

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 770
Judiciary

(Delegate Hornberger, *et al.*)

Courts - Appointments to Vacant Offices by the Judiciary - Same Party as
Predecessor

This proposed constitutional amendment requires that vacancies occurring during the elected term of a clerk of the circuit court, register of wills, or state's attorney must be filled, as specified, with an appointee who is of the same political party, if any, as the individual who vacated the office.

Fiscal Summary

State Effect: None. Altering the process to fill a vacancy in the office of the clerk of the circuit court or register of wills does not affect State finances.

Local Effect: None. Altering the process to fill a vacancy in the office of the state's attorney does not affect local governmental finances.

Small Business Effect: None.

Analysis

Current Law: The clerk of the circuit court for each county is elected to a four-year term. If a vacancy occurs, the judges of that circuit court may fill the vacancy until the next general election for delegates to the General Assembly, at which time a successor is elected.

The register of wills in each county is elected to a four-year term. In the event of a vacancy, the judges of the county's orphans' court must fill the vacancy until the next general election for delegates to the General Assembly, at which time a successor is elected.

A state's attorney in each county is elected to a four-year term. If a vacancy occurs in the office, the judge or judges in the county, as specified, must appoint a person to fill the vacancy for the remainder of the term.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Maryland State Board of Elections; Department of Legislative Services

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mm/kdm

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