

HOUSE BILL 595

G1
HB 158/10 – W&M

5lr0622
CF SB 529

By: Delegates Moon, Hixson, Anderson, Angel, Atterbeary, Barkley, B. Barnes, Barron, Branch, Brooks, Campos, Carr, Carter, Chang, Clippinger, Cullison, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Gilchrist, Gutierrez, Hayes, Haynes, Healey, Hettleman, Hill, Jalisi, Jones, Kaiser, Kelly, Korman, Kramer, Krimm, Lam, Lierman, Lisanti, Luedtke, McCray, A. Miller, Morales, Morhaim, Patterson, Pena-Melnyk, Platt, Reznik, S. Robinson, Rosenberg, Smith, Sydnor, Tarlau, Valentino-Smith, Vallario, Waldstreicher, A. Washington, M. Washington, K. Young, and Zucker

Introduced and read first time: February 12, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Special Elections for United States Senate Vacancies Act**

3 FOR the purpose of altering the process for filling a vacancy in the office of United States
4 Senator; repealing the authority of the Governor to make an appointment to fill a
5 vacancy in the office of United States Senator under certain circumstances; requiring
6 the Governor to issue a proclamation to call for a special primary election and a
7 special general election to fill a vacancy in the office of United States Senator under
8 certain circumstances; specifying the dates when a special election to fill a vacancy
9 in the office of United States Senator shall be held; requiring the Governor to fill a
10 vacancy in the office of United States Senator temporarily under certain
11 circumstances; prohibiting an individual appointed and duly sworn in to fill a
12 vacancy in the office of United States Senator temporarily from being a candidate to
13 fill the vacancy in the special election; and generally relating to filling a vacancy in
14 the office of United States Senator.

15 BY repealing and reenacting, without amendments,
16 Article – Election Law
17 Section 8–601
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2014 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Election Law
22 Section 8–602

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2010 Replacement Volume and 2014 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 8–601.

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

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

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

11 8–602.

12 (a) (1) **[If] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**
13 **IF** there is a vacancy in the office of United States Senator, the Governor shall [appoint an
14 eligible individual to fill the vacancy.

15 (2) Except as provided in paragraph (3) of this subsection, the appointed
16 individual shall serve until a successor is elected pursuant to subsection (b) of this section
17 to fill the remainder of the term.

18 (3) The appointed individual shall serve for the remainder of the term if
19 the vacancy occurs after the date that is 21 days before the deadline for filing certificates
20 of candidacy for the election that is held in the fourth year of the term] **BY PROCLAMATION**
21 **CALL:**

22 **(I) A SPECIAL PRIMARY ELECTION TO BE HELD ON A DATE THAT**
23 **IS NOT LESS THAN 60 DAYS BUT NOT MORE THAN 90 DAYS AFTER THE DATE THE**
24 **VACANCY OCCURS; AND**

25 **(II) A SPECIAL GENERAL ELECTION TO BE HELD ON A DATE**
26 **THAT IS NOT LESS THAN 60 DAYS BUT NOT MORE THAN 90 DAYS AFTER THE DATE OF**
27 **THE SPECIAL PRIMARY ELECTION.**

28 **(2) IF A REGULARLY SCHEDULED ELECTION WILL BE HELD DURING**
29 **THE PERIOD IN WHICH A SPECIAL ELECTION IS REQUIRED TO BE HELD UNDER**
30 **PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNOR SHALL BY PROCLAMATION**
31 **CALL THE SPECIAL ELECTION TO BE HELD ON THE DATE OF THE REGULARLY**
32 **SCHEDULED ELECTION.**

1 **(3) IF THE VACANCY OCCURS ON A DATE THAT IS LESS THAN 60 DAYS**
2 **BEFORE OR IS ON OR AFTER THE DATE OF THE PRIMARY ELECTION IN THE YEAR IN**
3 **WHICH A CANDIDATE TO FILL THE OFFICE IS REGULARLY ELECTED, THE GOVERNOR**
4 **MAY NOT CALL A SPECIAL ELECTION.**

5 (b) **(1) (I)** [If the vacancy occurs before the date that is 21 days before the
6 deadline for filing certificates of candidacy for the next succeeding regular statewide
7 election, the Governor shall issue a proclamation immediately after the occurrence of the
8 vacancy declaring that a special primary election and a special general election shall be
9 held at the same time as the next regular statewide primary election and regular statewide
10 general election] **IF THERE IS A VACANCY IN THE OFFICE OF UNITED STATES**
11 **SENATOR, THE GOVERNOR SHALL APPOINT, AT LEAST 5 DAYS BUT NOT LATER THAN**
12 **30 DAYS AFTER THE DATE OF THE VACANCY, A QUALIFIED INDIVIDUAL TO FILL THE**
13 **VACANCY TEMPORARILY UNTIL THE RESULTS OF ANY SPECIAL ELECTION CALLED**
14 **TO FILL THE VACANCY ARE CERTIFIED.**

15 **(II) THE INDIVIDUAL APPOINTED BY THE GOVERNOR UNDER**
16 **THIS PARAGRAPH TO FILL A VACANCY IN THE OFFICE OF UNITED STATES SENATOR**
17 **TEMPORARILY, ONCE DULY SWORN IN, MAY NOT BE A CANDIDATE IN THE SPECIAL**
18 **ELECTION TO FILL THE VACANCY.**

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2015.