

HOUSE BILL 1067

C5, G1

5lr0665

By: **Delegates Glenn, Anderson, Carter, Hayes, McCray, Oaks, Pena–Melnyk,
B. Robinson, Smith, and Stein**

Introduced and read first time: February 13, 2015

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Commission – Membership – Selection and Term**

3 FOR the purpose of specifying that certain party affiliation requirements do not apply to a
4 candidate for a position on the Public Service Commission; specifying that certain
5 nomination and election procedures apply to the nomination and election of certain
6 members of the Public Service Commission, subject to certain exceptions; specifying
7 certain requirements for the nonpartisan election of a member of the Commission;
8 requiring the State Board of Elections, before certifying the name of a candidate for
9 placement on an election ballot, to determine whether a candidate qualifies for a
10 position with the Commission; prohibiting an individual from qualifying as a
11 candidate for the Commission under certain circumstances; specifying standards for
12 nomination in a primary election as a nominated candidate for the Commission;
13 specifying standards for filling vacancies that arise for certain reasons; specifying
14 standards for election as a member of the Commission; specifying standards for
15 resolving tied election results; providing for the election of a certain number of
16 members of the Commission; specifying the terms of appointed and elected members
17 of the Commission, based on staggered terms that take effect on a certain date;
18 requiring an elected member to take a certain oath; providing for the terms of
19 members of the Commission that are elected or appointed to succeed certain
20 members of the Commission; and generally relating to the membership of the Public
21 Service Commission.

22 BY repealing and reenacting, with amendments,
23 Article – Election Law
24 Section 5–203
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2014 Supplement)

27 BY adding to
28 Article – Election Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8–901 through 8–906 to be under the new subtitle “Subtitle 9. Public Service
2 Commission”
3 Annotated Code of Maryland
4 (2010 Replacement Volume and 2014 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Public Utilities
7 Section 2–102
8 Annotated Code of Maryland
9 (2010 Replacement Volume and 2014 Supplement)

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

12 **Article – Election Law**

13 5–203.

14 (a) (1) This subsection does not apply to a candidate for:

15 (i) President or Vice President of the United States; or

16 (ii) any federal office who seeks nomination by petition.

17 (2) Unless the individual is a registered voter affiliated with the political
18 party, an individual may not be a candidate for:

19 (i) an office of that political party; or

20 (ii) except as provided in subsection (b) of this section, nomination
21 by that political party.

22 (b) The requirements for party affiliation specified under subsection (a) of this
23 section do not apply to a candidate for:

24 (1) a judicial office; [or]

25 (2) a county board of [education]; OR

26 (3) A POSITION ON THE PUBLIC SERVICE COMMISSION.

27 **SUBTITLE 9. PUBLIC SERVICE COMMISSION.**

28 **8–901.**

1 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND IN TITLE 2 OF THE**
2 **PUBLIC UTILITIES ARTICLE, THE PROVISIONS OF THIS ARTICLE RELATING TO THE**
3 **NOMINATION AND ELECTION OF CANDIDATES TO PUBLIC OFFICE SHALL GOVERN**
4 **THE NOMINATION AND ELECTION OF MEMBERS TO AN ELECTED POSITION ON THE**
5 **PUBLIC SERVICE COMMISSION.**

6 **8-902.**

7 **(A) (1) MEMBERS OF THE PUBLIC SERVICE COMMISSION WHO ARE**
8 **ELECTED SHALL BE ELECTED ON A NONPARTISAN BASIS.**

9 **(2) IN A PRIMARY ELECTION TO NOMINATE PUBLIC SERVICE**
10 **COMMISSION CANDIDATES, ANY REGISTERED VOTER OF THE STATE, REGARDLESS**
11 **OF PARTY AFFILIATION OR LACK OF PARTY AFFILIATION, IS ELIGIBLE TO VOTE IN**
12 **THOSE CONTESTS FOR NOMINATION.**

13 **(B) CANDIDATES FOR ELECTION TO THE PUBLIC SERVICE COMMISSION**
14 **SHALL, WITHOUT PARTY DESIGNATION OR REGARD TO PARTY AFFILIATION:**

15 **(1) FILE CERTIFICATES OF CANDIDACY;**

16 **(2) BE CERTIFIED TO THE BALLOT;**

17 **(3) APPEAR ON THE BALLOT;**

18 **(4) BE VOTED ON; AND**

19 **(5) BE NOMINATED AND ELECTED.**

20 **8-903.**

21 **(A) BEFORE CERTIFYING THE NAME OF A PUBLIC SERVICE COMMISSION**
22 **CANDIDATE TO APPEAR ON THE BALLOT, THE STATE BOARD SHALL DETERMINE**
23 **WHETHER THE CANDIDATE QUALIFIES AS PROVIDED UNDER TITLE 2 OF THE PUBLIC**
24 **UTILITIES ARTICLE AND TITLE 5 OF THIS ARTICLE.**

25 **(B) AN INDIVIDUAL MAY NOT QUALIFY AS A PUBLIC SERVICE COMMISSION**
26 **CANDIDATE OR NOMINEE BY FILING A PETITION OR BEING NOMINATED BY A**
27 **POLITICAL PARTY.**

28 **8-904.**

1 (A) IN EACH YEAR THAT ONE OR MORE MEMBERS OF THE PUBLIC SERVICE
2 COMMISSION ARE TO BE ELECTED, CANDIDATES SHALL BE NOMINATED AT THE
3 PRIMARY ELECTION.

4 (B) (1) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED BEFORE THE
5 BALLOTS ARE PRINTED, OR AT A TIME WHEN THE BALLOTS CAN BE REPRINTED, THE
6 NAME OF THE CANDIDATE MAY NOT APPEAR ON THE BALLOT.

7 (2) IF A CANDIDATE DIES OR BECOMES DISQUALIFIED AFTER THE
8 BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOT TO BE REPRINTED, ANY
9 VOTES CAST FOR THAT CANDIDATE MAY NOT BE COUNTED.

10 (C) (1) THE CANDIDATES, EQUAL IN NUMBER TO TWICE THE NUMBER OF
11 OFFICES TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN THE
12 PRIMARY ELECTION SHALL BE THE NOMINATED CANDIDATES.

13 (2) IF TWO OR MORE CANDIDATES EACH RECEIVE THE LOWEST
14 NUMBER OF VOTES NECESSARY TO QUALIFY FOR NOMINATION, CREATING A TIE FOR
15 THE LAST NOMINATION FOR THE OFFICE TO BE FILLED, EACH SHALL BE A
16 NOMINATED CANDIDATE.

17 **8-905.**

18 (A) (1) IF, AFTER THE PRIMARY ELECTION BUT BEFORE THE GENERAL
19 ELECTION, A NOMINEE DIES, DECLINES THE NOMINATION, OR BECOMES
20 DISQUALIFIED BEFORE THE BALLOTS ARE PRINTED OR AT A TIME WHEN THE
21 BALLOTS CAN BE REPRINTED, THE NAME OF THE NOMINEE MAY NOT APPEAR ON THE
22 BALLOT.

23 (2) IF THE NUMBER OF REMAINING NOMINEES IS LESS THAN THE
24 NUMBER OF OFFICES TO BE FILLED, A NEW NOMINEE SHALL BE APPOINTED IN THE
25 SAME MANNER AS PROVIDED IN THE PUBLIC UTILITIES ARTICLE FOR FILLING A
26 VACANCY ON THE PUBLIC SERVICE COMMISSION.

27 (B) IF A NOMINEE DIES, DECLINES THE NOMINATION, OR IS DISQUALIFIED
28 AFTER THE BALLOTS ARE PRINTED AND TOO LATE FOR THE BALLOT TO BE
29 REPRINTED, AND IF THAT NOMINEE RECEIVES SUFFICIENT VOTES TO HAVE BEEN
30 ELECTED, THE OFFICE SHALL BE DEEMED VACANT AND SHALL BE FILLED AS IF THE
31 VACANCY HAD OCCURRED DURING THE TERM OF OFFICE.

32 **8-906.**

1 **(A) IN A GENERAL ELECTION FOR PUBLIC SERVICE COMMISSION**
2 **MEMBERS, A VOTER MAY VOTE FOR A NUMBER OF NOMINEES EQUAL TO THE**
3 **NUMBER OF MEMBERS TO BE ELECTED.**

4 **(B) (1) THE NOMINEES, EQUAL IN NUMBER TO THE NUMBER OF OFFICES**
5 **TO BE FILLED, WHO RECEIVE THE LARGEST NUMBER OF VOTES IN A GENERAL**
6 **ELECTION SHALL BE DECLARED ELECTED.**

7 **(2) (I) IF TWO OR MORE NOMINEES EACH RECEIVE THE LOWEST**
8 **NUMBER OF VOTES NECESSARY TO QUALIFY FOR ELECTION, CREATING A TIE FOR**
9 **THE LAST OFFICE TO BE FILLED, THE OFFICE SHALL BE CONSIDERED VACANT.**

10 **(II) A VACANCY OCCURRING UNDER SUBPARAGRAPH (I) OF THIS**
11 **PARAGRAPH SHALL BE FILLED:**

12 **1. AS IF THE VACANCY OCCURRED DURING THE TERM OF**
13 **OFFICE FOR WHICH THE ELECTION IS BEING HELD; AND**

14 **2. BY THE SELECTION OF ONE OF THE NOMINEES WHO**
15 **TIES IN THE GENERAL ELECTION.**

16 **Article – Public Utilities**

17 2–102.

18 (a) The Commission consists of five commissioners, **THREE** appointed by the
19 Governor with the advice and consent of the Senate **AND TWO ELECTED BY THE VOTERS**
20 **OF THE STATE.**

21 (b) (1) Each commissioner shall be a registered voter of the State.

22 (2) The Commission shall be:

23 (i) broadly representative of the geographic and demographic
24 diversity of the State and of the public; and

25 (ii) composed of individuals with diverse training and experience.

26 (c) Each commissioner shall devote full time to the duties of office.

27 (d) (1) **(I)** The term of [a] **AN APPOINTED** commissioner is [5] 4 years and
28 begins on July 1.

29 **[(2)] (II)** The terms of **APPOINTED** commissioners are staggered as
30 required by the terms in effect for commissioners on [July 1, 2006] **JUNE 1, 2015.**

1 ~~[(3)]~~ **(III)** At the end of a term, ~~[a]~~ **AN APPOINTED** commissioner continues
2 to serve until a successor qualifies.

3 ~~[(4)]~~ **(IV)** A commissioner who is appointed after a term has begun serves
4 for the rest of the term and until a successor qualifies.

5 **(2) (I) THE TERM OF A COMMISSIONER ELECTED AT LARGE TO**
6 **REPRESENT THE CITIZENS OF THE STATE IS 4 YEARS AND BEGINS IN NOVEMBER**
7 **AFTER THE ELECTION OF THE MEMBER UNTIL A SUCCESSOR IS ELECTED AND**
8 **QUALIFIES.**

9 **(II) THE TERMS OF ELECTED COMMISSIONERS ARE STAGGERED**
10 **AS REQUIRED BY THE TERMS IN EFFECT FOR COMMISSIONERS ON JUNE 1, 2015.**

11 (e) Before taking office, each ~~[appointee to the Commission]~~ **APPOINTED**
12 **MEMBER AND ELECTED MEMBER** shall take the oath required by Article I, § 9 of the
13 Maryland Constitution.

14 (f) The Governor may remove a commissioner for incompetence or misconduct in
15 accordance with § 3–307 of the State Government Article.

16 SECTION 2. AND BE IT FURTHER ENACTED, That:

17 (1) When a qualified successor is appointed to replace the appointed
18 members whose terms are scheduled to expire on June 30, 2014, June 30, 2015, and June
19 30, 2018, the terms of office of the successor members is 4 years and terminates on June
20 30, 2018, June 30, 2019, and June 30, 2022, respectively.

21 (2) The terms of office of the one appointed member whose term is
22 scheduled to expire on June 30, 2016, and the one appointed member whose term is
23 scheduled to expire on June 30, 2017, shall terminate when qualified successors are elected
24 at the general election in November 2016 to serve until successors are elected and qualify.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
26 1, 2015.