

SENATE BILL 88

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EMERGENCY BILL
(PRE-FILED)

5r1340
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

Returned to second reading: February 12, 2025

Senate action: Adopted with floor amendments

Read second time: February 12, 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 **Administration**

5 FOR the purpose of authorizing the State Administrator of Elections to enter into
6 memoranda of understanding with ~~municipalities~~ municipal corporations that allow
7 the State Administrator to work collaboratively with a ~~municipality~~ municipal
8 corporation to support the administration of the ~~municipality's~~ municipal
9 corporation's elections; authorizing the State Administrator to lease a voting system
10 or other equipment used to administer an election to a municipal corporation for use
11 in a municipal election; repealing the authority of a local board of elections to lease
12 a voting system to a governmental or nongovernmental entity within the county;
13 altering the deadline for ~~municipalities~~ municipal corporations to request that the
14 State Board of Elections include on a ballot offices and questions to be voted on in a
15 municipal election and the certification that must be included in the request; and
16 generally relating to the administration of municipal elections.

17 BY repealing and reenacting, without amendments,
18 Article – Election Law
19 Section 2–103(a)
20 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 (2022 Replacement Volume and 2024 Supplement)

2 BY adding to

3 Article – Election Law

4 Section 2–103(e) and (f)

5 Annotated Code of Maryland

6 (2022 Replacement Volume and 2024 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – Election Law

9 Section 9–105

10 Annotated Code of Maryland

11 (2022 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Local Government

14 Section 4–108.3(a) and (b)

15 Annotated Code of Maryland

16 (2013 Volume and 2024 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Local Government

19 Section 4–108.3(c)

20 Annotated Code of Maryland

21 (2013 Volume and 2024 Supplement)

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

24 **Article – Election Law**

25 2–103.

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

27 **(E) THE STATE ADMINISTRATOR MAY ENTER INTO A MEMORANDUM OF**
28 **UNDERSTANDING WITH A ~~MUNICIPALITY~~ MUNICIPAL CORPORATION, THE TERMS OF**
29 **WHICH SHALL ALLOW THE ADMINISTRATOR TO WORK COLLABORATIVELY WITH THE**
30 **~~MUNICIPALITY~~ MUNICIPAL CORPORATION TO SUPPORT THE ADMINISTRATION OF**
31 **THE ~~MUNICIPALITY'S~~ MUNICIPAL CORPORATION'S ELECTIONS.**

32 **(F) (1) THE STATE ADMINISTRATOR MAY LEASE A VOTING SYSTEM OR**
33 **ANY OTHER EQUIPMENT USED TO ADMINISTER AN ELECTION TO A MUNICIPAL**
34 **CORPORATION FOR USE IN A MUNICIPAL ELECTION IN ACCORDANCE WITH A**
35 **MEMORANDUM OF UNDERSTANDING ENTERED INTO UNDER SUBSECTION (E) OF**
36 **THIS SECTION.**

1 **(2) THE STATE ADMINISTRATOR SHALL:**

2 **(I) DETERMINE THE TERMS AND CONDITIONS OF THE LEASE;**

3 **AND**

4 **(II) DISTRIBUTE THE PROCEEDS OF THE LEASE TO THE FAIR**
 5 **CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

6 **9-105.**

7 **[(a) Acquisition of a voting system shall be by purchase, lease, or rental and shall**
 8 **be exempt from State, county, or municipal taxation.**

9 **[(b) (1) A local board may lease a voting system to any governmental or**
 10 **nongovernmental entity within the county.**

11 **(2) The local board shall determine the terms and conditions of the lease.**

12 **(3) The local board shall pay to the governing body of the county, within 30**
 13 **days of receipt, the proceeds of the lease.]**

14 **Article - Local Government**

15 **4-108.3.**

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

17 **(2) "Ballot" means a ballot prepared by the State Board of Elections under**
 18 **Title 9 of the Election Law Article.**

19 **(3) "State Board" means the State Board of Elections.**

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

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

23 **(i) file the request with the State Board on or before the day that is**
 24 **[18] 9 months before the deadline date applicable for individuals who are required to file a**
 25 **certificate of candidacy as required under § 5-303 of the Election Law Article; and**

26 **(ii) certify as part of the request that the charter of the municipality**
 27 **requires, and the municipality has established, deadlines and procedures for the**
 28 **administration of municipal elections for the municipality that are consistent with the**

1 deadlines and procedures for State and county elections established by the State Board
 2 with regard to:

3 1. the filing of certificates of candidacy;

4 2. the filling of a vacancy in office;

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

6 4. the certification of a ballot question;

7 5. **VOTER REGISTRATION; AND**

8 6. **VOTING.**

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.