

HOUSE BILL 447

L6
HB 655/21 – W&M

3lr0322
CF 3lr1250

By: **Delegate Crosby**

Introduced and read first time: January 30, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Local Elections – County Commissioner – District Voting**

3 FOR the purpose of requiring an election of a county commissioner to represent a specific
4 district to be decided by a plurality of the votes cast within that district; and
5 generally relating to county commissioner elections.

6 BY adding to
7 Article – Local Government
8 Section 9–114
9 Annotated Code of Maryland
10 (2013 Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,
12 The Public Local Laws of Calvert County
13 Section 2–102
14 Article 5 – Public Local Laws of Maryland
15 (2002 Edition and October 2021 Supplement)
16 (As enacted by Chapter 310 of the Acts of the General Assembly of 2013)

17 BY repealing and reenacting, with amendments,
18 The Public Local Laws of Garrett County
19 Section 30.02(B) and (C)
20 Article 12 – Public Local Laws of Maryland
21 (2005 Edition and 2020 Supplement, as amended)

22 BY repealing and reenacting, with amendments,
23 The Public Local Laws of St. Mary’s County
24 Section 26–1A.
25 Article 19 – Public Local Laws of Maryland
26 (2007 Edition and 2022 Supplement, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 The Public Local Laws of St. Mary's County
3 Section 26-1B. and C.
4 Article 19 – Public Local Laws of Maryland
5 (2007 Edition and 2022 Supplement, as amended)

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

8 **Article – Local Government**

9 **9–114.**

10 (A) THIS SECTION APPLIES ONLY TO CODE COUNTIES AND COMMISSION
11 COUNTIES.

12 (B) THE ELECTION OF A COUNTY COMMISSIONER TO REPRESENT A
13 SPECIFIC COUNTY COMMISSIONER DISTRICT SHALL BE DECIDED BY A PLURALITY OF
14 THE VOTES CAST WITHIN THAT DISTRICT.

15 **Article 5 – Calvert County**

16 2–102.

17 (a) [Beginning with the general election to be held in Calvert County in
18 November, 1978, five County Commissioners shall be elected by countywide vote.

19 (b)] Beginning with the general election to be held in Calvert County in November
20 [2014] **2026**:

21 (1) One County Commissioner shall be a resident of and shall **BE ELECTED**
22 **BY THE VOTERS OF THE FIRST ELECTION DISTRICT OF THE COUNTY TO** represent [the
23 first election district of the County] **THAT DISTRICT**;

24 (2) One County Commissioner shall be a resident of and shall **BE ELECTED**
25 **BY THE VOTERS OF THE SECOND ELECTION DISTRICT OF THE COUNTY TO** represent
26 [the second election district of the County] **THAT DISTRICT**;

27 (3) One County Commissioner shall be a resident of and shall **BE ELECTED**
28 **BY THE VOTERS OF THE THIRD ELECTION DISTRICT OF THE COUNTY TO** represent
29 [the third election district of the County] **THAT DISTRICT**; and

30 (4) Two County Commissioners shall be residents of the County and shall
31 **BE ELECTED BY THE VOTERS OF THE ENTIRE COUNTY TO** represent the County at
32 large.

1 [(c)] (B) Each candidate for the office of County Commissioner shall specify at
2 the time of filing a certificate of candidacy whether the candidate is seeking to represent
3 the district in which the candidate resides or to represent the County at large.

4 [(d)] (C) Commissioners who are elected and qualify shall take office the third
5 Tuesday of December following election.

6 [(e)] (D) Each Commissioner shall hold office for four years or until a successor
7 is elected and qualified.

8 Article 12 – Garrett County

9 30.02.

10 (B) At all future elections for the office of County Commissioner, 1 Commissioner
11 shall [be elected from among the voters residing in each County Commissioner District by
12 the general vote of the county] **RESIDE IN AND BE ELECTED BY THE VOTERS OF EACH
13 OF THE COUNTY COMMISSIONER DISTRICTS OF THE COUNTY.**

14 (C) At primary elections to be held in Garrett County at which candidates are
15 selected for the position of County Commissioner, 1 candidate for each party shall be chosen
16 from each County Commissioner District by the [county-wide] vote of the members of the
17 respective parties **WITHIN THAT DISTRICT.** The Supervisors of Elections of Garrett County
18 shall place the names of all persons who file papers for the position County Commissioner
19 upon the ballots to be used by the respective parties in the county by Commissioner
20 Districts so that under each Commissioner District on the ballot will appear the names in
21 alphabetical order of all candidates residing in the district. The candidate of each party
22 from each County Commissioner District who receives the greatest number of votes shall
23 be certified by the Supervisors of Elections as the nominee of the political party to which
24 he or she belongs, and the name of the nominee shall be placed on the official ballot to be
25 used in the general election.

26 Article 19 – St. Mary’s County

27 26–1.

28 A. St. Mary’s County shall be divided into four (4) Commissioners’ Districts as
29 follows: The first, second and ninth election districts shall compose the First Commissioner
30 District; the third and sixth election districts shall compose the Second Commissioner
31 District; the fourth, fifth and seventh election districts shall compose the Third
32 Commissioner District; and the eighth election district shall compose the Fourth
33 Commissioner District. Each Commissioner [shall be elected as hereinafter provided by the
34 general vote of the County from each of said Commissioner Districts, who] shall serve for
35 four (4) years from the date of [his] **THEIR** election and shall be eligible to succeed [himself]
36 **THEMSELVES**, except that no County Commissioner is to be elected to serve more than

1 three (3) full four-year consecutive terms. A majority of said Commissioners shall
2 constitute a quorum for the transaction of business. Five (5) County Commissioners are to
3 be elected [by the voters of the entire County], of whom one (1) County Commissioner is to
4 be elected [from] **BY THE VOTERS OF** the First Commissioner District, one (1) County
5 Commissioner is to be elected [from] **BY THE VOTERS OF** the Second Commissioner
6 District, one (1) County Commissioner is to be elected [from] **BY THE VOTERS OF** the Third
7 Commissioner District and one (1) County Commissioner is to be elected [from] **BY THE**
8 **VOTERS OF** the Fourth Commissioner District.

9 B. In addition, the five (5) aforementioned County Commissioners must have
10 been residents of the districts for two (2) years or, instead, residents of the County for four
11 (4) years. The four (4) Commissioners, in addition, must be qualified voters in the
12 Commissioner District prior to election to office.

13 C. The fifth Commissioner, who will be President of the Board, shall run at large
14 and be elected by the voters of the entire County. The President must be a registered voter,
15 a resident of the County for at least five (5) years prior to election to office and at least
16 twenty-five (25) years of age. The Board of Commissioners may elect a Vice President to
17 preside in the temporary absence or disability of the President.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act:

19 (1) shall be applicable to the elections for county commissioner held in 2024
20 and all subsequent elections; and

21 (2) may not be construed to affect the tenure of a county commissioner
22 serving in office before the beginning of the next regular full term of office that begins after
23 the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2023.