

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 675

(Delegates Hixson, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

**Elections - State Board of Elections - Membership Appointment Process and
Authority over the State Administrator**

This emergency bill alters the appointment process for members of the State Board of Elections (SBE) and changes criteria relating to the appointment and removal of the State Administrator of Elections.

Fiscal Summary

State Effect: The bill would not materially affect SBE's operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

State Board of Elections

The Governor is required to appoint an individual to the State board from recommendations submitted by the State central committee of the principal political party entitled to the appointment.

State Administrator

Appointment

The bill provides that the appointment of the State Administrator by the State board requires the advice and consent of the Senate. It also provides that the deputy administrator will serve as the State Administrator in the event that the State Administrator resigns, becomes disabled, or dies pending the appointment of a successor.

Removal

The State board may remove the State Administrator provided that the board is fully constituted with five duly confirmed members. Removal requires the affirmative vote of four duly confirmed members. The State Administrator is authorized to continue to serve subsequent to a valid vote of removal until a successor is confirmed by the Senate of Maryland.

Current Law: SBE consists of five members appointed by the Governor, with the advice and consent of the Senate. Each member of the State board serves a four-year term, must be a member of one of the principal political parties, and may not be appointed to the State board if the appointment will result in the State board having more than three or fewer than two members of the same principal political party. A vacancy is filled for the remainder of the unexpired term and until a successor is appointed and qualifies. An appointment made while the Senate is not in session is temporary until the appointee is confirmed by the Senate.

State Board of Elections Powers and Duties

SBE has the general authority to manage and supervise elections in the State including:

- directing, supporting, monitoring, and evaluating the activities of each local board;
- hiring a staff sufficient to perform its functions;
- adopting regulations to implement its powers and duties;
- receiving, and in its discretion auditing, campaign finance reports;
- appointing a State Administrator;
- maximizing the use of technology in election administration, including the development of a plan for a comprehensive computerized elections management system;
- canvassing and certifying the results of elections as prescribed by law;

- making available to the general public, in a timely and efficient manner, information on the electoral process, including a publication that includes the text of the Election Law Article, relevant portions of the Maryland Constitution, and information gathered and maintained regarding elections; and
- serving as a depository for elections documents, materials, records, statistics, reports, certificates, proclamations, and other information prescribed by law or regulation

State Administrator of Elections

The State Administrator is appointed by and serves at the pleasure of SBE. 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.

Background: The Governor's fiscal 2006 allowance includes \$23.6 million for SBE, \$11.0 million of which are funds received under the federal Help America Vote Act for voting system modification.

Additional Comments: SBE did not provide a fiscal estimate for this bill. The board advises that providing such information would be in violation of a settlement agreement related to a court case regarding the termination of the State Administrator.

Additional Information

Prior Introductions: None.

Cross File: SB 444 (Senator Hollinger, *et al.*) – Education, Health, and Environmental Affairs.

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

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