

HOUSE BILL 1576

G1, P1

EMERGENCY BILL

8lr0540

By: **Delegates McDonough and Lisanti**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Elections – Heads of State Governmental Units – Prohibition on Candidacy for**
3 **Public Office**

4 FOR the purpose of requiring the head of a State governmental unit to vacate the position
5 before becoming a candidate for a public office; prohibiting the head of a State
6 governmental unit from engaging in certain campaign finance activities or being a
7 candidate for public office while serving as the head of the unit; defining certain
8 terms; making this Act an emergency measure; and generally relating to heads of
9 State governmental units and candidacy for public office.

10 BY adding to

11 Article – Election Law

12 Section 5–206

13 Annotated Code of Maryland

14 (2017 Replacement Volume and 2017 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – State Government

17 Section 8–201

18 Annotated Code of Maryland

19 (2014 Replacement Volume and 2017 Supplement)

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

22 **Article – Election Law**

23 **5–206.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INDICATED.

2 (2) (I) "HEAD OF A GOVERNMENTAL UNIT" MEANS:

3 1. THE SECRETARY OF A PRINCIPAL DEPARTMENT; OR

4 2. THE PRIMARY MANAGER OF A UNIT IN THE
5 EXECUTIVE BRANCH OF STATE GOVERNMENT THAT HAS THE AUTHORITY TO ISSUE
6 LICENSES OR PERMITS.

7 (II) "HEAD OF A GOVERNMENTAL UNIT" INCLUDES THE
8 MARYLAND INSURANCE COMMISSIONER.

9 (3) "PRINCIPAL DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT
10 OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS ENUMERATED IN §
11 8-201(B) OF THE STATE GOVERNMENT ARTICLE.

12 (B) BEFORE BECOMING A CANDIDATE FOR A PUBLIC OFFICE, THE HEAD OF
13 A GOVERNMENTAL UNIT SHALL VACATE THE INDIVIDUAL'S POSITION AS HEAD OF
14 THE UNIT.

15 (C) WHILE SERVING AS THE HEAD OF A GOVERNMENTAL UNIT, AN
16 INDIVIDUAL MAY NOT:

17 (1) ESTABLISH AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE;

18 (2) OPEN A CAMPAIGN ACCOUNT THROUGH A CAMPAIGN FINANCE
19 ENTITY; OR

20 (3) BE A CANDIDATE FOR A PUBLIC OFFICE.

21 Article – State Government

22 8-201.

23 (a) The Executive Branch of the State government shall have not more than 21
24 principal departments, each of which shall embrace a broad, functional area of that Branch.

25 (b) The principal departments of the Executive Branch of the State government
26 are:

27 (1) Aging;

28 (2) Agriculture;

- 1 (3) Budget and Management;
- 2 (4) Commerce;
- 3 (5) Disabilities;
- 4 (6) the Environment;
- 5 (7) General Services;
- 6 (8) Health;
- 7 (9) Housing and Community Development;
- 8 (10) Human Services;
- 9 (11) Information Technology;
- 10 (12) Juvenile Services;
- 11 (13) Labor, Licensing, and Regulation;
- 12 (14) Natural Resources;
- 13 (15) Planning;
- 14 (16) Public Safety and Correctional Services;
- 15 (17) State Police;
- 16 (18) Transportation; and
- 17 (19) Veterans Affairs.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
19 measure, is necessary for the immediate preservation of the public health or safety, has
20 been passed by a yea and nay vote supported by three-fifths of all the members elected to
21 each of the two Houses of the General Assembly, and shall take effect from the date it is
22 enacted.