

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 37 (Senator Kittleman)
Education, Health, and Environmental Affairs

Charter Counties - Vacancies - Special Elections for County Executive

This constitutional amendment authorizes a charter county to enact laws providing for the filling of a vacancy by special election in the office of the chief executive officer of a county who is not a member of the county council.

Fiscal Summary

State Effect: To the extent the amendment 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 materially affected.

Local Effect: To the extent the amendment 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 amendment 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 amendment, it is presumed that the need to follow its provisions would not occur often if at all. However, SBE advises that any additional special elections 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 County estimates \$1.1 million.

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 fiscal 2007 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2006 general election in newspapers or on specimen ballots.

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

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ncs/jr

Analysis by: Michelle L. Harrison-Davis

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