

SENATE BILL 88

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EMERGENCY BILL
(PRE-FILED)

5lr1340
CF HB 322

By: ~~Senator Kagan~~ **Senators Kagan, Augustine, Brooks, and Carozza**

Requested: October 23, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 9, 2025

CHAPTER _____

1 AN ACT concerning

2 **Election Law – ~~State Administrator of Elections~~ – Municipal Elections –**
3 **Authority of State Administrator of Elections and Use of State Ballots**

4 FOR the purpose of authorizing the State Administrator of Elections to enter into
5 memoranda of understanding with municipalities that allow the State
6 Administrator to work collaboratively with a municipality to support the
7 administration of the municipality's elections; altering the deadline for
8 municipalities to request that the State Board of Elections include on a ballot offices
9 and questions to be voted on in a municipal election and the certification that must
10 be included in the request; and generally relating to the administration of municipal
11 elections.

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 2–103(a)
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2024 Supplement)

17 BY adding to
18 Article – Election Law
19 Section 2–103(e)
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2024 Supplement)

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 BY repealing and reenacting, without amendments,

2 Article – Local Government

3 Section 4–108.3(a) and (b)

4 Annotated Code of Maryland

5 (2013 Volume and 2024 Supplement)

6 BY repealing and reenacting, with amendments,

7 Article – Local Government

8 Section 4–108.3(c)

9 Annotated Code of Maryland

10 (2013 Volume and 2024 Supplement)

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

13 **Article – Election Law**

14 2–103.

15 (a) There is a State Administrator of Elections.

16 **(E) THE STATE ADMINISTRATOR MAY ENTER INTO A MEMORANDUM OF**
17 **UNDERSTANDING WITH A MUNICIPALITY, THE TERMS OF WHICH SHALL ALLOW THE**
18 **ADMINISTRATOR TO WORK COLLABORATIVELY WITH THE MUNICIPALITY TO**
19 **SUPPORT THE ADMINISTRATION OF THE MUNICIPALITY’S ELECTIONS.**

20 **Article – Local Government**

21 4–108.3.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Ballot” means a ballot prepared by the State Board of Elections under
24 Title 9 of the Election Law Article.

25 (3) “State Board” means the State Board of Elections.

26 (b) A municipality may request that the State Board include on a ballot the offices
27 and questions to be voted on in a municipal election.

28 (c) (1) A municipality that makes a request under this section shall:

29 (i) file the request with the State Board on or before the day that is
30 [18] 9 months before the deadline date applicable for individuals who are required to file a
31 certificate of candidacy as required under § 5–303 of the Election Law Article; and

1 (ii) certify as part of the request that the charter of the municipality
2 requires, and the municipality has established, deadlines and procedures for the
3 administration of municipal elections for the municipality that are consistent with the
4 deadlines and procedures for State and county elections established by the State Board
5 with regard to:

6 1. the filing of certificates of candidacy;

7 2. the filling of a vacancy in office;

8 3. the filing of a petition; [and]

9 4. the certification of a ballot question;

10 5. **VOTER REGISTRATION; AND**

11 6. **VOTING.**

12 (2) (i) Except as provided in subparagraph (ii) of this paragraph, if the
13 State Board previously included a municipal election on the ballot, that municipality's
14 elections may continue to appear on the ballot without the municipality filing an additional
15 request under this section.

16 (ii) A municipality shall file a request under this section if, since the
17 municipality's election last appeared on the ballot, there has been a significant change in
18 the method the municipality uses to conduct its elections.

19 (3) Within 30 days after receipt of a municipality's request under this
20 section, the State Board, after consultation with the local board in the county where the
21 municipality is located, shall notify the municipality of its decision whether to include the
22 municipal election on the ballot.

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