

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

Senate Bill 159 (Senator McFadden, *et al.*) (Baltimore City Administration)
Education, Health, and Environmental Affairs

Elections - Baltimore City - Election Dates

This bill alters the years in which Baltimore City elections are held. A primary election, taking place in September, and a general election, taking place in November, will be held in each year that elections are held for the President of the United States. The first year of the new election cycle for Baltimore City is 2004.

Fiscal Summary

State Effect: A one-time cost of approximately \$75,000 in FY 2004 would be necessary for the software vendor employed by the State Board of Elections to reprogram the campaign finance and election management software.

Local Effect: By changing the city municipal primary from September 2003 to September 2004, \$500,000 in city general fund expenditures associated with the primary would be transferred from FY 2004 to FY 2005. There would be no other substantive effect on city finances in the out-years as a result of this bill.

Small Business Effect: None.

Analysis

Bill Summary: This bill repeals the provisions in State law that requires Baltimore City municipal elections to be held separately from the gubernatorial and presidential elections. Specifically, the bill requires Baltimore City municipal elections to be held during the Presidential election year, resulting in Baltimore City having a September municipal primary, and a joint municipal and presidential general election in November.

Though it is not specified in the bill, Baltimore City has indicated that the next general election for city officers would take place in 2004 (fiscal 2005) instead of 2003 (fiscal 2004), allowing the current officeholders to serve five years before the next election.

Current Law: State law requires the Baltimore City primary election to be held in September in the year after the Maryland gubernatorial election and the year before a presidential election. The State code also sets the general municipal election for November of the same year. However, Article XI of the Maryland Constitution allows Baltimore City to change its general election date by amending its charter. Thus, amendments to the Baltimore City charter would overrule State law provisions governing Baltimore City general municipal elections.

Background: During the 2000 general election, Baltimore City voters amended the city charter to change the off-year municipal elections to coincide with the presidential election year. Subsequently, the Attorney General advised that the charter amendment was effective only for the general election date change. Therefore, the primary date remains effective as it is written in State law. Currently, the next scheduled Baltimore City municipal primary election is scheduled for September of 2003, and the general election would coincide with the presidential election in November 2004.

State Fiscal Effect: According to the State Board of Elections and its information technology contractor, the cost to alter the campaign finance software and the pre- and post-election management software would be approximately \$75,000. State Board of Elections' expenditures associated with the Baltimore City elections would be transferred into a different fiscal year but would not be materially affected. However, the board advises that costs associated with city elections could be reduced if Baltimore City primaries were combined with presidential primaries.

Local Fiscal Effect: The bill would result in an additional election in fiscal 2005 (September 2004) due to the early presidential primary held in March. Each separate election takes \$500,000 to run. This change would increase expenditures by \$500,000 for fiscal 2005, but decrease fiscal 2004 expenditures by the same amount. It should also be noted that the change in the municipal general election date by city voters in 2000 has the additional effect of decreasing total election expenditures for the city by \$500,000 per four-year election cycle.

Additional Information

Prior Introductions Identical bills were introduced as HB 311 and HB 782 in the 2001 and 2000 sessions, respectively. HB 311 was unfavorably reported from the House Commerce and Government Matters Committee, and HB 782 was not reported from the

Senate Economic and Environmental Affairs Committee. SB 330 of the 1999 session would have aligned Baltimore City elections with State elections. The bill passed the Senate but was not reported from the Commerce and Government Matters Committee.

Cross File: HB 139 (Delegate Marriott) (Baltimore City Administration) – Commerce and Government Matters.

Information Source(s): Maryland State Board of Elections, Baltimore City, Attorney General's Office, Department of Legislative Services

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