

HOUSE BILL 655

L6

11r0464

By: **Delegate Crosby**

Introduced and read first time: January 22, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 26, 2021

CHAPTER _____

1 AN ACT concerning

2 **Local ~~Government~~ Elections – County ~~Council and County~~ Commissioner**
3 **~~Elections~~ and County Boards of Education – District Voting**

4 FOR the purpose of requiring an election of a ~~county council member or a~~ county
5 commissioner or members of certain county boards of education to represent a
6 specific district to be decided by a plurality of the votes cast within that district;
7 making conforming changes; providing for the application of this Act; and generally
8 relating to ~~county council and~~ county commissioner and county boards of education
9 elections.

10 BY repealing and reenacting, with amendments,

11 Article – Education

12 Section 3–114(h), 3–301(d), 3–4A–01(b), 3–601(d)(1), 3–901(f)(2), 3–10A–01(b), and
13 3–1101(e)(2)

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Education

18 Section 3–301(a), 3–4A–01(a), 3–601(b), 3–901(b), 3–10A–01(a) and (c)(1), and
19 3–1101(e)(1)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2020 Supplement)

22 BY adding to

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 Article – Local Government
2 Section ~~9-401.1~~ 9-114
3 Annotated Code of Maryland
4 (2013 Volume and 2020 Supplement)

5 BY repealing and reenacting, with amendments,
6 The Public Local Laws of Calvert County
7 Section 2-102
8 Article 5 – Public Local Laws of Maryland
9 (2002 Edition and December 2019 Supplement)
10 (As enacted by Chapter 310 of the Acts of the General Assembly of 2013)

11 BY repealing and reenacting, with amendments,
12 The Public Local Laws of Charles County
13 Section 27-1A.
14 Article 9 – Public Local Laws of Maryland
15 (2013 Edition and October 2018 Supplement, as amended)

16 BY repealing and reenacting, with amendments,
17 The Public Local Laws of Garrett County
18 Section 30.02(B) and (C)
19 Article 12 – Public Local Laws of Maryland
20 (2005 Edition and September 2018 Supplement, as amended)

21 BY repealing and reenacting, with amendments,
22 The Public Local Laws of St. Mary’s County
23 Section 26-1A.
24 Article 19 – Public Local Laws of Maryland
25 (2007 Edition and March 2015 Supplement, as amended)

26 BY repealing and reenacting, without amendments,
27 The Public Local Laws of St. Mary’s County
28 Section 26-1B. and C.
29 Article 19 – Public Local Laws of Maryland
30 (2007 Edition and March 2015 Supplement, as amended)

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

33 **Article – Education**

34 3-114.

35 (h) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
36 election of the county boards shall be held as provided in Subtitles 2 through 14 of this title
37 and the Election Law Article.

1 **(2) IN COUNTIES IN WHICH MEMBERS OF THE COUNTY BOARD ARE**
2 **ELECTED FROM INDIVIDUAL DISTRICTS, THE ELECTION OF A MEMBER OF THE**
3 **COUNTY BOARD TO REPRESENT A SPECIFIC DISTRICT SHALL BE DECIDED BY A**
4 **PLURALITY OF THE VOTES CAST WITHIN THAT DISTRICT.**

5 3-301.

6 (a) The Calvert County Board consists of five voting members and one nonvoting
7 student member.

8 (d) Of the five voting members of the county board:

9 (1) One shall be elected from each of the three county commissioner
10 districts BY A PLURALITY OF THE VOTES CAST WITHIN THAT DISTRICT; and

11 (2) Two shall be elected from the county at large.

12 3-4A-01.

13 (a) The Cecil County Board consists of six members as follows:

14 (1) One voting member elected from each of the five commissioner districts;
15 and

16 (2) One nonvoting student member.

17 (b) The five voting members of the county board shall be elected [at]:

18 (1) AT a general election as required by subsection (c) of this section; AND

19 (2) BY A PLURALITY OF THE VOTES CAST WITHIN EACH RESPECTIVE
20 COMMISSIONER DISTRICT.

21 3-601.

22 (b) The Garrett County Board consists of:

23 (1) One elected member from each county commissioner district;

24 (2) Two elected members from the county at large; and

25 (3) One nonvoting student member.

26 (d) (1) Elected members of the board shall be elected [at]:

1 (I) AT a general election as required by subsection (e) of this section;
2 AND

3 (II) FOR THE MEMBERS ELECTED FROM EACH COUNTY
4 COMMISSIONER DISTRICT, BY A PLURALITY OF THE VOTES CAST WITHIN THAT
5 COMMISSIONER DISTRICT.

6 3-901.

7 (b) The Montgomery County Board consists of:

8 (1) 5 elected members, each of whom resides in a different board of
9 education district;

10 (2) 2 elected members who may reside anywhere in the county; and

11 (3) 1 student member.

12 (f) (2) (I) [Elected] THE ELECTED members of the county board WHO
13 MAY RESIDE ANYWHERE IN THE COUNTY shall be elected by the voters of the entire
14 county.

15 (II) THE ELECTED MEMBERS FROM EACH OF THE BOARD OF
16 EDUCATION DISTRICTS SHALL BE ELECTED BY A PLURALITY OF THE VOTES CAST
17 WITHIN THAT BOARD OF EDUCATION DISTRICT.

18 3-10A-01.

19 (a) The Queen Anne's County Board consists of:

20 (1) Five voting, nonpartisan, elected members; and

21 (2) One nonvoting student representative from each public high school in
22 the county.

23 (b) The five voting, nonpartisan, elected members shall be elected [by the voters
24 of the entire county] at a general election in accordance with subsection (c) of this section
25 AS FOLLOWS:

26 (1) FOR THE MEMBER ELECTED FROM THE COUNTY AT LARGE, BY
27 THE VOTERS OF THE ENTIRE COUNTY; AND

28 (2) FOR THE MEMBERS ELECTED FROM EACH OF THE FOUR COUNTY
29 COMMISSIONER DISTRICTS, BY A PLURALITY OF THE VOTES CAST WITHIN THAT
30 DISTRICT.

1 (c) (1) (i) One voting member shall reside in and be elected from each of
 2 the four county commissioner districts; and

3 (ii) One member shall reside in the county and be elected from the
 4 county at large.

5 3-1101.

6 (e) (1) The St. Mary's County Board consists of five voting members who shall
 7 be elected as follows:

8 (i) One member shall be elected from the county at large; and

9 (ii) One member shall be elected from each of the four commissioner
 10 districts.

11 (2) Voting members of the county board shall be elected:

12 (i) At a general election as required by this section; and

13 (ii) **1. [On] FOR THE MEMBER ELECTED FROM THE COUNTY**
 14 **AT LARGE, ON a general countywide ticket; AND**

15 **2. FOR THE MEMBERS ELECTED FROM EACH OF THE**
 16 **FOUR COMMISSIONER DISTRICTS, BY A PLURALITY OF THE VOTES CAST WITHIN**
 17 **THAT DISTRICT.**

18 Article – Local Government

19 ~~9-401.1, 9-114.~~

20 (A) **THIS SECTION APPLIES ONLY TO ALL CODE COUNTIES AND COMMISSION**
 21 **COUNTIES.**

22 (B) **THE ELECTION OF A COUNTY COUNCIL MEMBER OR COUNTY**
 23 **COMMISSIONER TO REPRESENT A SPECIFIC COUNTY COUNCIL DISTRICT OR COUNTY**
 24 **COMMISSIONER DISTRICT SHALL BE DECIDED BY A PLURALITY OF THE VOTES CAST**
 25 **WITHIN THAT DISTRICT.**

26 Article 5 – Calvert County

27 2-102.

28 (a) [Beginning with the general election to be held in Calvert County in
 29 November, 1978, five County Commissioners shall be elected by countywide vote.

1 (b) Beginning with the general election to be held in Calvert County in November
 2 [2014] 2022:

3 (1) One County Commissioner shall be a resident of and shall BE ELECTED
 4 BY THE VOTERS OF THE FIRST ELECTION DISTRICT OF THE COUNTY TO represent [the
 5 first election district of the County] THAT DISTRICT;

6 (2) One County Commissioner shall be a resident of and shall BE ELECTED
 7 BY THE VOTERS OF THE SECOND ELECTION DISTRICT OF THE COUNTY TO represent
 8 [the second election district of the County] THAT DISTRICT;

9 (3) One County Commissioner shall be a resident of and shall BE ELECTED
 10 BY THE VOTERS OF THE THIRD ELECTION DISTRICT OF THE COUNTY TO represent
 11 [the third election district of the County] THAT DISTRICT; and

12 (4) Two County Commissioners shall be residents of the County and shall
 13 BE ELECTED BY THE VOTERS OF THE ENTIRE COUNTY TO represent the County at
 14 large.

15 [(c)] (B) Each candidate for the office of County Commissioner shall specify at
 16 the time of filing a certificate of candidacy whether the candidate is seeking to represent
 17 the district in which the candidate resides or to represent the County at large.

18 [(d)] (C) Commissioners who are elected and qualify shall take office the third
 19 Tuesday of December following election.

20 [(e)] (D) Each Commissioner shall hold office for four years or until a successor
 21 is elected and qualified.

22 Article 9 – Charles County

23 27–1.

24 A. There shall be five County Commissioners for Charles County[, four of whom
 25 shall be elected at large, with one residing in each of the four County Commissioner
 26 Districts of the County]. ONE COUNTY COMMISSIONER SHALL RESIDE IN AND BE
 27 ELECTED BY THE VOTERS OF EACH OF THE FOUR COUNTY COMMISSIONER
 28 DISTRICTS OF THE COUNTY. The fifth shall hold the position of President of the County
 29 Commissioners, may reside in any area of the County and shall be elected at large. The
 30 County Commissioners shall be elected at the General Election held in 1994 and every four
 31 years thereafter, for terms of four years. The terms of the Commissioners shall begin on
 32 the first Tuesday of December following the General Election or as soon afterwards as
 33 certified by the Governor.

1 Article 12 – Garrett County

2 30.02.

3 (B) At all future elections for the office of County Commissioner, 1 Commissioner
4 shall [be elected from among the voters residing in each County Commissioner District by
5 the general vote of the county] RESIDE IN AND BE ELECTED BY THE VOTERS OF EACH
6 OF THE COUNTY COMMISSIONER DISTRICTS OF THE COUNTY.

7 (C) At primary elections to be held in Garrett County at which candidates are
8 selected for the position of County Commissioner, 1 candidate for each party shall be chosen
9 from each County Commissioner District by the [county-wide] vote of the members of the
10 respective parties WITHIN THAT DISTRICT. The Supervisors of Elections of Garrett County
11 shall place the names of all persons who file papers for the position County Commissioner
12 upon the ballots to be used by the respective parties in the county by Commissioner
13 Districts so that under each Commissioner District on the ballot will appear the names in
14 alphabetical order of all candidates residing in the district. The candidate of each party
15 from each County Commissioner District who receives the greatest number of votes shall
16 be certified by the Supervisors of Elections as the nominee of the political party to which
17 he or she belongs, and the name of the nominee shall be placed on the official ballot to be
18 used in the general election.

19 Article 19 – St. Mary’s County

20 26–1.

21 A. St. Mary’s County shall be divided into four (4) Commissioners’ Districts as
22 follows: The first, second and ninth election districts shall compose the First Commissioner
23 District; the third and sixth election districts shall compose the Second Commissioner
24 District; the fourth, fifth and seventh election districts shall compose the Third
25 Commissioner District; and the eighth election district shall compose the Fourth
26 Commissioner District. Each Commissioner [shall be elected as hereinafter provided by the
27 general vote of the County from each of said Commissioner Districts, who] shall serve for
28 four (4) years from the date of [his] THEIR election and shall be eligible to succeed [himself]
29 THEMSELVES, except that no County Commissioner is to be elected to serve more than
30 three (3) full four-year consecutive terms. A majority of said Commissioners shall
31 constitute a quorum for the transaction of business. Five (5) County Commissioners are to
32 be elected [by the voters of the entire County], of whom one (1) County Commissioner is to
33 be elected [from] BY THE VOTERS OF the First Commissioner District, one (1) County
34 Commissioner is to be elected [from] BY THE VOTERS OF the Second Commissioner
35 District, one (1) County Commissioner is to be elected [from] BY THE VOTERS OF the Third
36 Commissioner District and one (1) County Commissioner is to be elected [from] BY THE
37 VOTERS OF the Fourth Commissioner District.

38 B. In addition, the five (5) aforementioned County Commissioners must have
39 been residents of the districts for two (2) years or, instead, residents of the County for four

1 (4) years. The four (4) Commissioners, in addition, must be qualified voters in the
2 Commissioner District prior to election to office.

3 C. The fifth Commissioner, who will be President of the Board, shall run at large
4 and be elected by the voters of the entire County. The President must be a registered voter,
5 a resident of the County for at least five (5) years prior to election to office and at least
6 twenty-five (25) years of age. The Board of Commissioners may elect a Vice President to
7 preside in the temporary absence or disability of the President.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act:

9 (1) shall be applicable to the elections for county boards of education in
10 which members are elected from individual districts and ~~county council~~ and county
11 commissioner held in 2022 and all subsequent elections; and

12 (2) may not be construed to affect the tenure of an elected member of a
13 county board of education who is elected from an individual district or a ~~county council~~
14 ~~member or~~ county commissioner serving in office before the beginning of the next regular
15 full term of office that begins after the effective date of this Act.

16 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.