

SENATE BILL 326

G1

9lr1606

By: **Senator Colburn**

Introduced and read first time: January 28, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - General 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; specifying that the individual appointed by the Governor to fill
6 the vacancy serve only for a certain period until a successor is elected; providing
7 that the successor to fill the remainder of the term of United States Senator in
8 the event of a vacancy be elected at a certain general election; repealing certain
9 provisions relating to the authority of the Governor to issue a certain
10 proclamation calling for certain special elections to fill a vacancy in the office of
11 United States Senator; and generally relating to filling a vacancy in the office of
12 United States Senator at a general election.

13 BY repealing and reenacting, without amendments,
14 Article – Election Law
15 Section 8–601
16 Annotated Code of Maryland
17 (2003 Volume and 2008 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 8–602
21 Annotated Code of Maryland
22 (2003 Volume and 2008 Supplement)

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

25 **Article – Election Law**

26 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 there is a vacancy in the office of United States Senator, the
7 Governor shall appoint an eligible individual to fill the vacancy.

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

11 ~~[(3)]~~ **(B) (1)** The appointed individual shall serve [for the
12 remainder of the term] **UNTIL A SUCCESSOR IS ELECTED TO COMPLETE THE TERM**
13 **AS PROVIDED IN THIS SUBSECTION.**

14 **(2)** [if] **IF** the vacancy occurs [after the date that is 21 days] before the
15 deadline for filing certificates of candidacy for the election that is held in the [fourth
16 year of the term] **SECOND YEAR OF THE TERM, THE SUCCESSOR TO COMPLETE**
17 **THE REMAINDER OF THE TERM SHALL BE ELECTED AT THE REGULAR**
18 **STATEWIDE GENERAL ELECTION HELD IN THE SECOND YEAR OF THE TERM.**

19 **(3)** **IF THE VACANCY OCCURS AFTER THE FILING DEADLINE FOR**
20 **CERTIFICATES OF CANDIDACY FOR THE ELECTION THAT IS HELD IN THE**
21 **SECOND YEAR OF THE TERM, BUT BEFORE THE DEADLINE FOR FILING**
22 **CERTIFICATES OF CANDIDACY FOR THE ELECTION THAT IS HELD IN THE**
23 **FOURTH YEAR OF THE TERM, THE SUCCESSOR TO COMPLETE THE REMAINDER**
24 **OF THE TERM SHALL BE ELECTED AT THE REGULAR STATEWIDE GENERAL**
25 **ELECTION HELD IN THE FOURTH YEAR OF THE TERM.**

26 **(4)** **IF THE VACANCY OCCURS AFTER THE FILING DEADLINE FOR**
27 **CERTIFICATES OF CANDIDACY FOR THE ELECTION THAT IS HELD IN THE**
28 **FOURTH YEAR OF THE TERM, THE INDIVIDUAL APPOINTED BY THE GOVERNOR**
29 **SHALL COMPLETE THAT TERM AND THE SUCCESSOR SHALL BE ELECTED AT THE**
30 **NEXT REGULAR STATEWIDE GENERAL ELECTION AND COMMENCE THE NEXT**
31 **TERM OF OFFICE FOR UNITED STATES SENATOR.**

32 [(b) If the vacancy occurs before the date that is 21 days before the deadline
33 for filing certificates of candidacy for the next succeeding regular statewide election,
34 the Governor shall issue a proclamation immediately after the occurrence of the

1 vacancy declaring that a special primary election and a special general election shall
2 be held at the same time as the next regular statewide primary election and regular
3 statewide general election.]

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