

SENATE BILL 262

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EMERGENCY BILL
(PRE-FILED)

5lr0173
CF HB 75

By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – State Board of Elections)**

Requested: September 19, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Special Elections**

3 FOR the purpose of altering requirements for scheduling special elections to fill vacancies
4 in a county council or in the office of chief executive officer or county executive;
5 authorizing the resolution of a county council establishing the date of a special
6 election to fill a vacancy in the county council or in the office of chief executive officer
7 or county executive to direct that a special primary election not be held and that the
8 vacancy be filled solely through a special general election; requiring a county council
9 to specify a method for conducting the special general election if the county council
10 directs that a special primary election not be held; requiring the State Administrator
11 to conduct a special election in accordance with State law and regulations if the State
12 Administrator determines a conflict exists between State law and regulations and a
13 county charter or other county law relating to the conduct of a special election;
14 providing that a local board of elections is not required to mail specimen ballots to
15 the registered voters of the county in a special election conducted by mail; altering
16 when a local board is required to send a vote-by-mail ballot to each registered voter
17 in a special election conducted by mail; authorizing a voter to return a vote-by-mail
18 ballot through a ballot drop box in a special election conducted by mail; and generally
19 relating to special elections.

20 BY repealing and reenacting, with amendments,
21 Article – Election Law
22 Section 8–202(a), 8–401(a) and (b), 9–502(a) and (d), and 9–504(a)
23 Annotated Code of Maryland
24 (2022 Replacement Volume and 2024 Supplement)

25 BY adding to
26 Article – Election Law
27 Section 8–402 and 8–403

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2022 Replacement Volume and 2024 Supplement)

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

5 **Article – Election Law**

6 8–202.

7 (a) A principal political party, as determined by the statement of registration
8 issued by the State Board:

9 (1) shall use the primary election to:

10 (i) **EXCEPT AS PROVIDED IN § 8–402 OF THIS TITLE**, nominate its
11 candidates for public office; and

12 (ii) elect all members of the local central committees of the political
13 party; and

14 (2) may use the primary election in the year of a presidential election to
15 elect delegates to a national presidential nominating convention.

16 8–401.

17 (a) A special primary election **[and] OR** a special general election may be held at
18 a time other than the date of a regular primary election **[and] OR** a regular general election:

19 (1) to fill a vacancy in the office of Representative in Congress; or

20 (2) to fill a vacancy in the county council or in the office of chief executive
21 officer or county executive if the charter of that county provides for special elections.

22 (b) (1) Special elections to fill a vacancy in the office of Representative in
23 Congress shall be held at the time specified in Subtitle 7 of this title.

24 (2) (i) **[Special] SUBJECT TO SUBPARAGRAPH (II) OF THIS**
25 **PARAGRAPH, SPECIAL** elections to fill vacancies in a county council or in the office of chief
26 executive officer or county executive shall be held as provided in the county charter.

27 (ii) The date set for the special election to fill a vacancy under this
28 paragraph **[shall]:**

1 **1. SHALL BE AT LEAST 90 DAYS AFTER THE ADOPTION OF**
2 **THE RESOLUTION OF THE COUNTY COUNCIL ESTABLISHING THE DATE OF THE**
3 **SPECIAL ELECTION;**

4 **2. MAY NOT BE WITHIN 120 DAYS OF A REGULARLY**
5 **SCHEDULED ELECTION; AND**

6 **3. SHALL** allow at least 45 days between the date a local
7 board makes an absentee ballot available to an absent uniformed services voter or overseas
8 voter, as defined under the Uniformed and Overseas Citizens Absentee Voting Act, and the
9 date of the special election.

10 **8-402.**

11 **(A) THE RESOLUTION OF A COUNTY COUNCIL ESTABLISHING THE DATE OF**
12 **A SPECIAL ELECTION TO FILL A VACANCY IN THE COUNTY COUNCIL OR IN THE**
13 **OFFICE OF CHIEF EXECUTIVE OFFICER OR COUNTY EXECUTIVE MAY DIRECT THAT:**

14 **(1) A SPECIAL PRIMARY ELECTION NOT BE HELD; AND**

15 **(2) THE VACANCY BE FILLED SOLELY THROUGH A SPECIAL GENERAL**
16 **ELECTION.**

17 **(B) IF THE COUNTY COUNCIL DIRECTS THAT A SPECIAL PRIMARY ELECTION**
18 **NOT BE HELD, THE RESOLUTION OF THE COUNTY COUNCIL ESTABLISHING THE DATE**
19 **OF THE SPECIAL ELECTION SHALL SPECIFY ONE OF THE FOLLOWING METHODS FOR**
20 **CONDUCTING THE SPECIAL GENERAL ELECTION:**

21 **(1) A PARTISAN ELECTION IN WHICH THERE ARE NO PARTY NOMINEES**
22 **BUT EACH FILED CANDIDATE APPEARS ON THE BALLOT WITH THE CANDIDATE'S**
23 **PARTY AFFILIATION, IF ANY; OR**

24 **(2) A NONPARTISAN ELECTION IN WHICH THERE ARE NO PARTY**
25 **NOMINEES AND EACH FILED CANDIDATE APPEARS ON THE BALLOT WITHOUT THE**
26 **CANDIDATE'S PARTY AFFILIATION.**

27 **8-403.**

28 **IF THE STATE ADMINISTRATOR DETERMINES THAT A CONFLICT EXISTS**
29 **BETWEEN A COUNTY CHARTER OR OTHER COUNTY LAW RELATING TO THE CONDUCT**
30 **OF A SPECIAL ELECTION AND THE PROVISIONS OF THIS ARTICLE OR THE CODE OF**
31 **MARYLAND REGULATIONS, THE STATE ADMINISTRATOR SHALL CONDUCT THE**
32 **SPECIAL ELECTION ENTIRELY IN ACCORDANCE WITH THIS ARTICLE AND THE CODE**
33 **OF MARYLAND REGULATIONS.**

1 9-502.

2 (a) (1) Except as provided in paragraph (2) of this subsection, a local board
3 shall mail by nonforwardable mail a vote-by-mail ballot to each registered voter who is
4 eligible to vote in a special election.

5 (2) A local board is not required to mail a vote-by-mail ballot to a voter if
6 the voter has requested that the ballot be sent by other means.

7 **(3) A LOCAL BOARD IS NOT REQUIRED TO MAIL SPECIMEN BALLOTS**
8 **TO THE REGISTERED VOTERS OF THE COUNTY UNDER § 8-102 OF THIS ARTICLE.**

9 (d) A local board shall send a vote-by-mail ballot to each eligible voter at least
10 [14] **30** days before the day of a special election.

11 9-504.

12 (a) A voter may return a vote-by-mail ballot to a local board:

13 (1) by mail;

14 (2) in person during regular office hours; [or]

15 (3) **THROUGH A BALLOT DROP BOX; OR**

16 (4) through a duly authorized agent in accordance with subsection (b) of
17 this section.

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.