

## Chapter 501

(Senate Bill 438)

AN ACT concerning

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

FOR the purpose of authorizing a municipality to request that the State Board of Elections include certain offices and questions on a certain ballot; requiring a municipality to file a certain request with the State Board on or before a certain date; requiring a municipality to include a certain certification as part of a certain request; providing that a municipality is not required to file a certain request under certain circumstances; requiring the municipal attorney or, in certain circumstances, the clerk of the circuit court in the county in which the municipal corporation is located, to prepare and certify, by a certain date, each municipal question to be voted on at a certain election; requiring the State Board, after consultation with a certain local board of elections, to make a determination within a certain time period whether to include a municipal question on the ballot; requiring certain questions certified for the ballot to be assigned a certain identifier; requiring the State Board, under certain circumstances, to include certain offices and questions at the end of a ballot and arrange them in a certain order; providing for the application of certain provisions of the State election law; requiring a municipality to reimburse the State Board and the applicable local board of elections for certain costs incurred by the State Board or the local board; defining certain terms; and generally relating to the inclusion of offices and questions for a municipal election on a ballot prepared by the State Board of Elections.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 7–103 and 13–101

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Local Government

Section 4–108.1

Annotated Code of Maryland

(2013 Volume)

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

**Article – Election Law**

7-103.

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

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

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

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

**(3)** “MUNICIPAL ATTORNEY” MEANS:

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

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

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

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

(2) a brief designation of the type or source of the question;

(3) a brief descriptive title in boldface type;

(4) a condensed statement of the purpose of the question; and

(5) the voting choices that the voter has.

(c) (1) The Secretary of State shall prepare and certify to the State Board, not later than the third Monday in August, the information required under subsection

(b) of this section, for all statewide ballot questions and all questions relating to an enactment of the General Assembly which is petitioned to referendum.

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

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

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

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

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

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

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

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

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

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

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

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

13-101.

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

(b) This title does not apply to:

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

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

#### Article – Local Government

4-108.1.

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

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

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

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

(C) (1) A MUNICIPALITY THAT MAKES A REQUEST UNDER SUBSECTION (B) OF THIS SECTION THIS SECTION SHALL:

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

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

- (i) 1. THE FILING OF CERTIFICATES OF CANDIDACY;
- (ii) 2. THE FILLING OF A VACANCY IN OFFICE;
- (iii) 3. THE FILING OF A PETITION; AND
- (iv) 4. THE CERTIFICATION OF A BALLOT QUESTION.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE STATE BOARD PREVIOUSLY INCLUDED A MUNICIPAL ELECTION ON THE BALLOT, THAT MUNICIPALITY'S ELECTIONS MAY CONTINUE TO APPEAR ON THE BALLOT WITHOUT THE MUNICIPALITY FILING AN ADDITIONAL REQUEST UNDER THIS SECTION.

(II) A MUNICIPALITY SHALL FILE A REQUEST UNDER THIS SECTION IF, SINCE THE MUNICIPALITY'S ELECTION LAST APPEARED ON THE BALLOT, THERE HAS BEEN A SIGNIFICANT CHANGE IN THE METHOD THE MUNICIPALITY USES TO CONDUCT ITS ELECTIONS.

(3) WITHIN 30 DAYS AFTER RECEIPT OF A MUNICIPALITY'S REQUEST UNDER THIS SECTION, THE STATE BOARD, AFTER CONSULTATION WITH THE LOCAL BOARD IN THE COUNTY WHERE THE MUNICIPALITY IS LOCATED, SHALL NOTIFY THE MUNICIPALITY OF ITS DECISION WHETHER TO INCLUDE THE MUNICIPAL ELECTION ON THE BALLOT.

(C) (D) (1) IF A MUNICIPALITY MAKES A REQUEST UNDER SUBSECTION (B) OF THIS SECTION AND SATISFIES THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS SECTION, THE STATE BOARD SHALL, IN

~~CONSULTATION WITH THE LOCAL BOARD IN THE COUNTY WHERE THE MUNICIPALITY IS LOCATED, SHALL REVIEW AND NOTIFY THE MUNICIPALITY OF ITS INTENT TO~~ IF THE STATE BOARD APPROVES A MUNICIPALITY'S REQUEST UNDER THIS SECTION, THE STATE BOARD SHALL:

~~(1)~~ ~~(H)~~ (1) INCLUDE THE OFFICES AND QUESTIONS AT THE END OF THE BALLOT; AND

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

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

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

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

Approved by the Governor, May 15, 2014.