

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 8–601
15 Annotated Code of Maryland
16 (2003 Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Election Law
19 Section 8–602
20 Annotated Code of Maryland
21 (2003 Volume and 2008 Supplement)

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

24 **Article – Election Law**

25 8–601.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

5 8-602.

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

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

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

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

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

26 (b) (1) [If the vacancy occurs before the date that is 21 days before the
27 deadline for filing certificates of candidacy for the next succeeding regular statewide
28 election, the Governor shall issue a proclamation immediately after the occurrence of
29 the vacancy declaring that a special primary election and a special general election
30 shall be held at the same time as the next regular statewide primary election and
31 regular statewide general election] **IF THERE IS A VACANCY IN THE OFFICE OF**
32 **UNITED STATES SENATOR, THE GOVERNOR MAY, AT LEAST 5 BUT NOT LATER**
33 **THAN 30 DAYS AFTER THE DATE OF THE VACANCY, APPOINT A QUALIFIED**
34 **INDIVIDUAL TO FILL THE VACANCY TEMPORARILY UNTIL THE RESULTS OF ANY**
35 **SPECIAL ELECTION CALLED TO FILL THE VACANCY ARE CERTIFIED.**

1 **(2) IF THE GOVERNOR DOES NOT BY PROCLAMATION CALL A**
2 **SPECIAL ELECTION IN ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION,**
3 **AN INDIVIDUAL APPOINTED BY THE GOVERNOR TO FILL THE VACANCY IN THE**
4 **OFFICE OF UNITED STATES SENATOR SHALL SERVE TEMPORARILY UNTIL THE**
5 **RESULTS OF THE NEXT GENERAL ELECTION ARE CERTIFIED.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
7 any vacancy in the office of United States Senator that occurs on or after the
8 commencement of the term of the Governor that is sworn in on January 21, 2015, and
9 may not be applied or interpreted to have any effect on or application to any vacancy
10 in the office of United States Senator that occurs before that time.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2009.