

**A013 - 0809**

10     **An Act Concerning**

20     Elections – Unfilled Offices

30     FOR the purpose of creating special elections in the event that the winning candidate in a contest  
40     cannot serve the office they won.

50     BY repealing, and reenacting, with amendments,  
60     Article – Election Law  
70     § 8-401

80     SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, that the  
90     Laws of Maryland read as follows:

100    **§ 8-401. Time of special elections.**

110    (a)    *In general* .- A special primary election and a special general election may be held at a  
120    time other than the date of a regular primary election and a regular general election:

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

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

160           (3)    TO FILL A VACANCY FOR ANY OFFICE WHERE THE WINNING  
170           CANDIDATE OF A PRIOR CONTEST IS INCAPABLE OF SERVING THE  
180           OFFICE

190                   (i)    THE CANDIDATES IN THIS CONTEST COULD NOT HAVE  
200                   BEEN CANDIDATES FOR ELECTION IN THE PRIOR CONTEST,  
210                   IN THE GENERAL ELECTION OR THE PRIMARY.

220    (b)    *Time of special election.* –

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

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

270    (c)    *Time of special election - United States Senate.* - An election to fill a vacancy in the  
280           office of United States Senator shall be held concurrently with a regular election  
290           as provided in Subtitle 6 of this title.

300    (D)    TIME OF SPECIAL ELECTION – UNFILLED SEAT – AN ELECTION TO FILL A  
310           SEAT LEFT UNFILLED AFTER A PRIOR ELECTION MUST BE HELD WITHIN  
320           ONE MONTH AFTER THE PRIOR CONTEST.

330    **MANDATES:**   Martin O’Malley, Governor of Maryland  
340                   Robert L. Walker, Chair, State Board of Elections  
350                   Thomas V. “Mike” Miller, President of the Maryland Senate  
360                   Michael E. Busch, Speaker of the Maryland House of Delegates  
370                   Edward J. Kasemeyer, Majority Leader of the Maryland Senate  
380                   Allan H. Kittleman, Minority Leader of the Maryland Senate  
390                   Kumar P. Barve, Majority Leader of the Maryland House of Delegates

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