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 ______

AN ACT concerning

Local Government Elections – County Council and County Commissioner
Elections and County Boards of Education – District Voting

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

BY repealing and reenacting, with amendments,
Article – Education
Section 3–114(h), 3–301(d), 3–4A–01(b), 3–601(d)(1), 3–901(f)(2), 3–10A–01(b), and
3–1101(e)(2)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 3–301(a), 3–4A–01(a), 3–601(b), 3–901(b), 3–10A–01(a) and (c)(1), and
3–1101(e)(1)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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.
Article – Local Government

Section 9–114
Annotated Code of Maryland
(2013 Volume and 2020 Supplement)

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

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

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

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

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

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

Article – Education

3–114.

(h) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
election of the county boards shall be held as provided in Subtitles 2 through 14 of this title
and the Election Law Article.
IN COUNTIES IN WHICH MEMBERS OF THE COUNTY BOARD ARE ELECTED FROM INDIVIDUAL DISTRICTS, THE ELECTION OF A MEMBER OF THE COUNTY BOARD TO REPRESENT A SPECIFIC DISTRICT SHALL BE DECIDED BY A PLURALITY OF THE VOTES CAST WITHIN THAT DISTRICT.

3–301.

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

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

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

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

3–4A–01.

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

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

(2) One nonvoting student member.

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

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

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

3–601.

(b) The Garrett County Board consists of:

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

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

(3) One nonvoting student member.

(d) (1) Elected members of the board shall be elected [at]:
(I) At a general election as required by subsection (e) of this section; AND

(II) For the members elected from each county commissioner district, by a plurality of the votes cast within that commissioner district.

3–901.

(b) The Montgomery County Board consists of:

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

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

(3) 1 student member.

(f) (2) (I) [Elected] The elected members of the county board who may reside anywhere in the county shall be elected by the voters of the entire county.

(II) The elected members from each of the board of education districts shall be elected by a plurality of the votes cast within that board of education district.

3–10A–01.

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

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

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

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

(1) For the member elected from the county at large, by the voters of the entire county; and

(2) For the members elected from each of the four county commissioner districts, by a plurality of the votes cast within that district.
(c) (1) (i) One voting member shall reside in and be elected from each of the four county commissioner districts; and

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

3–1101.

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

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

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

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

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

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

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

Article – Local Government

9–401.1. 9–114.

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

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

Article 5 – Calvert County

2–102.

(a) [Beginning with the general election to be held in Calvert County in November, 1978, five County Commissioners shall be elected by countywide vote.
(b) Beginning with the general election to be held in Calvert County in November 2014:

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

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

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

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

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

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

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

Article 9 – Charles County

27–1.

A. There shall be five County Commissioners for Charles County, four of whom shall be elected at large, with one residing in each of the four County Commissioner Districts of the County. ONE COUNTY COMMISSIONER SHALL RESIDE IN AND BE ELECTED BY THE VOTERS OF EACH OF THE FOUR COUNTY COMMISSIONER DISTRICTS OF THE COUNTY. The fifth shall hold the position of President of the County Commissioners, may reside in any area of the County and shall be elected at large. The County Commissioners shall be elected at the General Election held in 1994 and every four years thereafter, for terms of four years. The terms of the Commissioners shall begin on the first Tuesday of December following the General Election or as soon afterwards as certified by the Governor.
Article 12 – Garrett County

30.02.  

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

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

Article 19 – St. Mary’s County

26–1.

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

B. In addition, the five (5) aforementioned County Commissioners must have been residents of the districts for two (2) years or, instead, residents of the County for four
(4) years. The four (4) Commissioners, in addition, must be qualified voters in the Commissioner District prior to election to office.

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.