

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 166

(Senator Frosh, *et al.*)

Judicial Proceedings

Constitutional Amendment - Elected Constitutional Officers - Vacancy

This constitutional amendment provides that in the case of a vacancy in the Office of the Attorney General, by death or otherwise, the Governor shall appoint a person to fill the vacancy by and with the advice and consent of the Senate. In regard to a vacancy in either the Office of the Attorney General or Comptroller, the appointee must also be of the same political party if any, as that of the individual whose office is being filled, at the time of the last election or appointment of the vacating Attorney General or Comptroller.

Fiscal Summary

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

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.

Analysis

Current Law: The Maryland Constitution requires the Governor to appoint an individual to fill a vacancy in the Office of Attorney General or Comptroller. The Governor is required to obtain the advice and consent of the Senate before making an appointment to fill the Office of Comptroller. There are no provisions in State law requiring that appointees to either office be members of a particular political party. An appointee to fill a vacancy in the office of senator or delegate must be of the same political party as the vacating senator or delegate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General, Department of Legislative Services

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