

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 88 (Senator Pinsky)
Education, Health, and Environmental Affairs

Election Law - Deadline for Selection of Lieutenant Governor

This constitutional amendment modifies the time when a candidate who seeks a nomination for Governor designates a candidate for Lieutenant Governor, requiring the designation to be made within 21 days after the primary election rather than at the time of filing for the office. The name of a candidate for Governor is listed on the primary election ballot without a candidate for Lieutenant Governor.

Fiscal Summary

State Effect: If the constitutional amendment is approved by the voters, general fund expenditures increase by approximately \$7,000 over the course of FY 2023 and 2024. Revenues are not materially affected.

Local Effect: If the constitutional amendment is approved by the voters, local government expenditures increase by approximately \$7,000 over the course of FY 2023 and 2024.

Small Business Effect: None.

Analysis

Bill Summary: The constitutional amendment repeals the requirement that a candidate who seeks a nomination for Governor in a primary election designate a candidate for Lieutenant Governor at the time of filing a certificate of candidacy, instead requiring such a candidate to designate a candidate for Lieutenant Governor within 21 days after the primary election. A candidate who seeks a nomination for Governor under any method provided by law other than a primary election must designate a candidate for

Lieutenant Governor at the time of filing a declaration of intent to seek nomination, and the candidate for Governor and the designated candidate for Lieutenant Governor must be considered for nomination jointly.

In a primary election (1) the name of the candidate for Governor is listed on the primary election ballot without a candidate for Lieutenant Governor and (2) the candidate for Lieutenant Governor must file a certificate of candidacy at the time the candidate for Lieutenant Governor is designated by the candidate for Governor.

Current Law: Each candidate who seeks a nomination for Governor, under any method provided by law for the nomination, including primary elections, must at the time of filing for the office designate a candidate for Lieutenant Governor. The names of the candidate for Governor and Lieutenant Governor are listed on the primary election ballot, or otherwise considered for nomination jointly with each other.

In any election, including a primary election, candidates for Governor and Lieutenant Governor are listed jointly on the ballot and a vote cast for the candidate for Governor is also cast for the candidate for Lieutenant Governor jointly listed on the ballot. The election or nomination of the candidate for Governor also constitutes the election or nomination of the candidate for Lieutenant Governor who was listed on the ballot or was being considered jointly with the candidate for Governor.

State Expenditures: If the constitutional amendment is approved by the voters, general fund expenditures increase by approximately \$7,000 over the course of fiscal 2023 and 2024, reflecting the State's cost to modify the State Board of Elections' election management system in order to allow for candidates for nomination for Governor in primary elections to run and appear on the ballot without a Lieutenant Governor.

Local Expenditures: If the constitutional amendment is approved by the voters, local government expenditures increase by approximately \$7,000 over the course of fiscal 2023 and 2024, reflecting the cost to modify the candidacy filing system, which is paid for by the local boards of elections.

Additional Information

Prior Introductions: HB 481 of 2021 received a hearing in the House Ways and Means Committee but was withdrawn. HB 268 of 2020 passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. SB 396 of 2020 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. In addition, similar legislation was introduced in the 2019 session.

Designated Cross File: None.

Information Source(s): State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2022
fnu2/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510