

## **Chapter 440**

### **(Senate Bill 253)**

AN ACT concerning

#### **Garrett County – Vacancy in Office of County Commissioner – Appointment Process**

FOR the purpose of altering the procedures for filling a vacancy in an office of county commissioner in Garrett County by requiring the Governor to use procedures required for other commission counties, subject to the requirement that in Garrett County the nominee or appointee reside in the same commissioner district in which the former county commissioner resided; and generally relating to procedures for filling a vacancy in an office of county commissioner in Garrett County.

BY repealing and reenacting, with amendments,  
Article 25 – County Commissioners  
Section 16  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)  
(As enacted by Chapter 699 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,  
The Public Local Laws of Garrett County  
Section 30.02(D)  
Article 12 – Public Local Laws of Maryland  
(2005 Edition and November 2010 Supplement, as amended)

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

#### **Article 25 – County Commissioners**

16.

(a) This section applies only to commission counties and, unless otherwise provided by a local law enacted by a code county, code counties.

(b) (1) In case any office of county commissioner shall become vacant in any county by death, resignation or otherwise, the Governor, if such vacancy shall occur during the session of the Senate, shall, by and with the advice and consent of the Senate, appoint, and if such vacancy shall occur during the recess of the Senate, the Governor shall appoint a proper person or proper persons to fill such vacancy or

vacancies; and the nomination of the person or persons thus appointed during such recess, or of some other person in his or their place, shall be made to the Senate within thirty days after the next meeting of the legislature.

(2) (I) **[The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH** THE Governor shall nominate or appoint the person to fill such vacancy whose name shall be submitted to the Governor in writing by the central committee of the political party with which the county commissioner, so vacating, has been affiliated in the particular county, provided that the nominee or appointee shall be of the same political party as the person whose office is to be filled; and it shall be the duty of the Governor to make the nomination or appointment within fifteen days after the submission of the name of the nominee or appointee to the Governor.

(II) **IN GARRETT COUNTY, THE NOMINEE OR APPOINTEE SHALL BE A RESIDENT OF THE SAME COMMISSIONER DISTRICT IN WHICH THE FORMER COUNTY COMMISSIONER RESIDED.**

(3) In the event there is no central committee in the county in which the vacancy occurs, the Governor shall appoint to fill the vacancy a person who has all the qualifications required for the office of county commissioner in the particular county.

(4) As to Allegany County, if there is no resident Senator from Allegany County in the Senate of Maryland at the time of the appointment, it shall be by and with the advice and consent of the House of Delegates of Maryland.

### **Article 12 – Garrett County**

30.02.

(D) If the office of any of the County Commissioners becomes vacant during the term, the Governor shall **[appoint a proper person to] fill the vacancy [from among the residents of the same Commissioner District as that in which the former Commissioner resided] AS PROVIDED IN ARTICLE 25, § 16 OF THE ANNOTATED CODE OF MARYLAND.**

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

**Approved by the Governor, May 19, 2011.**