

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 211

(Delegate Ivey, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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Elected Officials - Removal from Office - Crimes

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This proposed constitutional amendment requires that an elected State or local official who, while in office, enters a guilty plea or a plea of *nolo contendere* to a felony, or specified misdemeanors related to the official's public duties and responsibilities, be removed from office permanently and the office be deemed vacant.

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Fiscal Summary

**State Effect:** None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget.

**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.

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Analysis

**Current Law:** Under Section 2 of Article XV of the Maryland Constitution, any elected State or local official who, while in office, is convicted of or enters a plea of *nolo contendere* to a felony, or specified misdemeanors related to the official's public duties and responsibilities, is suspended from office by operation of law without pay or benefits. During and for the period of suspension, the office is filled temporarily in the manner that it would be if it were vacant. If the conviction becomes final, after judicial

review or otherwise, the elected official is removed from office by operation of law and the office is deemed vacant.

If the conviction is reversed or overturned, the elected official is reinstated by operation of law to the office for the remainder, if any, of the term of office during which the elected official was suspended or removed. All pay and benefits are restored.

**State Fiscal Effect:** 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.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** SB 544 (Senator Ramirez, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** State Ethics Commission, Judiciary (Administrative Office of the Courts), State Prosecutor's Office, Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2012  
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