

SENATE BILL 327

G1

9lr1607

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 - Runoff Election**

3 FOR the purpose of providing that a candidate may not be nominated for or elected to
4 certain public offices in the State unless the candidate receives a majority of the
5 votes cast in the election; requiring that a runoff election be held if no candidate
6 receives a majority of the votes cast in certain elections; specifying the dates for
7 a runoff election; providing for a substitute candidate in the event a candidate
8 initially eligible for the runoff election dies, withdraws, or is found to be
9 ineligible for the runoff election; accommodating a write-in candidate who
10 qualifies to participate in the runoff election; providing for only the
11 participation of certain voters in the runoff election; requiring the State Board
12 to adopt certain regulations; and generally relating to runoff elections.

13 BY renumbering

14 Article – Election Law
15 Section 8–103
16 to be Section 8–104
17 Annotated Code of Maryland
18 (2003 Volume and 2008 Supplement)

19 BY adding to

20 Article – Election Law
21 Section 8–103
22 Annotated Code of Maryland
23 (2003 Volume and 2008 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 8–103 of Article – Election Law of the Annotated Code of
26 Maryland be renumbered to be Section(s) 8–104.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article - Election Law**

4 **8-103.**

5 (A) A CANDIDATE MAY NOT BE NOMINATED FOR OR ELECTED TO
6 PUBLIC OFFICE IN ANY ELECTION SUBJECT TO THIS ARTICLE UNLESS THE
7 CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST TO FILL THAT
8 NOMINATION OR PUBLIC OFFICE.

9 (B) (1) IF NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST
10 IN AN ELECTION, A RUNOFF ELECTION SHALL BE HELD BETWEEN THE
11 CANDIDATES RECEIVING THE TWO HIGHEST NUMBERS OF VOTES.

12 (2) UNLESS POSTPONED BY A COURT ORDER:

13 (I) THE RUNOFF ELECTION FOR A PRIMARY ELECTION OR A
14 SPECIAL PRIMARY ELECTION SHALL BE HELD ON THE 21ST DAY AFTER THE
15 DATE OF THE PRECEDING ELECTION; AND

16 (II) THE RUNOFF ELECTION FOR A GENERAL ELECTION OR A
17 SPECIAL ELECTION SHALL BE HELD ON THE 28TH DAY AFTER THE DATE OF THE
18 PRECEDING ELECTION.

19 (C) IF ANY CANDIDATE ELIGIBLE TO BE IN A RUNOFF ELECTION
20 WITHDRAWS, DIES, OR IS FOUND TO BE INELIGIBLE, THE REMAINING
21 CANDIDATES RECEIVING THE TWO HIGHEST NUMBERS OF VOTES SHALL BE THE
22 CANDIDATES IN THE RUNOFF ELECTION.

23 (D) THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF THE VOTES
24 CAST IN THE RUNOFF ELECTION SHALL BE DECLARED THE WINNER.

25 (E) THE NAME OF A WRITE-IN CANDIDATE ELIGIBLE FOR ELECTION IN
26 A RUNOFF ELECTION SHALL BE PRINTED ON THE BALLOT AS AN
27 "INDEPENDENT".

28 (F) (1) THE RUNOFF ELECTION SHALL BE A CONTINUATION OF THE
29 PRIMARY ELECTION, GENERAL ELECTION, OR SPECIAL ELECTION FOR THE
30 OFFICE CONTESTED.

31 (2) ONLY THE ELECTORS WHO WERE DULY REGISTERED AND
32 ELIGIBLE TO VOTE AND WHO WERE NOT SUBSEQUENTLY DEEMED DISQUALIFIED

1 TO VOTE IN THE PRECEDING PRIMARY ELECTION, GENERAL ELECTION, OR
2 SPECIAL ELECTION MAY VOTE IN THE RUNOFF ELECTION.

3 (3) ONLY THE VOTES CAST FOR THE INDIVIDUALS DESIGNATED
4 AS CANDIDATES IN THE RUNOFF ELECTION SHALL BE COUNTED IN THE
5 TABULATION AND CANVASS OF THE VOTES CAST.

6 (G) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT
7 THIS SECTION.

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