

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 792 (Senator Hollinger, *et al.*)  
Education, Health, and Environmental Affairs

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**Election Law - State Administrator of Elections - Appointment and Removal**

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This emergency bill provides that the State Administrator of Elections be appointed by the State Board of Elections subject to the advice and consent of the Senate. The administrator serves until a successor is appointed and qualified. If the administrator seeks judicial review of any order of removal by the board, the order is stayed until final disposition by the court.

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**Fiscal Summary**

**State Effect:** None. The bill is procedural in nature and would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The State Administrator is appointed by and serves at the pleasure of the State Board of Elections to perform all duties and exercise all powers that are assigned to the State Administrator under State law or delegated by the board. Removal requires an affirmative vote of four members of the board who must set forth written charges stating the grounds for dismissal. Valid grounds for dismissal are incompetence, misconduct, or other good cause. The board must give the administrator ample opportunity to be heard. There are no specific provisions in current law providing for judicial review of an order for removal by the State board.

**Background:** Before 1998, the State Administrator of Election Laws was the chief administrator for the now defunct State Administrative Board of Election Laws (SABEL), which was mainly an advisory body for local boards of election and a central depository for election records. The administrator was appointed by the Governor for a six-year term and could be removed only for incompetence upon charges furnished by the board setting forth the grounds for dismissal. Chapter 585 of 1998 abolished SABEL and created the State Board of Elections, which has rulemaking authority over local boards of election and overall responsibility for the organization, administration, and financing of the State's election systems. As of 2001, there are six states with bipartisan election boards with overall election management responsibility.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 3, 2004  
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