

# SENATE BILL 438

L3, G1

4lr1840

---

By: **Senator Mathias**

Introduced and read first time: January 24, 2014

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2014

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Municipal Elections – Inclusion of Offices and Questions on the State Ballot**

3 FOR the purpose of authorizing a municipality to request that the State Board of  
4 Elections include certain offices and questions on a certain ballot; requiring a  
5 municipality to file a certain request with the State Board on or before a certain  
6 date; requiring a municipality to include a certain certification as part of a  
7 certain request; requiring the municipal attorney or, in certain circumstances,  
8 the clerk of the circuit court in the county in which the municipal corporation is  
9 located, to prepare and certify, by a certain date, each municipal question to be  
10 voted on at a certain election; requiring the State Board to make a  
11 determination within a certain time period whether to include a municipal  
12 question on the ballot; requiring certain questions certified for the ballot to be  
13 assigned a certain identifier; requiring the State Board, under certain  
14 circumstances, to include certain offices and questions at the end of a ballot and  
15 arrange them in a certain order; providing for the application of certain  
16 provisions of the State election law; requiring a municipality to reimburse the  
17 State Board and the applicable local board of elections for certain costs incurred  
18 by the State Board or the local board; defining certain terms; and generally  
19 relating to the inclusion of offices and questions for a municipal election on a  
20 ballot prepared by the State Board of Elections.

21 BY repealing and reenacting, with amendments,

22 Article – Election Law

23 Section 7–103 and 13–101

24 Annotated Code of Maryland

---

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 (2010 Replacement Volume and 2013 Supplement)

2 BY adding to  
3 Article – Local Government  
4 Section 4–108.1  
5 Annotated Code of Maryland  
6 (2013 Volume)

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

9 Article – Election Law

10 7–103.

11 (a) **(1)** In this section THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 **(2)** [, “county attorney”] “COUNTY ATTORNEY” means:

14 [(1)] (I) the attorney or law department established by a county  
15 charter or local law to represent the county generally, including its legislative and  
16 executive officers; or

17 [(2)] (II) if the county charter or local laws provide for different  
18 attorneys to represent the legislative and executive branches of county government,  
19 the attorney designated to represent the county legislative body.

20 **(3)** “MUNICIPAL ATTORNEY” MEANS:

21 (I) THE ATTORNEY OR LAW DEPARTMENT ESTABLISHED BY  
22 A MUNICIPAL CHARTER OR LOCAL LAW TO REPRESENT THE MUNICIPAL  
23 CORPORATION GENERALLY, INCLUDING ITS LEGISLATIVE AND EXECUTIVE  
24 OFFICERS; OR

25 (II) IF THE MUNICIPAL CHARTER OR LOCAL LAWS PROVIDE  
26 FOR DIFFERENT ATTORNEYS TO REPRESENT THE LEGISLATIVE AND EXECUTIVE  
27 BRANCHES OF MUNICIPAL GOVERNMENT, THE ATTORNEY DESIGNATED TO  
28 REPRESENT THE MUNICIPAL LEGISLATIVE BODY.

29 (b) Each question shall appear on the ballot containing the following  
30 information:

31 (1) a question number or letter as determined under subsection (d) of  
32 this section;

- 1           (2)    a brief designation of the type or source of the question;  
2           (3)    a brief descriptive title in boldface type;  
3           (4)    a condensed statement of the purpose of the question; and  
4           (5)    the voting choices that the voter has.

5           (c)    (1)    The Secretary of State shall prepare and certify to the State Board,  
6 not later than the third Monday in August, the information required under subsection  
7 (b) of this section, for all statewide ballot questions and all questions relating to an  
8 enactment of the General Assembly which is petitioned to referendum.

9           (2)    The State Board shall prepare and certify to the appropriate local  
10 board, not later than the second Monday in August, the information required under  
11 subsection (b) of this section for all questions that have been referred to the voters of  
12 one county or part of one county pursuant to an enactment of the General Assembly.

13           (3)    (i)    The county attorney of the appropriate county shall prepare  
14 and certify to the appropriate local board, not later than the third Monday in August,  
15 the information required under subsection (b) of this section for each question to be  
16 voted on in a single county or part of a county, except a question covered by paragraph  
17 (1) or paragraph (2) of this subsection.

18                   (ii)    If the information required under subsection (b) of this  
19 section has not been timely certified under subparagraph (i) of this paragraph, the  
20 clerk of the circuit court for the jurisdiction shall prepare and certify that information  
21 to the local board not later than the fourth Monday in August.

22                   (iii)   A local board shall provide a copy of each certified question  
23 to the State Board within 48 hours after receipt of the certification from the certifying  
24 authority.

25           (4)    (I)    THE MUNICIPAL ATTORNEY OF THE APPROPRIATE  
26 MUNICIPAL CORPORATION SHALL PREPARE AND CERTIFY TO THE STATE  
27 BOARD, NOT LATER THAN THE THIRD MONDAY IN AUGUST, THE INFORMATION  
28 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR EACH QUESTION TO  
29 BE VOTED ON IN THE MUNICIPAL CORPORATION, EXCEPT A QUESTION COVERED  
30 BY PARAGRAPHS (1) THROUGH (3) OF THIS SUBSECTION.

31                   (II)   IF THE INFORMATION REQUIRED UNDER SUBSECTION  
32 (B) OF THIS SECTION HAS NOT BEEN TIMELY CERTIFIED UNDER SUBPARAGRAPH  
33 (I) OF THIS PARAGRAPH, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY  
34 IN WHICH THE MUNICIPAL CORPORATION IS LOCATED SHALL PREPARE AND  
35 CERTIFY THAT INFORMATION TO THE STATE BOARD NOT LATER THAN THE  
36 FOURTH MONDAY IN AUGUST.

1 (III) A MUNICIPAL CORPORATION SHALL PROVIDE A COPY  
 2 OF EACH CERTIFIED QUESTION TO THE STATE BOARD WITHIN 48 HOURS AFTER  
 3 RECEIPT OF THE CERTIFICATION FROM THE CERTIFYING AUTHORITY.

4 (d) (1) Each statewide question and each question relating to an  
 5 enactment of the General Assembly which is petitioned to referendum shall be  
 6 assigned a numerical identifier in the following order:

7 (i) by years of sessions of the General Assembly at which  
 8 enacted; and

9 (ii) for each such session, by chapter numbers of the Session  
 10 Laws of that session.

11 (2) A question that has been referred to the voters of one county or  
 12 part of one county pursuant to an enactment of the General Assembly shall be  
 13 assigned an alphabetical identifier in an order established by the State Board.

14 (3) Questions certified under subsection (c)(3)(i) or (ii) OR (C)(4)(I) OR  
 15 (II) of this section shall be assigned an alphabetical OR ALPHANUMERIC identifier in  
 16 an order established by the certifying authority IN CONSULTATION WITH THE STATE  
 17 BOARD TO GUARD AGAINST DUPLICATION OR CONFUSION, consistent with and  
 18 following the questions certified by the State Board.

19 13-101.

20 (a) This title applies to each election conducted in accordance with this  
 21 article.

22 (b) This title does not apply to:

23 (1) campaign activity required to be governed solely by federal law; OR

24 (2) AN ELECTION CONDUCTED AT THE REQUEST OF A  
 25 MUNICIPALITY UNDER § 4-108.1 OF THE LOCAL GOVERNMENT ARTICLE.

## 26 Article – Local Government

27 4-108.1.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
 29 MEANINGS INDICATED.

30 (2) “BALLOT” MEANS A BALLOT PREPARED BY THE STATE BOARD  
 31 OF ELECTIONS UNDER TITLE 9 OF THE ELECTION LAW ARTICLE.

1           (3)    “STATE BOARD” MEANS THE STATE BOARD OF ELECTIONS.

2           (B)    A MUNICIPALITY MAY REQUEST THAT THE STATE BOARD INCLUDE  
3 ON A BALLOT THE OFFICES AND QUESTIONS TO BE VOTED ON IN A MUNICIPAL  
4 ELECTION.

5           (C)    A MUNICIPALITY THAT MAKES A REQUEST UNDER SUBSECTION (B)  
6 OF THIS SECTION SHALL:

7           (1)    FILE THE REQUEST WITH THE STATE BOARD ON OR BEFORE  
8 THE DAY THAT IS 18 MONTHS BEFORE THE DEADLINE DATE APPLICABLE FOR  
9 INDIVIDUALS WHO ARE REQUIRED TO FILE A CERTIFICATE OF CANDIDACY AS  
10 REQUIRED UNDER § 5-303 OF THE ELECTION LAW ARTICLE; AND

11           (2)    CERTIFY AS PART OF THE REQUEST THAT THE CHARTER OF  
12 THE MUNICIPALITY REQUIRES, AND THE MUNICIPALITY HAS ESTABLISHED,  
13 DEADLINES AND PROCEDURES FOR THE ADMINISTRATION OF MUNICIPAL  
14 ELECTIONS FOR THE MUNICIPALITY THAT ARE CONSISTENT WITH THE  
15 DEADLINES AND PROCEDURES FOR STATE AND COUNTY ELECTIONS  
16 ESTABLISHED BY THE STATE BOARD WITH REGARD TO:

17                   (I)    THE FILING OF CERTIFICATES OF CANDIDACY;

18                   (II)   THE FILLING OF A VACANCY IN OFFICE;

19                   (III)   THE FILING OF A PETITION; AND

20                   (IV)   THE CERTIFICATION OF A BALLOT QUESTION.

21           ~~(D)~~ (1)    IF A MUNICIPALITY MAKES A REQUEST UNDER  
22 SUBSECTION (B) OF THIS SECTION AND SATISFIES THE REQUIREMENTS UNDER  
23 SUBSECTION (C) OF THIS SECTION, THE STATE BOARD ~~SHALL,~~ IN  
24 CONSULTATION WITH THE LOCAL BOARD IN THE COUNTY WHERE THE  
25 MUNICIPALITY IS LOCATED, SHALL REVIEW AND NOTIFY THE MUNICIPALITY OF  
26 ITS INTENT TO:

27                   ~~(1)~~ (I)    INCLUDE THE OFFICES AND QUESTIONS AT THE END OF  
28 THE BALLOT; AND

29                   ~~(2)~~ (II)   ARRANGE THE OFFICES AND QUESTIONS IN A SIMILAR  
30 ORDER AS OTHER OFFICES AND QUESTIONS ARE ARRANGED ON THE BALLOT.

1           **(2) WITHIN 30 DAYS AFTER RECEIPT OF THE REQUEST, THE**  
2 **STATE BOARD SHALL NOTIFY THE MUNICIPALITY OF ITS DECISION WHETHER**  
3 **TO INCLUDE THE OFFICES AND QUESTIONS TO BE VOTED ON IN THE MUNICIPAL**  
4 **ELECTION ON THE BALLOT.**

5           **(E) A MUNICIPALITY SHALL REIMBURSE THE STATE BOARD AND THE**  
6 **APPLICABLE LOCAL BOARD FOR ANY ADDITIONAL COSTS INCURRED BY THE**  
7 **STATE BOARD OR LOCAL BOARD ON ACCOUNT OF INCLUDING THE OFFICES AND**  
8 **QUESTIONS TO BE VOTED ON IN A MUNICIPAL ELECTION ON THE BALLOT.**

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 ~~July~~ October 1, 2014.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.