

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 374

(Senator Mooney, *et al.*)

Judicial Proceedings

**Constitutional Amendment - Vacancy in Office of State's Attorney - Appointee
Named by County Central Committee**

This proposed constitutional amendment requires the Governor to appoint a person whose name was submitted by the central committee in the county of the party from which the departing State's Attorney was appointed or elected to fill a vacancy in the office of the State's Attorney for the remainder of the term. The bill contains other provisions relating to the filling of a vacancy in the office of the State's Attorney.

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 election 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 2007 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2006 general election in newspapers or on specimen ballots. Altering the method of filling a vacancy in the office of the State's Attorney would not affect local finances.

Small Business Effect: None.

Analysis

Bill Summary: The proposed constitutional amendment would require, in the case of a vacancy in the office of the State's Attorney, that the Governor appoint a person whose name was submitted by the central committee in the county of the party from which the departing State's Attorney was appointed or elected to fill the vacancy for the remainder of the current term. The bill also requires the central committee to provide the person's name to the Governor in writing and within 30 days of the occurrence of the vacancy. The Governor is required to make the appointment within 15 days of the submission of the qualified person's name. The bill also makes provisions for the Governor to fill a vacancy with a person from the party affiliated with the departing State's Attorney if the central committee does not provide a name of a qualified individual in writing within 30 days.

Current Law: In the case of a vacancy in the office of the State's Attorney or the State's Attorney's removal from office, the judge or judges resident in the county shall appoint a person to fill the vacancy for the remainder of the term. If there are no resident judges, the judge or judges having jurisdiction in the circuit court of the county in which the vacancy occurs shall appoint a person to fill the vacancy for the remainder of the term.

Background: The method of filling vacancies in the office of the State's Attorney proposed by this bill is the same method prescribed by the Maryland Constitution for filling a vacancy in the office of State senator or delegate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Baltimore City, Montgomery County, Department of Legislative Services

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lc/hlb

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