

HOUSE BILL 1415

G1, L2

CONSTITUTIONAL AMENDMENT

(4lr2959)

ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by ~~Montgomery County Delegation~~ Delegates Kaiser, Carr, Cullison, Fraser-Hidalgo, Frick, Luedtke, Ivey, Cardin, and Mizeur

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Chief Executive Officer or County Executive – Special Election to Fill a**
3 **Vacancy in Office**

4 ~~MC 23-14~~

5 FOR the purpose of proposing an amendment to the Maryland Constitution to provide
6 that a county charter may provide for the filling of a vacancy in the office of
7 chief executive officer or county executive of a county by special election;
8 proposing an amendment to the Maryland Constitution regarding a special
9 election to fill certain vacancies in office; submitting an amendment to the
10 Maryland Constitution to the qualified voters of the State for their adoption or
11 rejection; altering provisions of law regarding the filling of a vacancy by special
12 election to allow a county to have a special election to fill a vacancy in the office
13 of chief executive officer or county executive; authorizing a special election to fill

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.

Italics indicate opposite chamber/conference committee amendments.



1 a vacancy in the office of chief executive officer or county executive of a charter
 2 county to be conducted by mail; providing for the effective dates of this Act;
 3 providing for the termination of certain provisions of this Act under certain
 4 circumstances; and generally relating to the filling of a vacancy in the office of
 5 chief executive officer or county executive by special election.

6 BY proposing an amendment to the Maryland Constitution
 7 Article XI–A – Local Legislation
 8 Section 3

9 BY proposing an amendment to the Maryland Constitution
 10 Article XVII – Quadrennial Elections
 11 Section 2

12 BY repealing and reenacting, without amendments,
 13 Article – Election Law
 14 Section 5–303 and 9–501(a), (b), and (c)
 15 Annotated Code of Maryland
 16 (2010 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, with amendments,
 18 Article – Election Law
 19 Section 8–401 and 9–501(d)
 20 Annotated Code of Maryland
 21 (2010 Replacement Volume and 2013 Supplement)

22 BY repealing and reenacting, with amendments,
 23 Article – Local Government
 24 Section 10–205
 25 Annotated Code of Maryland
 26 (2013 Volume)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 28 MARYLAND, (Three–fifths of all the members elected to each of the two Houses
 29 concurring), That it be proposed that the Maryland Constitution read as follows:

30 Article XI–A – Local Legislation

31 3.

32 Every charter so formed shall provide for an elective legislative body in which
 33 shall be vested the law–making power of said City or County. Such legislative body in
 34 the City of Baltimore shall be known as the City Council of the City of Baltimore, and
 35 in any county shall be known as the County Council of the County. The chief executive
 36 officer **OR COUNTY EXECUTIVE**, if any such charter shall provide for the election of
 37 such executive officer **OR COUNTY EXECUTIVE**, or the presiding officer of said
 38 legislative body, if such charter shall not provide for the election of a chief executive

1 officer **OR COUNTY EXECUTIVE**, shall be known in the City of Baltimore as Mayor of
2 Baltimore, and in any County as the President or Chairman of the County Council of
3 the County, and all references in the Constitution and laws of this State to the Mayor
4 of Baltimore and City Council of the City of Baltimore or to the County Commissioners
5 of the Counties, shall be construed to refer to the Mayor of Baltimore and City Council
6 of the City of Baltimore and to the President or Chairman and County Council herein
7 provided for whenever such construction would be reasonable. From and after the
8 adoption of a charter by the City of Baltimore, or any County of this State, as
9 hereinbefore provided, the Mayor of Baltimore and City Council of the City of
10 Baltimore or the County Council of said County, subject to the Constitution and Public
11 General Laws of this State, shall have full power to enact local laws of said City or
12 County including the power to repeal or amend local laws of said City or County
13 enacted by the General Assembly, upon all matters covered by the express powers
14 granted as above provided, and, as expressly authorized by statute, to provide for the
15 filling of a vacancy in the County Council **OR IN THE CHIEF EXECUTIVE OFFICER OR**
16 **COUNTY EXECUTIVE** by special election; provided that nothing herein contained
17 shall be construed to authorize or empower the County Council of any County in this
18 State to enact laws or regulations for any incorporated town, village, or municipality
19 in said County, on any matter covered by the powers granted to said town, village, or
20 municipality by the Act incorporating it, or any subsequent Act or Acts amendatory
21 thereto. Provided, however, that the charters for the various Counties shall specify the
22 number of days, not to exceed forty-five, which may but need not be consecutive, that
23 the County Council of the Counties may sit in each year for the purpose of enacting
24 legislation for such Counties, and all legislation shall be enacted at the times so
25 designated for that purpose in the charter, and the title or a summary of all laws and
26 ordinances proposed shall be published once a week for two successive weeks prior to
27 enactment followed by publication once after enactment in at least one newspaper of
28 general circulation in the county, so that the taxpayers and citizens may have notice
29 thereof. The validity of emergency legislation shall not be affected if enacted prior to
30 the completion of advertising thereof. These provisions concerning publication shall
31 not apply to Baltimore City. All such local laws enacted by the Mayor of Baltimore and
32 City Council of the City of Baltimore or the Council of the Counties as hereinbefore
33 provided, shall be subject to the same rules of interpretation as those now applicable
34 to the Public Local Laws of this State, except that in case of any conflict between said
35 local law and any Public General Law now or hereafter enacted the Public General
36 Law shall control.

37

Article XVII – Quadrennial Elections

38 2.

39 Except for a special election that may be authorized to fill a vacancy in a County
40 Council **OR A VACANCY IN THE OFFICE OF CHIEF EXECUTIVE OFFICER OR**
41 **COUNTY EXECUTIVE**, under Article XI–A, Section 3 of the Constitution, elections by
42 qualified voters for State and county officers shall be held on the Tuesday next after

1 the first Monday of November, in the year nineteen hundred and twenty-six, and on
2 the same day in every fourth year thereafter.

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

5 **Article – Election Law**

6 5–303.

7 (a) Except as provided in subsections (b) and (c) of this section:

8 (1) in the year in which the Governor is elected, a certificate of
9 candidacy shall be filed not later than 9 p.m. on the last Tuesday in February in the
10 year in which the primary election will be held; and

11 (2) for any other regularly scheduled election, a certificate of
12 candidacy shall be filed not later than 9 p.m. on the Wednesday that is 83 days before
13 the day on which the primary election will be held.

14 (b) A certificate of candidacy for an office to be filled by a special election
15 under this article shall be received and filed in the office of the appropriate board not
16 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the
17 special primary election specified by the Governor in the proclamation for the special
18 primary election.

19 (c) The certificate of candidacy for the election of a write-in candidate shall
20 be filed by the earlier of:

21 (1) 7 days after a total expenditure of at least \$51 is made to promote
22 the candidacy by a campaign finance entity of the candidate; or

23 (2) 5 p.m. on the Wednesday preceding the day of the election for
24 which the certificate is filed.

25 8–401.

26 (a) A special primary election and a special general election may be held at a
27 time other than the date of a regular primary election and a regular general election:

28 (1) to fill a vacancy in the office of Representative in Congress; or

29 (2) to fill a vacancy in the county council **OR IN THE OFFICE OF**
30 **CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE** if the charter of that county
31 provides for special elections.

1 (b) (1) Special elections to fill a vacancy in the office of Representative in
2 Congress shall be held at the time specified in Subtitle 7 of this title.

3 (2) Special elections to fill vacancies in a county council **OR IN THE**
4 **OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE** shall be held as
5 provided in the county charter.

6 (c) An election to fill a vacancy in the office of United States Senator shall be
7 held concurrently with a regular election as provided in Subtitle 6 of this title.

8 9-501.

9 (a) This subtitle applies only to a special election that is not held
10 concurrently with a regularly scheduled primary or general election.

11 (b) Voting by mail may be utilized in a special election in accordance with
12 this subtitle.

13 (c) A special election to fill a vacancy in the Office of Representative in
14 Congress shall be conducted by mail if the Governor's proclamation issued under §
15 8-710 of this article directs that the election be conducted by mail.

16 (d) (1) In this subsection, "local special election" means a special election
17 to:

18 (i) fill a vacancy in the OFFICES OF county council MEMBER,
19 CHIEF EXECUTIVE OFFICER, OR COUNTY EXECUTIVE of a charter county if the
20 charter of that county provides for special elections;

21 (ii) fill a vacancy in the board of county commissioners of a code
22 home rule county if a local law enacted by that county provides for special elections;

23 (iii) fill a vacancy in the board of county commissioners of a
24 commission county if a law provides for special elections;

25 (iv) fill a vacancy in a local board of education if State law
26 provides for special elections;

27 (v) elect members of a charter board or submit a proposed
28 charter to the voters for adoption or rejection in accordance with Article XI-A, § 1A of
29 the Maryland Constitution; or

30 (vi) submit a local law enacted by a code home rule county to the
31 voters for adoption or rejection in accordance with § 9-313 of the Local Government
32 Article.

