

HOUSE BILL 956

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11r2525

By: **Delegate Myers**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election of Sheriffs – Nonpartisan Elections**

3 FOR the purpose of establishing a method of electing sheriffs on a nonpartisan basis,
4 without regard to political party affiliation; establishing a primary election for
5 candidates for nomination for sheriff to be administered in a certain manner;
6 authorizing any registered voter, with or without any political party affiliation,
7 to participate in such a primary; prohibiting candidates from appearing on
8 primary ballots under certain circumstances; establishing that a candidate for
9 sheriff may not be nominated by petition or by a political party that is not
10 required to nominate its candidates by party primary; making a conforming
11 change; and generally relating to the nonpartisan nomination and election of
12 sheriffs.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 5–203, 5–703(a), 5–703.1(a), and 9–210(a)
16 Annotated Code of Maryland
17 (2010 Replacement Volume)

18 BY repealing and reenacting, without amendments,
19 Article – Election Law
20 Section 5–301(a)
21 Annotated Code of Maryland
22 (2010 Replacement Volume)

23 BY adding to
24 Article – Election Law
25 Section 8–901 through 8–905 to be under the new subtitle “Subtitle 9. Election
26 of Sheriffs”
27 Annotated Code of Maryland
28 (2010 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 5–203.

5 (a) (1) This subsection does not apply to a candidate for:

6 (i) President or Vice President of the United States; or

7 (ii) any federal office who seeks nomination by petition.

8 (2) Unless the individual is a registered voter affiliated with the
9 political party, an individual may not be a candidate for:

10 (i) an office of that political party; or

11 (ii) except as provided in subsection (b) of this section,
12 nomination by that political party.

13 (b) The requirements for party affiliation specified under subsection (a) of
14 this section do not apply to a candidate for:

15 (1) a judicial office; [or]

16 (2) a county board of education; **OR**

17 **(3) SHERIFF.**

18 5–301.

19 (a) An individual may become a candidate for a public or party office only if:

20 (1) the individual files a certificate of candidacy in accordance with
21 this subtitle; and

22 (2) the individual does not file a certificate of withdrawal under
23 Subtitle 5 of this title.

24 5–703.

25 (a) Except for a candidate for **SHERIFF OR** a nonpartisan county board of
26 education, this section applies to any candidate for public office subject to this title.

27 5–703.1.

1 (a) Except for a candidate for **SHERIFF OR** a nonpartisan county board of
2 education, this section applies to any candidate for public office subject to this title.

3 **SUBTITLE 9. ELECTION OF SHERIFFS.**

4 **8-901.**

5 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF**
6 **THIS ARTICLE RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES**
7 **TO PUBLIC OFFICE SHALL GOVERN THE NOMINATION AND ELECTION OF**
8 **SHERIFFS.**

9 **8-902.**

10 **(A) (1) SHERIFFS SHALL BE ELECTED ON A NONPARTISAN BASIS.**

11 **(2) IN A PRIMARY ELECTION TO NOMINATE CANDIDATES FOR**
12 **SHERIFF, ANY REGISTERED VOTER OF THE COUNTY, REGARDLESS OF PARTY**
13 **AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE IN THE**
14 **CONTEST FOR NOMINATION FOR ONE CANDIDATE.**

15 **(B) A CANDIDATE FOR ELECTION TO THE OFFICE OF SHERIFF SHALL,**
16 **WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:**

17 **(1) FILE A CERTIFICATE OF CANDIDACY;**

18 **(2) BE CERTIFIED TO THE BALLOT;**

19 **(3) APPEAR ON THE BALLOT;**

20 **(4) BE VOTED ON; AND**

21 **(5) BE NOMINATED AND ELECTED.**

22 **8-903.**

23 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
24 **SUBSECTION, A CANDIDATE FOR SHERIFF SHALL BE NOMINATED AT THE**
25 **PRIMARY ELECTION.**

26 **(2) IF, AFTER THE DEADLINE FOR WITHDRAWAL AS PROVIDED IN**
27 **§ 5-503 OF THIS ARTICLE, THERE ARE NO MORE THAN TWO CANDIDATES WHO**

1 HAVE FILED CERTIFICATES OF CANDIDACY IN THE CONTEST, A CERTIFICATE OF
2 NOMINATION SHALL BE ISSUED TO EACH CANDIDATE.

3 (B) (1) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE
4 THE BALLOTS ARE PRINTED, OR AT A TIME WHEN THE BALLOTS CAN BE
5 REPRINTED, THE NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.

6 (2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE
7 BALLOTS ARE PRINTED AND IT IS TOO LATE FOR THE BALLOTS TO BE
8 REPRINTED, ANY VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.

9 (C) (1) THE TWO CANDIDATES WHO RECEIVE THE LARGEST NUMBER
10 OF VOTES IN THE PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.

11 (2) IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST
12 NUMBER OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE
13 FOR THE LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A
14 NOMINATED CANDIDATE.

15 **8-904.**

16 (A) AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL
17 ELECTION, IF A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES
18 DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE
19 BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON
20 THE BALLOT.

21 (B) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS
22 DISQUALIFIED AFTER THE BALLOTS ARE PRINTED AND IT IS TOO LATE FOR THE
23 BALLOTS TO BE REPRINTED, AND IF THAT NOMINEE RECEIVES SUFFICIENT
24 VOTES TO HAVE BEEN ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND
25 SHALL BE FILLED AS IF THE VACANCY HAD OCCURRED DURING THE TERM OF
26 OFFICE.

27 **8-905.**

28 (A) IN A GENERAL ELECTION FOR SHERIFF, A VOTER MAY VOTE FOR
29 ONE NOMINEE.

30 (B) (1) THE NOMINEE WHO RECEIVES THE LARGEST NUMBER OF
31 VOTES IN THE GENERAL ELECTION SHALL BE DECLARED ELECTED.

32 (2) (1) IF TWO OR MORE NOMINEES EACH RECEIVE THE
33 LOWEST NUMBER OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING

1 A TIE FOR THE LAST OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED
2 VACANT.

3 (II) A VACANCY OCCURRING UNDER SUBPARAGRAPH (I) OF
4 THIS PARAGRAPH SHALL BE FILLED:

5 1. AS IF THE VACANCY OCCURRED DURING THE
6 TERM OF OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND

7 2. BY THE SELECTION OF ONE OF THE NOMINEES
8 WHO TIES IN THE GENERAL ELECTION.

9 9–210.

10 (a) The offices to be voted on shall be arranged on the ballot in the following
11 order, as applicable:

12 (1) public offices for which voters of the entire State may vote, in the
13 following order:

14 (i) President of the United States, or President and Vice
15 President of the United States;

16 (ii) Governor and Lieutenant Governor;

17 (iii) Comptroller;

18 (iv) Attorney General; and

19 (v) United States Senator;

20 (2) Representative in Congress;

21 (3) members of the General Assembly of Maryland, in the following
22 order:

23 (i) Senate of Maryland; and

24 (ii) House of Delegates;

25 (4) members of the governing body of a county, in the following order:

26 (i) county executive; and

27 (ii) county council or county commissioner;

- 1 (5) offices in the government of the City of Baltimore, in the following
2 order:
- 3 (i) Mayor;
- 4 (ii) President of the City Council;
- 5 (iii) Comptroller; and
- 6 (iv) member of the City Council;
- 7 (6) judicial offices, in the following order:
- 8 (i) judge of the circuit court; and
- 9 (ii) appellate judges, continuance in office, in the following
10 order:
- 11 1. Court of Appeals; and
- 12 2. Court of Special Appeals;
- 13 (7) public offices for which the voters of a county may vote, in the
14 following order:
- 15 (i) county treasurer;
- 16 (ii) State's Attorney;
- 17 (iii) clerk of the circuit court;
- 18 (iv) register of wills;
- 19 (v) judge of the orphans' court;
- 20 (vi) sheriff; and
- 21 (vii) other offices filled by partisan election;
- 22 (8) party offices; and
- 23 (9) **OTHER** offices filled by nonpartisan election.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2011.