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By: **Delegates Quinter and Jones**

Introduced and read first time: February 22, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2                           **Election Law - State Board of Elections - Appointment and Removal of**  
3                           **Members**

4 FOR the purpose of altering the process for the appointment and removal of the  
5 members of the State Board of Elections; and generally relating to the  
6 membership of the State Board of Elections.

7 BY repealing and reenacting, with amendments,  
8 Article - Election Law  
9 Section 2-101  
10 Annotated Code of Maryland  
11 (2003 Volume and 2004 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14                           **Article - Election Law**

15 2-101.

16 (a) There is a State Board of Elections consisting of five members.

17 (b) The State Board shall maintain its principal office in Annapolis and have  
18 staff, subject to the State Personnel and Pensions Article, as provided in the State  
19 budget.

20 (c) Each member of the State Board shall:

21 (1) subject to subsection (g)(2) of this section, be appointed [by the  
22 Governor] with the advice and consent of the Senate of Maryland AS FOLLOWS:

23 (I) THREE MEMBERS BY THE CHAIR OF THE MAJORITY PARTY; AND

24 (II) TWO MEMBERS BY THE CHAIR OF THE PRINCIPAL MINORITY  
25 PARTY;

1 (2) be a registered voter in the State for the 5 years immediately  
2 preceding the appointment;

3 (3) subject to subsection (f)(3) of this section, be eligible for  
4 reappointment;

5 (4) conform to the restrictions specified under § 2-301 of this title; and

6 (5) BY UNANIMOUS VOTE OF THE REMAINING MEMBERS OF THE STATE  
7 BOARD, be subject to removal [by the Governor] for incompetence, misconduct, or  
8 other good cause, upon written charges filed by the [Governor with the] State Board  
9 and after having been afforded notice and ample opportunity to be heard.

10 (d) before taking office, each appointee to the State Board shall take the oath  
11 required by Article I, § 9 of the Maryland Constitution.

12 (e) (1) Each member of the State Board shall be a member of one of the  
13 principal political parties.

14 (2) A person may not be appointed to the State Board if the appointment  
15 will result in the State Board having more than three or fewer than two members of  
16 the same principal political party.

17 (f) (1) The term of a member is 4 years and begins on July 1.

18 (2) The terms of the members are staggered as required by the terms  
19 provided for members of the State Board on July 1, 1999.

20 (3) A member may not serve more than three consecutive terms.

21 (4) At the end of a term, a member continues to serve until a successor is  
22 appointed and qualifies.

23 (g) (1) If a vacancy occurs on the State Board, it shall be filled for the  
24 remainder of the unexpired term and until a successor is appointed and qualifies.

25 (2) An appointment made while the Senate of Maryland is not in session  
26 shall be considered temporary until the appointee is confirmed by the Senate.

27 (h) Not later than August 1 each year, the State Board shall elect one of its  
28 members as chairman.

29 (i) Each member shall receive:

30 (1) per diem compensation as provided in the State budget for each day  
31 that the member is actually engaged in the discharge of official duties, as authorized  
32 by the State Board and in accordance with the State budget; and

33 (2) reimbursement for all necessary and proper expenses, as provided in  
34 the State budget.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2005.