

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 146 (Delegate Oaks, *et al.*)
Ways and Means

Elections - Election Dates - County Offices or Baltimore City Municipal Offices

This bill alters the years in which Baltimore City municipal office 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 Governor. The first year of the new election cycle for Baltimore City is 2006.

The bill is effective January 1, 2005.

Fiscal Summary

State Effect: Any software reprogramming could be handled with the existing resources of the State Board of Elections.

Local Effect: Baltimore City general fund expenditures would decrease by \$500,000 associated with the primary in FY 2008. This reduction reflects efficiency from alignment of the city municipal primary with the statewide primary in September 2006.

Small Business Effect: None.

Analysis

Bill Summary: This bill repeals State law that requires Baltimore City municipal elections to be held separately from the gubernatorial and presidential primary elections. Specifically, the bill requires all counties and Baltimore City to hold a primary and general election during the statewide election year. This would align the city municipal elections with the statewide primary and general elections. The bill specifies that

municipal officers elected in the November 2004 general election will serve a two-year term of office. Beginning in November 2006, the term of office will be four years.

Current Law: State law requires the Baltimore City primary election for municipal offices 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 1999 municipal election, Baltimore City voters amended the city charter to change its 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. The most recent municipal primary occurred in September 2003 according to State law. The general election is scheduled to coincide with the presidential election in November 2004 according to the city's amended charter. This bill would result in the alignment of the city municipal elections with the statewide primary and general elections beginning in 2006. This would eliminate the need for an off-year primary in 2007.

Local Fiscal Effect: The bill would remove an election (September 2007) from the four-year election cycle in fiscal 2008. Each separate election costs about \$500,000. The change would decrease expenditures by \$500,000 in fiscal 2008.

Additional Comments: While the bill's provisions regarding a general election for municipal offices apply to all counties in addition to Baltimore City, Article XVII of the State Constitution already requires local jurisdictions to conduct elections concurrent with statewide elections with the exception of Cecil County, which elects individuals to its Board of County Commissioners on a staggered basis every two years. The provisions of this bill would be inconsistent with the State Constitution in so much as it requires Cecil County to comply with quadrennial elections. The Attorney General advises that public local law providing for the election of Cecil County Commissioners in Chapter 95 of 2002 could be interpreted to supersede the general State law provisions implemented by the bill.

Additional Information

Prior Introductions: SB 292 and HB 323 of the 2003 session would have moved the municipal primary and general election to coincide with the presidential election

beginning in 2004. SB 292 was not reported from the Senate Education, Health, and Environmental Affairs Committee. HB 323 was reported favorably from the House Ways and Means Committee and the Senate Education, Health and Environmental Affairs Committee, which reported it with amendments, but a conference committee did not report the bill.

Cross File: None.

Information Source(s): Baltimore City, Carroll County, Harford County, Montgomery County, Queen Anne's County, St. Mary's County, Maryland State Board of Elections, Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2004
mh/mdr

Analysis by: Michelle L. Harrison-Davis

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