

Chapter 763

(Senate Bill 651)

AN ACT concerning

Election Law – Local Boards of Elections – Membership

FOR the purpose of altering the number of regular members of certain local boards of elections; repealing the position of substitute member of certain local boards; requiring the members of certain local boards to be of certain political parties; requiring that a vacancy on certain local boards be filled in a certain manner; making conforming and clarifying changes; and generally relating to the membership of local boards of elections.

BY repealing and reenacting, with amendments,
 Article – Election Law
 Section 2–201, 2–204(b), and 11–301(f)
 Annotated Code of Maryland
 (2017 Replacement Volume and 2018 Supplement)

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

Article – Election Law

2–201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) **(1)** Except as provided in [subsections (j), (k), and (l)] **PARAGRAPHS (2) AND (3)** of this [section] **SUBSECTION**, each local board consists of [three regular members and two substitute] **FIVE REGULAR** members.

[(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) Except as provided in subsection (l) of this section, in the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular

member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.]

(II) THREE REGULAR MEMBERS SHALL BE OF THE MAJORITY PARTY, AND TWO REGULAR MEMBERS SHALL BE OF THE PRINCIPAL MINORITY PARTY.

(2) (I) IN PRINCE GEORGE'S COUNTY, THE LOCAL BOARD CONSISTS OF FIVE REGULAR MEMBERS AND THREE SUBSTITUTE MEMBERS.

(II) FOUR REGULAR MEMBERS AND TWO SUBSTITUTE MEMBERS SHALL BE OF THE MAJORITY PARTY, AND ONE REGULAR MEMBER AND ONE SUBSTITUTE MEMBER SHALL BE OF THE PRINCIPAL MINORITY PARTY.

(3) (I) IN MONTGOMERY COUNTY, THE LOCAL BOARD CONSISTS OF FIVE REGULAR MEMBERS AND TWO SUBSTITUTE MEMBERS.

(II) THREE REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER SHALL BE OF THE MAJORITY PARTY, AND TWO REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER SHALL BE OF THE PRINCIPAL MINORITY PARTY.

(c) Each regular **MEMBER OF A LOCAL BOARD** and **EACH** substitute member of a local board shall:

(1) be appointed in accordance with subsection (g) of this section;

(2) be a registered voter in the county for which the individual is appointed for the 5 years immediately preceding the appointment; and

(3) be eligible for reappointment.

(d) (1) The term of a member is 4 years and begins on the first Monday in June of each year following a gubernatorial election.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(e) Before taking office, a member shall take and subscribe to the oath prescribed in Article I, § 9 of the Maryland Constitution.

(f) The Governor may remove a member for incompetence, misconduct, or other good cause, upon written charges stating the Governor's grounds for dismissal and after affording the member notice and an ample opportunity to be heard.

(g) (1) The Governor shall request the county central committee representing the majority party or the principal minority party, as appropriate, to submit a list of at least four eligible individuals from which the Governor may make an appointment of a regular member **OF A LOCAL BOARD** or a substitute member of the local board.

(2) The Governor may reject all of the nominees if the Governor determines them to be unfit or incompetent, in which case the Governor shall notify the State Board in writing and request an additional list of at least four eligible nominees from the county central committee. A third list may be requested in the same manner.

(3) If a list containing the names of four eligible nominees is not submitted within 20 days of a request or if all the nominees on three lists are rejected, the Governor may appoint any eligible person who is a member of the appropriate political party.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, each appointment shall be subject to confirmation by the Senate of Maryland.

(ii) In Caroline, Dorchester, and Kent counties, if there is no resident Senator of the particular county, the confirmation required under subparagraph (i) of this paragraph shall be by the House of Delegates of Maryland.

(iii) If an appointee is rejected, the Governor shall make another appointment from the list or lists submitted under paragraphs (1) and (2) of this subsection. If a list is not provided, or the nominees on three lists are rejected, the Governor may appoint an eligible individual as provided in paragraph (3) of this subsection.

(H) (1) EXCEPT IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY, IF A VACANCY OCCURS ON THE LOCAL BOARD, THE GOVERNOR SHALL APPOINT AN ELIGIBLE PERSON FROM THE SAME POLITICAL PARTY AS THE PREDECESSOR MEMBER TO FILL THE VACANCY IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(2) AN APPOINTMENT MADE WHILE THE GENERAL ASSEMBLY IS NOT IN SESSION SHALL BE CONSIDERED TEMPORARY UNTIL THE APPOINTEE IS CONFIRMED BY THE GENERAL ASSEMBLY.

[(h)] (I) (1) [Except as provided in subsections (j), (k), and (l) of this section] THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.

(2) IN THE EVENT OF THE ABSENCE OF A REGULAR MEMBER OR A VACANCY IN THE OFFICE OF A REGULAR MEMBER, THE SUBSTITUTE MEMBER OF THE SAME POLITICAL PARTY SHALL EXERCISE THE POWERS AND DUTIES OF A REGULAR

MEMBER UNTIL THE REGULAR MEMBER RETURNS OR THE VACANCY IS FILLED AS PRESCRIBED IN THIS SUBSECTION.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, if a member of a local board dies, resigns, is removed, or becomes ineligible:

(i) the substitute member belonging to the same political party shall become a regular member of the local board; and

(ii) the Governor shall appoint an eligible person from the same political party to be the new substitute member.

(4) IN PRINCE GEORGE'S COUNTY, IF A VACANCY OCCURS ON THE LOCAL BOARD AMONG THE MEMBERS FROM THE MAJORITY PARTY, THE GOVERNOR SHALL DESIGNATE ONE OF THE SUBSTITUTE MEMBERS FROM THAT PARTY TO FILL THE VACANCY.

~~[(2)]~~ **(5)** If a substitute member of a local board becomes a regular member as provided in paragraph ~~[(1)(ii)]~~ **(3)(I)** of this subsection, dies, resigns, is removed, or becomes ineligible when the confirming legislative body is not in session, the Governor shall appoint an eligible person from the same political party as the predecessor substitute member to fill the vacancy. That individual shall serve until the earlier of:

(i) the adjournment of the next session of the General Assembly; or

(ii) the appointment of another individual to fill the same vacancy.

~~[(i)]~~ **(J)** A board shall meet within 20 days after the beginning of the term to elect one of its regular members as president.

~~[(j)]~~ (1) In Prince George's County, the local board consists of five regular members and three substitute members.

(2) Four regular members and two substitute members shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) If a vacancy occurs on the local board among the members from the majority party, the Governor shall designate one of the substitute members from that party to fill the vacancy.

(k) (1) In Montgomery County, the local board consists of five regular members and two substitute members.

(2) Three regular members and one substitute member shall be of the majority party, and two regular members and one substitute member shall be of the principal minority party.

(1) (1) In Allegany County, Baltimore City, Caroline County, Carroll County, Cecil County, Charles County, Frederick County, Harford County, Kent County, Queen Anne's County, Somerset County, Talbot County, Washington County, Wicomico County, and Worcester County, the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.]

2-204.

(b) (1) Consistent with paragraph (2) of this subsection, each substitute member shall be compensated for each day of service as provided in the county budget.

(2) [(i) Except as provided in subparagraph (ii) of this paragraph, a] **A** substitute member shall be compensated at a rate of at least \$25 for each meeting of the local board that the substitute member attends.

[(ii) 1. In Calvert County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.

2. In Garrett County, a substitute member shall be paid the amount set by the County Commissioners under Chapter 91 of the Public Local Laws of Garrett County.]

11-301.

(f) **[If] IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY, IF** a member is not present at the scheduled time for vote canvassing, a substitute member of the board of canvassers may be sworn in.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1~~ June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.