

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

House Bill 994  
Ways and Means

(Delegate Bobo)

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**General Assembly - Filling of Vacancy by Special Election**

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This constitutional amendment modifies the procedure for filling vacancies in the House of Delegates or the Senate of Maryland that occur prior to the completion of 18 months of a term by requiring such vacancies be filled for the balance of the unexpired term at a special election to be held concurrent with the next statewide election at which representatives to Congress are elected. An individual elected in a special election would replace any person who had been appointed by the Governor to fill the vacancy.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** The Maryland Constitution requires that proposed amendments to the constitution be publicized either: (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the FY 2005 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2004 general election in newspapers or on specimen ballots.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Article III of the Maryland Constitution requires the Governor to appoint a person to fill a vacancy in the General Assembly within 15 days of receiving a name in writing from the central committee of the appropriate political party in the county or district of the vacating senator or delegate. The central committee must submit a name within 30 days of the vacancy.

If a name is not submitted by the appropriate central committee the Governor shall within another period of 15 days appoint a person who is affiliated with the same political party, if any, as was the vacating delegate or senator at the time of their last election or appointment and who is otherwise properly qualified to hold office.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Charles County, Frederick County, Montgomery County, Maryland State Board of Elections, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2003  
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