

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 36 (Senator Kittleman)
Education, Health, and Environmental Affairs

Charter Counties - Vacancy in the Office of County Executive - Special Election

This bill authorizes a charter county to enact laws providing for special elections in the event of a vacancy in the office of the chief executive officer of a county who is not a member of the county council that occurs upon death, resignation, or forfeiture of office.

The bill is contingent upon passage of SB 37 of 2005, a constitutional amendment, and its ratification by the voters.

Fiscal Summary

State Effect: To the extent the bill prompts local legislation requiring special countywide elections, the State Board of Elections (SBE) would incur software reprogramming and election support costs for each special election. However, because it is assumed that this bill would apply in a limited number of cases, SBE finances should not be substantially affected.

Local Effect: To the extent the bill prompts local legislation requiring a special countywide election, local expenditures could increase substantially should a special election occur.

Small Business Effect: None.

Analysis

Current Law: Article XI of the Maryland Constitution authorizes the mayor and city council of Baltimore City or a county council to provide for the filling of a vacancy in the

county council by special election. Of the nine charter counties in Maryland, only Montgomery and Prince George's counties fill county council vacancies by special election. The county executive fills a vacancy in the county council in Baltimore County and the remaining six counties (Anne Arundel, Dorchester, Harford, Howard, Talbot, and Wicomico) fill vacancies by vote of the remaining members of the county council.

There is no constitutional provision authorizing special elections for filling vacancies in the office of county executive. In those charter counties with a county executive, a vacancy is filled via appointment (either temporarily or to complete the term) by the county council.

Background: Anne Arundel, Baltimore, Dorchester, Harford, Howard, Montgomery, Prince George's, Talbot, and Wicomico counties are governed by a county charter. Dorchester, Talbot, and Wicomico counties appoint county administrators. The remaining six counties elect county executives.

State Effect: Because the bill does not require a charter county to hold a special election for a vacancy in the office of county executive, there is no way to reliably determine if a fiscal impact will occur. Similarly, if a county enacts a local law pursuant to the bill, it is presumed that the need to follow its provisions would not occur often, if at all. However, SBE advises that any additional special election would require an estimated \$15,000 in expenditures for software reprogramming, which includes setting up a new election in the State's election management system, establishing election parameters, creating ballot specifications, and preparing a candidate filing schedule.

Additionally, SBE shares the cost of some election day activities with a local government including loading ballot information into the voting system, pre-election logic and accuracy testing, and election day support activities. SBE cannot reliably estimate these costs due to the lack of precedent for special countywide elections under the current electronic voting system.

Local Effect: Montgomery County estimates the total cost of a special countywide election, should one occur, at \$750,000. Prince George's estimates \$1.1 million.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Dorchester County, Montgomery County, Prince George's County, Maryland State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2005
mp/jr

Analysis by: Michelle L. Harrison-Davis

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