

HOUSE BILL 158

G1

01r0589

By: **Delegates Ali, Barve, and Conaway**
Introduced and read first time: January 20, 2010
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Election for U.S. Senate Vacancies Act**

3 FOR the purpose of altering the process for filling a vacancy in the office of United
4 States Senator; repealing the authority of the Governor to make an
5 appointment to fill a vacancy in the office of United States Senator under
6 certain circumstances; requiring the Governor to issue a proclamation to call for
7 a special primary election and a special general election to fill a vacancy in the
8 office of United States Senator under certain circumstances; specifying the
9 dates when a special election to fill a vacancy in the office of United States
10 Senator shall be held; requiring the Governor to fill a vacancy in the office of
11 United States Senator temporarily under certain circumstances, but requiring
12 that any individual so appointed be of the same political party as the vacating
13 member; prohibiting an individual appointed and duly sworn in to fill a vacancy
14 in the office of United States Senator temporarily from being a candidate to fill
15 the vacancy in the special election; providing for the application of this Act; and
16 generally relating to filling a vacancy in the office of United States Senator.

17 BY repealing and reenacting, without amendments,
18 Article – Election Law
19 Section 8–601
20 Annotated Code of Maryland
21 (2003 Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Election Law
24 Section 8–602
25 Annotated Code of Maryland
26 (2003 Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **Article – Election Law**

2 8–601.

3 Except for a special election to fill a vacancy, an election for the office of United
4 States Senator shall be held:

5 (1) in 1998 and every sixth year thereafter; and

6 (2) in 2000 and every sixth year thereafter.

7 8–602.

8 (a) (1) **[If SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS**
9 **SUBSECTION, IF** there is a vacancy in the office of United States Senator, the
10 Governor shall [appoint an eligible individual to fill the vacancy.11 (2) Except as provided in paragraph (3) of this subsection, the
12 appointed individual shall serve until a successor is elected pursuant to subsection (b)
13 of this section to fill the remainder of the term.14 (3) The appointed individual shall serve for the remainder of the term
15 if the vacancy occurs after the date that is 21 days before the deadline for filing
16 certificates of candidacy for the election that is held in the fourth year of the term] **BY**
17 **PROCLAMATION CALL:**18 **(I) A SPECIAL PRIMARY ELECTION TO BE HELD ON A DATE**
19 **THAT IS NOT LESS THAN 60 DAYS BUT NOT MORE THAN 90 DAYS AFTER THE**
20 **DATE THE VACANCY OCCURS; AND**21 **(II) A SPECIAL GENERAL ELECTION TO BE HELD ON A DATE**
22 **THAT IS NOT LESS THAN 60 DAYS BUT NOT MORE THAN 90 DAYS AFTER THE**
23 **DATE OF THE SPECIAL PRIMARY ELECTION.**24 **(2) IF A REGULARLY SCHEDULED ELECTION WILL BE HELD**
25 **DURING THE PERIOD IN WHICH A SPECIAL ELECTION IS REQUIRED TO BE HELD**
26 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNOR SHALL BY**
27 **PROCLAMATION CALL THE SPECIAL ELECTION TO BE HELD ON THE DATE OF**
28 **THE REGULARLY SCHEDULED ELECTION.**29 **(3) IF THE VACANCY OCCURS ON A DATE THAT IS LESS THAN 60**
30 **DAYS BEFORE OR IS ON OR AFTER THE DATE OF THE PRIMARY ELECTION IN THE**
31 **YEAR IN WHICH A CANDIDATE TO FILL THE OFFICE IS REGULARLY ELECTED,**
32 **THE GOVERNOR MAY NOT CALL A SPECIAL ELECTION.**

1 (b) **(1) (I)** [If the vacancy occurs before the date that is 21 days before
2 the deadline for filing certificates of candidacy for the next succeeding regular
3 statewide election, the Governor shall issue a proclamation immediately after the
4 occurrence of the vacancy declaring that a special primary election and a special
5 general election shall be held at the same time as the next regular statewide primary
6 election and regular statewide general election] **IF THERE IS A VACANCY IN THE**
7 **OFFICE OF UNITED STATES SENATOR, THE GOVERNOR SHALL APPOINT, AT**
8 **LEAST 5 DAYS BUT NOT LATER THAN 30 DAYS AFTER THE DATE OF THE**
9 **VACANCY, A QUALIFIED INDIVIDUAL TO FILL THE VACANCY TEMPORARILY**
10 **UNTIL THE RESULTS OF ANY SPECIAL ELECTION CALLED TO FILL THE VACANCY**
11 **ARE CERTIFIED.**

12 **(II) THE INDIVIDUAL APPOINTED BY THE GOVERNOR**
13 **UNDER THIS PARAGRAPH TO FILL A VACANCY IN THE OFFICE OF UNITED**
14 **STATES SENATOR TEMPORARILY:**

15 **1. SHALL BE OF THE SAME POLITICAL PARTY AS**
16 **THAT OF THE VACATING SENATOR; AND**

17 **2. ONCE DULY SWORN IN, MAY NOT BE A CANDIDATE**
18 **IN THE SPECIAL ELECTION TO FILL THE VACANCY.**

19 **(2) IF THE GOVERNOR DOES NOT BY PROCLAMATION CALL A**
20 **SPECIAL ELECTION IN ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION,**
21 **AN INDIVIDUAL APPOINTED BY THE GOVERNOR TO FILL THE VACANCY IN THE**
22 **OFFICE OF UNITED STATES SENATOR SHALL SERVE TEMPORARILY UNTIL THE**
23 **RESULTS OF THE NEXT GENERAL ELECTION ARE CERTIFIED.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
25 any vacancy in the office of United States Senator that occurs on or after the
26 commencement of the term of the Governor who is sworn in on January 21, 2015, and
27 may not be applied or interpreted to have any effect on or application to any vacancy
28 in the office of United States Senator that occurs before that date.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2010.