

A009 - 0809

10 **AN ACT CONCERNING**

20 Elections – Special Elections – United States Senators

30 FOR the purpose of designating the selection of United States Senators in the case of vacancy.

40 BY repealing and reenacting, with amendments,

50 Article – Elections,

60 Section 8-401, Section 8-602

70 Annotated Code of Maryland

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

120 **Article – Elections**

130 **§ 8-401**

140 (a) A special primary election and a special general election may be held at a time other than the
150 date of a regular primary election and a regular general election:

160 (1) to fill a vacancy in the office of Representative in Congress; or

170 (2) to fill a vacancy in the county council if the charter of that county provides for
180 special elections.

190 (b) (1) Special elections to fill a vacancy in the office of Representative in Congress shall be
200 held at the time specified in Subtitle 7 of this title.

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220 (2) Special elections to fill vacancies in a county council shall be held as provided in the
230 county charter.

240 (c) An election to fill a vacancy in the office of United States Senator shall be held ~~concurrently~~
250 ~~with a regular election~~ ONE MONTH AFTER THE VACANCY TAKES EFFECT as provided in
260 Subtitle 6 of this title.

270 SECTION 2: AND BE IT FURTHER ENACTED BY THE GENERAL ASSEMBLY OF
280 MARYLAND, That the Laws of Maryland read as follows:

290 **Article – Elections**

300 **§ 8-602**

310 (a) (1) If there is a vacancy in the office of United States Senator, the Governor shall ~~appoint an~~
320 ~~eligible individual to fill the vacancy~~ ISSUE A PROCLAMATION IMMEDIATELY AFTER
330 THE OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY
340 ELECTION AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME
350 TIME ONE MONTH FROM THE DAY OF THE PROCLAMATION.

360 (2) ~~Except as provided in paragraph (3) of this subsection, the appointed~~ ELECTED individual
370 shall serve THE REMAINDER OF THE TERM ~~until a successor is elected pursuant to subsection~~
380 ~~(b) of this section to fill the remainder of the term.~~

390 (3) ~~The appointed individual shall serve for the remainder of the term if the vacancy occurs after~~
400 ~~the date that is 21 days before the deadline for filing certificates of candidacy for the election that~~
410 ~~is held in the fourth year of the term.~~

420 (bA) If the vacancy occurs before the date that is 21 days before the deadline for filing

430 certificates of candidacy for the next succeeding regular statewide election, the Governor shall
440 issue a proclamation immediately after the occurrence of the vacancy declaring that a special
450 primary election and a special general election shall be held at the same time as the next regular
460 statewide primary election and regular statewide general election.

470 SECTION 3: AND BE IT FURTHER ENACTED, that this act shall take effect January 1, 2010.

480 **MANDATES:** Governor Martin J. O'Malley
490 Lt. Governor Anthony G. Brown
500 Senate President Thomas V. "Mike" Miller
520 Speaker of the House of Delegates Michael E. Busch
530 House Majority Leader Kumar P. Barve
540 House Minority Leader Anthony J O'Donnell
550 Senate Majority Leader Edward J. Kasemeyer
560 Senate Minority Leader David R. Brinkley

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