

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1070
Ways and Means

(Delegate Vitale, *et al.*)

General Assembly - Filling of Vacancy

This proposed constitutional amendment requires that an election be held at the next statewide general presidential election to fill the vacancy of a Delegate or Senator that occurs at least 30 days before the deadline to file a certificate of candidacy for the next statewide election at which the President and members of Congress are elected. The existing process for appointment by the Governor to fill a vacancy continues to be followed but with the appointment deemed to be for the unexpired term or, when applicable, until the vacancy is filled by an election.

Fiscal Summary

State Effect: If the constitutional amendment is approved by the voters, general fund expenditures may increase by \$5,000 to \$10,000 in FY 2020 and in future years in which a presidential election occurs for programming costs for the State Board of Elections.

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: In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which a delegate or senator was elected, or in case of a tie between two or more qualified persons, the Governor must appoint a person to fill the

vacancy from a person whose name is submitted in writing within 30 days after the occurrence of the vacancy by the central committee of the political party, if any, with which the delegate or senator was affiliated, as specified. The Governor must make the appointment within 15 days after the submission.

If a name is not submitted by the central committee within 30 days, the Governor, within another period of 15 days, must appoint a person, who must be affiliated with the same political party, if any, of the delegate or senator whose office is to be filled. The person must be properly qualified to hold the office of delegate or senator in the district or county.

If there is no central committee within the county or district from which the vacancy is to be filled, the Governor must, within 15 days after the vacancy, appoint a person from the same political party, if any, of the vacating delegate or senator, and who is properly qualified to hold the office.

In every case when any person is appointed by the Governor, the appointment is deemed to be for the unexpired term of the person whose office has become vacant.

In addition, and in submitting a name to the Governor to fill a vacancy, the central committee or committees must follow specified provisions relating to districts with boundaries comprising of more than one county.

State Fiscal Effect: If the constitutional amendment is approved in the November 2016 general election, general fund expenditures may increase by \$5,000 to \$10,000 in fiscal 2020 and future fiscal years in which a presidential election occurs, for programming in the State Board of Elections' (SBE) election management system to accommodate any special elections on the presidential election ballot in the applicable legislative district.

State costs of printing 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). However, it is assumed that the potential for such increased costs will have been anticipated in SBE's budget. Pursuant to Chapter 564 of 2001, SBE 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 ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

Additional Comments: The bill does not allow for a primary election before the general election to fill a vacancy in the Senate or House of Delegates.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel and Montgomery counties; Maryland State Board of Elections; Department of Legislative Services

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min/hlb

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