

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 307
Ways and Means

(Delegate Moon, *et al.*)

General Assembly - Special Election to Fill a Vacancy in Office

This proposed constitutional amendment requires the Governor to declare a special primary and general election immediately after a vacancy occurs in the office of a State senator or delegate if the vacancy occurs on or before the date that is 21 days before the deadline for filing a certificate of candidacy for the regular statewide primary and general election in the second year of the term. The special primary election and special general election must be held at the same time as the regular statewide elections. The Governor must appoint an eligible individual to fill the vacancy until a successor is elected by special election. If the vacancy occurs after the date that is 21 days before the certificate of candidacy deadline, the individual appointed by the Governor serves the remainder of the term.

Fiscal Summary

State Effect: None. The proposed constitutional amendment is procedural in nature.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Governor must appoint a person to fill a vacancy in the office of a senator or delegate in case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which he/she has been elected. The Central Committee of the political party affiliated with the vacating senator or delegate must submit in writing, the name of an appointee within 30 days of the vacancy. The Governor must appoint the person to fill the vacancy within 15 days after the Central Committee submits the name.

If a name is not submitted by the Central Committee within 30 days after the occurrence of the vacancy, the Governor must appoint a person within 15 days after the 30-day period ends. The appointee must otherwise be properly qualified to hold the office of delegate or senator in the district or county.

If a vacancy occurs in a district which has boundaries comprising a portion or all of two or more counties, the Central Committee of each county involved must have one vote for submitting the name of a resident of the district. If there is a tie vote between or among the Central Committees, the *complete* list of names must be submitted to the Governor, who must make the appointment from the list.

In the event there is no Central Committee in the county or district from which a vacancy is to be filled, the Governor must appoint a person from the same political party, if any, as that of the vacating delegate or senator, within 15 days.

Any appointment by the Governor to fill a vacancy is deemed to be for the unexpired term of the person whose office has become vacant.

The requirement to hold elections on the first Tuesday after the first Monday in November at four-year intervals beginning in 1926 does not apply to special elections to fill the vacancy in a county council or in the office of chief executive officer or county executive.

Additional Information

Prior Introductions: HB 361 of 2017 received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): Governor's Office; Maryland State Board of Elections; Department of Legislative Services

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