

SENATE BILL 192

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11r1508
CF HB 689

By: **Harford County Senators**

Introduced and read first time: January 26, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2011

CHAPTER _____

1 AN ACT concerning

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

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

8 BY repealing and reenacting, with amendments,

9 Article – Election Law

10 Section 2–201

11 Annotated Code of Maryland

12 (2010 Replacement Volume)

13 (As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

16 **Article – Election Law**

17 2–201.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

5 (b) (1) Except as provided in subsections (j), (k), and (l) of this section,
6 each local board consists of three regular members and two substitute members.

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

10 (3) Except as provided in subsection (l) of this section, in the event of
11 the absence of a regular member or a vacancy in the office of a regular member, the
12 substitute member of the same political party shall exercise the powers and duties of a
13 regular member until the regular member returns or the vacancy is filled as
14 prescribed in subsection (h) of this section.

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

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

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

19 (3) be eligible for reappointment.

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

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

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

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

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

33 (2) The Governor may reject all of the nominees if the Governor
34 determines them to be unfit or incompetent, in which case the Governor shall notify

1 the State Board in writing and request an additional list of at least four eligible
2 nominees from the county central committee. A third list may be requested in the
3 same manner.

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

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

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

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

18 (h) (1) Except as provided in subsections (j), (k), and (l) of this section, if a
19 member of a local board dies, resigns, is removed, or becomes ineligible:

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

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

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

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

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

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

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

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

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

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

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

14 (l) (1) In Wicomico County, Worcester County, [and] Somerset County,
15 **AND HARFORD COUNTY**, the local board consists of five regular members.

16 (2) Three regular members shall be of the majority party, and two
17 regular members shall be of the principal minority party.

18 (3) (i) If a vacancy occurs on the local board, the Governor shall
19 appoint an eligible person from the same political party as the predecessor member to
20 fill the vacancy in accordance with subsection (g) of this section for the remainder of
21 the unexpired term and until a successor is appointed and qualifies.

22 (ii) An appointment made while the Senate of Maryland is not
23 in session shall be considered temporary until the appointee is confirmed by the
24 Senate.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 ~~October 1~~ June 6, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.