

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 931 (Senator Conway)

Education, Health, and Environmental Affairs

Ways and Means

State Board of Elections - Provision of Professional Legal Assistance

This bill requires the Attorney General to provide professional legal assistance to the State Board of Elections (SBE) in the performance of the duties of SBE. However, if the State Administrator of Elections, after consultation with SBE, determines that because of a conflict the Attorney General may not provide professional legal assistance to SBE or the State Administrator on a matter, on confirmation by majority vote of SBE, the State Administrator may retain the services of independent legal counsel to provide professional assistance to SBE and the State Administrator.

Fiscal Summary

State Effect: General fund expenditures increase to the extent the State Administrator of Elections retains services of independent legal counsel that otherwise would not have been approved by the Attorney General. The hourly rate for such services may be as high as approximately \$500/hr.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: With certain exceptions, the Attorney General has general charge of the legal business of the State. Unless a law expressly provides for a general counsel as the legal adviser and representative of the officer or unit, the Attorney General is the legal adviser of and must represent and otherwise perform all of the legal work for each officer and unit of the State government. An officer or unit of the State government may employ

or be represented by a legal adviser or counsel other than the Attorney General or the Attorney General's designee with prior approval of the Attorney General.

State Expenditures: General fund expenditures increase to the extent the State Administrator of Elections retains the services of independent legal counsel that otherwise would not have been approved by the Attorney General. It is assumed that such occurrences are infrequent. The extent of overall costs associated with such an occurrence cannot be reliably estimated but may be significant depending on the time devoted to the matter. The hourly rate for such services may be as high as approximately \$500/hr.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2014
ncs/hlb Revised - Senate Third Reader - March 26, 2014

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