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Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Administrative Board of Election Laws - Members - Appointment**

3 FOR the purpose of altering the process by which members of the State Administrative
4 Board of Election Laws are appointed; requiring the Governor to appoint members
5 from a list of names submitted by the central committee representing the majority
6 party or principal minority party in the State; authorizing the Governor to make an
7 appointment from persons of the Governor's own selection if a list is not submitted
8 within a certain number of days; requiring that if the Senate rejects an appointment,
9 the Governor shall appoint another person from the list of names submitted by the
10 central committee of the State; requiring appointments to be subject to
11 confirmation by the Senate of Maryland; and generally relating to the State
12 Administrative Board of Election Laws.

13 BY repealing and reenacting, with amendments,
14 Article 33 - Election Code
15 Section 1A-1(a)
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 1995 Supplement)

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

20 **Article 33 - Election Code**

21 1A-1.

22 (a) (1) There is hereby created a State Administrative Board of Election Laws
23 consisting of five members. The members of the Board shall be appointed by the
24 Governor [with the advice and consent of the Senate of Maryland and] AND SHALL BE
25 SUBJECT TO CONFIRMATION BY THE SENATE OF MARYLAND. MEMBERS OF THE
26 BOARD shall be residents and voters of the State of Maryland for [five]5 years preceding
27 their appointment and during the time of acting as a member of this Board shall not hold
28 any public or party office or be a candidate for any public or party office. The term shall

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1 be for a period of [four] 4 years. In case of a vacancy on the Board by reason of death,
2 resignation or otherwise, occurring when the Senate is not in session, the Governor shall
3 appoint [some] AN eligible person to fill the vacancy until the end of the next session of
4 the General Assembly or until [some other] ANOTHER person is appointed to the office,
5 whichever first occurs; provided that the appointee must be a member of the same
6 political party as the individual whom [he] THE APPOINTEE replaces. Of the five
7 members appointed to the Board three shall be of the majority party and two shall be of
8 the minority party. The members of the Board shall receive per diem compensation as
9 provided in the budget for each day actually engaged in the discharge of his official duties
10 as well as reimbursement for all necessary and proper expenses. The members of the
11 Board shall elect one of their number as the chairman of the Board.

12 (2) (I) BEFORE APPOINTING A MEMBER TO THE BOARD OR FILLING A
13 VACANCY ON THE BOARD, THE GOVERNOR SHALL REQUEST THE CENTRAL
14 COMMITTEE REPRESENTING THE MAJORITY PARTY OR THE PRINCIPAL MINORITY
15 PARTY IN THE STATE TO DESIGNATE, FOR EACH POSITION AVAILABLE TO A PERSON
16 OF THAT PARTY, AT LEAST FOUR ELIGIBLE PERSONS AFFILIATED WITH THE
17 POLITICAL PARTY OF THE COMMITTEE.

18 (II) THE GOVERNOR SHALL APPOINT ONE OF THE PERSONS
19 DESIGNATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO FILL THE
20 POSITION.

21 (III) IF THE CENTRAL COMMITTEE DOES NOT SUBMIT A LIST
22 WITHIN 30 DAYS AFTER A REQUEST, THE GOVERNOR MAY MAKE THE APPOINTMENT
23 FROM PERSONS OF THE GOVERNOR'S OWN SELECTION AFFILIATED WITH THE
24 POLITICAL PARTY OF THE CENTRAL COMMITTEE.

25 (3) IF THE SENATE REJECTS THE PERSON APPOINTED BY THE
26 GOVERNOR, THE GOVERNOR SHALL APPOINT ANOTHER PERSON FROM THE LIST OF
27 NAMES SUBMITTED BY THE CENTRAL COMMITTEE FOR THE STATE UNDER
28 PARAGRAPH (2) OF THIS SUBSECTION. IF THE LIST IS EXHAUSTED, THE GOVERNOR
29 SHALL REQUEST FROM THE CENTRAL COMMITTEE FOR THE STATE A
30 SUPPLEMENTARY LIST OF AT LEAST FOUR NAMES OF PERSONS AFFILIATED WITH
31 THE POLITICAL PARTY OF THE COMMITTEE IN ACCORDANCE WITH PARAGRAPH (2)
32 OF THIS SUBSECTION. THE GOVERNOR SHALL APPOINT A PERSON FROM THE
33 SUPPLEMENTARY LIST TO FILL THE POSITION. APPOINTMENTS UNDER THIS
34 PARAGRAPH SHALL BE MADE SUBJECT TO CONFIRMATION BY THE SENATE OF
35 MARYLAND.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1996.