

# SENATE BILL 748

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CF HB 547

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By: **Senator Colburn**

Introduced and read first time: February 10, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County – Board of Elections – Membership**

3 FOR the purpose of altering the number of regular members of the Wicomico County  
4 Board of Elections; requiring the members of the local board to be of certain  
5 political parties; requiring that a vacancy on the local board be filled in a certain  
6 manner; making a conforming change; providing for a delayed effective date;  
7 and generally relating to the membership of the Wicomico County Board of  
8 Elections.

9 BY repealing and reenacting, with amendments,  
10 Article – Election Law  
11 Section 2–201  
12 Annotated Code of Maryland  
13 (2003 Volume and 2009 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Election Law  
16 Section 2–204(a)(23) and (b)(1) and (2)(i)  
17 Annotated Code of Maryland  
18 (2003 Volume and 2009 Supplement)

19 BY repealing  
20 Article – Election Law  
21 Section 2–204(b)(2)(ii)7.  
22 Annotated Code of Maryland  
23 (2003 Volume and 2009 Supplement)

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

26 **Article – Election Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



2–201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) Except as provided in subsections [(j) and (k)] **(J), (K), AND (L)** of this section, each local board consists of three regular members and two substitute members.

(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) **[In] EXCEPT AS PROVIDED IN SUBSECTION (L) OF THIS SECTION,** IN the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.

(c) Each regular and substitute member of a local board shall:

(1) be appointed in accordance with subsection (g) of this section;

(2) be a registered voter in the county for which the individual is appointed for the 5 years immediately preceding the appointment; and

(3) be eligible for reappointment.

(d) (1) The term of a member is 4 years and begins on the first Monday in June of each year following a gubernatorial election.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(e) Before taking office, a member shall take and subscribe to the oath prescribed in Article I, § 9 of the Maryland Constitution.

(f) The Governor may remove a member for incompetence, misconduct, or other good cause, upon written charges stating the Governor's grounds for dismissal and after affording the member notice and an ample opportunity to be heard.

(g) (1) The Governor shall request the county central committee representing the majority party or the principal minority party, as appropriate, to submit a list of at least four eligible individuals from which the Governor may make an appointment of a regular member or a substitute member of the local board.

(2) The Governor may reject all of the nominees if the Governor determines them to be unfit or incompetent, in which case the Governor shall notify the State Board in writing and request an additional list of at least four eligible nominees from the county central committee. A third list may be requested in the same manner.

(3) If a list containing the names of four eligible nominees is not submitted within 20 days of a request or if all the nominees on three lists are rejected, the Governor may appoint any eligible person who is a member of the appropriate political party.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, each appointment shall be subject to confirmation by the Senate of Maryland.

(ii) In Caroline, Dorchester, and Kent counties, if there is no resident Senator of the particular county, the confirmation required under subparagraph (i) of this paragraph shall be by the House of Delegates of Maryland.

(iii) If an appointee is rejected, the Governor shall make another appointment from the list or lists submitted under paragraphs (1) and (2) of this subsection. If a list is not provided, or the nominees on three lists are rejected, the Governor may appoint an eligible individual as provided in paragraph (3) of this subsection.

(h) (1) Except as provided in subsections [(j) and (k)] **(J), (K), AND (L)** of this section, if a member of a local board dies, resigns, is removed, or becomes ineligible:

(i) the substitute member belonging to the same political party shall become a regular member of the local board; and

(ii) the Governor shall appoint an eligible person from the same political party to be the new substitute member.

(2) If a substitute member of a local board becomes a regular member as provided in paragraph (1)(ii) of this subsection, dies, resigns, is removed, or becomes ineligible when the confirming legislative body is not in session, the Governor shall appoint an eligible person from the same political party as the predecessor substitute member to fill the vacancy. That individual shall serve until the earlier of:

(i) the adjournment of the next session of the General Assembly; or

(ii) the appointment of another individual to fill the same vacancy.

(i) A board shall meet within 20 days after the beginning of the term to elect one of its regular members as president.

(j) (1) In Prince George's County, the local board consists of five regular members and three substitute members.

(2) Four regular members and two substitute members shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) If a vacancy occurs on the local board among the members from the majority party, the Governor shall designate one of the substitute members from that party to fill the vacancy.

(k) (1) In Montgomery County, the local board consists of five regular members and two substitute members.

(2) Three regular members and one substitute member shall be of the majority party, and two regular members and one substitute member shall be of the principal minority party.

**(L) (1) IN WICOMICO COUNTY, THE LOCAL BOARD CONSISTS OF FIVE REGULAR MEMBERS.**

**(2) THREE REGULAR MEMBERS SHALL BE OF THE MAJORITY PARTY, AND TWO REGULAR MEMBERS SHALL BE OF THE PRINCIPAL MINORITY PARTY.**

**(3) (I) IF A VACANCY OCCURS ON THE LOCAL BOARD, THE GOVERNOR SHALL APPOINT AN ELIGIBLE PERSON FROM THE SAME POLITICAL PARTY AS THE PREDECESSOR MEMBER TO FILL THE VACANCY IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(II) AN APPOINTMENT MADE WHILE THE SENATE OF MARYLAND IS NOT IN SESSION SHALL BE CONSIDERED TEMPORARY UNTIL THE APPOINTEE IS CONFIRMED BY THE SENATE.**

1           (a)     Each regular member of a local board shall receive the salary and  
2 reimbursement of expenses provided in the county budget, but in no event may the  
3 annual compensation be less than the following amounts:

4                   (23)   in Wicomico County, \$2,400 for the president and \$1,800 for other  
5 regular members; and

6           (b)     (1)     Consistent with paragraph (2) of this subsection, each substitute  
7 member shall be compensated for each day of service as provided in the county budget.

8                   (2)     (i)     Except as provided in subparagraph (ii) of this paragraph, a  
9 substitute member shall be compensated at a rate of at least \$25 for each meeting of  
10 the local board that the substitute member attends.

11                           (ii)    [7.     In Wicomico County, a substitute member shall be  
12 paid at least \$1,200 annually.]

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 June 6, 2011.