

HB0176/435761/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 176

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “Education” insert “under certain circumstances”; in the same line, strike “repealing” and substitute “altering”; in line 8, strike “regularly” and substitute “certain previously”; in line 9, strike “general”; in line 10, after “County” insert “, after consultation with the county board of elections,”; in the same line, after “election” insert “and, under certain circumstances, a special runoff election”; in the same line, before “providing” insert “authorizing a special election to fill a vacancy in the county board to be held at a time other than the date of a regular primary election and a regular general election,”; strike beginning with “if” in line 11 down through “mail” in line 13 and substitute “under certain circumstances”; in line 13, after the semicolon, insert “providing for a delayed effective date,”; after line 14, insert:

“BY repealing and reenacting, with amendments,

Article – Education

Section 3-901(a), (f)(5) and (6), and (g)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)”;

in line 17, strike “3-901(a)” and substitute “3-901(b)”; in the same line, strike the first comma and substitute “and”; in the same line, after “(2),” insert “and”; in the same line, strike “, and (6), and (g)”; strike in their entirety lines 20 through 24; and in line 27, after “Section” insert “8-401 and”.

AMENDMENT NO. 2

On page 2, in line 13, after “(3)” insert ““COUNTY EXECUTIVE” MEANS THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY.”

(Over)

(4)”;

and after line 14, insert:

“(5) “VACANCY DATE” MEANS:

(I) THE DATE ON WHICH AN ELECTED MEMBER IS UNABLE TO CONTINUE TO SERVE AS A MEMBER OF THE COUNTY BOARD; OR

(II) FOR AN ELECTED MEMBER WHO RESIGNS, THE EFFECTIVE DATE OF THE RESIGNATION.”.

On page 4, in line 14, strike “(5) (I)” and substitute “(G) (1) (I)”; in line 16, after the comma insert “IF THE VACANCY DATE IS AT LEAST 365 DAYS BEFORE THE END OF THE ELECTED MEMBER’S TERM,”; strike beginning with “IN” in line 16 down through “ARTICLE” in line 17; after line 18, insert:

“(II) THE COUNTY BOARD SHALL IMMEDIATELY NOTIFY THE COUNTY EXECUTIVE OF THE VACANCY DATE.

(III) 1. WITHIN 7 DAYS AFTER RECEIVING NOTICE OF A VACANCY FROM THE COUNTY BOARD, AND AFTER CONSULTATION WITH THE COUNTY BOARD OF ELECTIONS, THE COUNTY EXECUTIVE SHALL ISSUE A PROCLAMATION ESTABLISHING:

A. THE DATE FOR A SPECIAL ELECTION; AND

B. IF MORE THAN TWO CANDIDATES RUN IN THE SPECIAL ELECTION, THE DATE FOR A SPECIAL RUNOFF ELECTION BETWEEN THE

TWO CANDIDATES THAT RECEIVE THE HIGHEST NUMBER OF VOTES IN THE SPECIAL ELECTION.

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE SPECIAL ELECTION AND SPECIAL RUNOFF ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 9, SUBTITLE 5 OF THE ELECTION LAW ARTICLE.

(IV) IF THE COUNTY EXECUTIVE IS NOTIFIED OF A VACANCY THAT WILL OCCUR MORE THAN 40 DAYS BUT LESS THAN 120 DAYS BEFORE A PREVIOUSLY SCHEDULED COUNTY-WIDE REGULAR OR SPECIAL PRIMARY OR GENERAL ELECTION, THE COUNTY EXECUTIVE SHALL ISSUE A PROCLAMATION ESTABLISHING A SPECIAL ELECTION AT THE SAME TIME AND CONDUCTED IN THE SAME MANNER AS THE PREVIOUSLY SCHEDULED ELECTION.

(2) IN THE EVENT OF A VACANCY FOR AN ELECTED MEMBER, IF THE VACANCY DATE IS LESS THAN 365 DAYS BEFORE THE END OF THE ELECTED MEMBER'S TERM, THE REMAINING MEMBERS OF THE COUNTY BOARD SHALL SELECT A QUALIFIED INDIVIDUAL TO FILL THE VACANCY FOR THE REMAINDER OF THE TERM UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.”;

strike in their entirety lines 19 through 25, inclusive; in line 26, strike “(6) (i)” and substitute “**(H) (1)**”; in the same line, strike “subparagraph (ii) of this paragraph” and substitute “**PARAGRAPH (2) OF THIS SUBSECTION**”; and in lines 29 and 32, strike “(ii)” and “(iii)”, respectively, and substitute “**(2)**” and “**(3)**”, respectively.

On page 5, in line 3, strike “(g)” and substitute “**(I)**”.

AMENDMENT NO. 3

On page 5, after line 20, insert:

(Over)

“8-401.

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

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

(2) to fill a vacancy in the county council or in the office of chief executive officer or county executive if the charter of that county provides for special elections; OR

(3) TO FILL A VACANCY IN THE MONTGOMERY COUNTY BOARD OF EDUCATION.

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

(2) Special elections to fill vacancies in a county council or in the office of chief executive officer or county executive shall be held as provided in the county charter.

(3) SPECIAL ELECTIONS TO FILL VACANCIES IN THE MONTGOMERY COUNTY BOARD OF EDUCATION SHALL BE HELD AS PROVIDED IN § 9-301 OF THE EDUCATION ARTICLE.

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

AMENDMENT NO. 4

On page 6, in line 29, strike “2015” and substitute “2016”.