

SENATE BILL 931

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4lr2811

By: **Senator Conway**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2014

CHAPTER _____

1 AN ACT concerning

2 **State Board of Elections – ~~Appointment of General Counsel~~ Provision of**
3 **Professional Legal Assistance**

4 FOR the purpose of providing that ~~the State Board of Elections shall have a general~~
5 ~~counsel; providing for the appointment, qualifications, and tenure of the general~~
6 ~~counsel; authorizing the State Board to request professional assistance from the~~
7 ~~Attorney General to assist the State Board in the performance of its duties,~~
8 subject to a certain condition, the Attorney General shall provide professional
9 legal assistance to the State Board of Elections; providing that, if the State
10 Administrator of Elections makes a certain determination, the State
11 Administrator, on confirmation by majority vote of the State Board, may retain
12 the services of independent legal counsel to provide professional assistance to
13 the State Board and the State Administrator; and generally relating to legal
14 counsel to the State Board of Elections.

15 BY renumbering

16 Article – Election Law
17 Section 2–104 through 2–107, respectively
18 to be Section 2–105 through 2–108, respectively
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2013 Supplement)

21 BY adding to

22 Article – Election Law
23 Section 2–104

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 Annotated Code of Maryland
2 (2010 Replacement Volume and 2013 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Section(s) 2–104 through 2–107, respectively, of Article – Election
5 Law of the Annotated Code of Maryland be renumbered to be Section(s) 2–105 through
6 2–108, respectively.

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

9 **Article – Election Law**

10 **2–104.**

11 ~~(A) THERE IS A GENERAL COUNSEL TO THE STATE BOARD.~~

12 ~~(B) THE GENERAL COUNSEL SHALL:~~

13 ~~(1) BE ADMITTED TO THE PRACTICE OF LAW IN THE STATE;~~

14 ~~(2) BE APPOINTED BY THE STATE ADMINISTRATOR AFTER~~
15 ~~CONSULTATION WITH THE STATE BOARD; AND~~

16 ~~(3) SERVE AT THE PLEASURE OF THE STATE ADMINISTRATOR.~~

17 ~~(C) THE STATE BOARD MAY REQUEST THAT THE ATTORNEY GENERAL~~
18 ~~PROVIDE PROFESSIONAL ASSISTANCE TO THE STATE BOARD IN THE~~
19 ~~PERFORMANCE OF THE DUTIES OF THE STATE BOARD.~~

20 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ATTORNEY
21 GENERAL SHALL PROVIDE PROFESSIONAL LEGAL ASSISTANCE TO THE STATE
22 BOARD IN THE PERFORMANCE OF THE DUTIES OF THE STATE BOARD.

23 (B) IF THE STATE ADMINISTRATOR, AFTER CONSULTATION WITH THE
24 STATE BOARD, DETERMINES THAT BECAUSE OF A CONFLICT THE ATTORNEY
25 GENERAL MAY NOT PROVIDE PROFESSIONAL LEGAL ASSISTANCE TO THE STATE
26 BOARD OR THE STATE ADMINISTRATOR ON A MATTER, THE STATE
27 ADMINISTRATOR, ON CONFIRMATION BY MAJORITY VOTE OF THE STATE
28 BOARD, MAY RETAIN THE SERVICES OF INDEPENDENT LEGAL COUNSEL TO
29 PROVIDE PROFESSIONAL ASSISTANCE TO THE STATE BOARD AND THE STATE
30 ADMINISTRATOR.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2014.