

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 458 (Delegate Schuh, *et al.*)
Rules and Executive Nominations

State Officials - Limitation of Terms (Better Maryland - Term Limits)

This proposed constitutional amendment establishes that a person who has served three consecutive popular elective terms of office as a Senator or Delegate is ineligible to serve as a Senator or Delegate for the term immediately following the third of the three consecutive terms. Similarly, the amendment establishes that a person who has served three consecutive terms of office as Attorney General, Comptroller, or Treasurer is ineligible to serve in those respective offices for the term immediately following the third of the three consecutive terms.

Fiscal Summary

State Effect: If approved by the voters, the constitutional amendment is not expected to materially affect State finances.

Local Effect: None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Constitution, members of the General Assembly and the Attorney General, Comptroller, and Treasurer all serve terms of four years. The constitution does not specify limits on consecutive terms those officials may serve. Members of the General Assembly, the Attorney General and the Comptroller are elected

every four years during the gubernatorial elections and the Treasurer is elected by a joint ballot of the two houses of the General Assembly at the beginning of the Governor's term.

Background: The National Conference of State Legislatures (NCSL) indicates that proposals to limit the terms of state legislators have been the subject of public policy debate since 1990 when citizen initiatives limiting the terms of legislators were passed by voters in California, Colorado, and Oklahoma. Since that time, NCSL indicates that as of 2009, 15 states have term limits for legislators. Term limits in six other states were adopted, but subsequently repealed by the legislature or through court action.

If this constitutional amendment is adopted by the voters, 77 members (55%) of the House of Delegates would be ineligible to run for office in 2014. In the Senate, 23 (49%) of Senators would be ineligible to run for office in 2014. In the 2018 election, another 29 Delegates and 11 Senators would be ineligible.

State Fiscal Effect: If the constitutional amendment is approved by the voters at the 2012 general election, any impact of the bill will not occur until fiscal 2015, assuming that, pursuant to the constitutional amendment, officials that will have served three consecutive terms by 2014 will not be eligible to serve in the office in the subsequent term. Increased turnover of affected State officials may minimally reduce State pension liabilities and contribution rates. Costs of orientation of new members every four years may increase minimally. Overall, however, the bill is not expected to materially affect State finances.

State costs of printing absentee and provisional ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). Any increase in costs, however, is expected to be relatively minimal, and it is assumed that the potential for such increased costs will have been anticipated in the State Board of Elections' budget. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

Local Fiscal Effect: Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on absentee and provisional ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

Additional Information

Prior Introductions: HB 660 of 2010, a similar bill, received an unfavorable report from the House Rules and Executive Nominations Committee.

Cross File: None.

Information Source(s): Comptroller's Office, National Conference of State Legislatures, Department of Legislative Services

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