

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 121 (Chair, Education, Health, and Environmental Affairs Committee)
(By Request – Departmental – Elections, State Board of)

Education, Health, and Environmental Affairs

Ways and Means

Election Law - Representatives in Congress - Special Election

This departmental bill requires the Governor to order a special election to fill a vacancy in the office of a representative in Congress if the Speaker of the U.S. House of Representatives announces that there are 100 or more vacant seats in the House, one or more of the vacancies include Maryland representatives, and there is no regularly scheduled election within 75 days of the Speaker's announcement. The special election must be held 49 days after the Speaker's announcement and the State Board of Elections (SBE) must adopt regulations establishing procedures for the special election.

The bill takes effect July 1, 2006.

Fiscal Summary

State Effect: None. The bill aligns State law with existing federal requirements.

Local Effect: None.

Small Business Effect: SBE has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Under Maryland law, if there is a vacancy in the office of a representative in Congress, the Governor must issue a proclamation declaring a special primary and general election to fill the vacancy. The special primary election must be

held at least 36 days after the Governor's proclamation and the special general election must be held at least 36 days after the special primary election. If the vacancy occurs after the date 60 days prior to a regular primary election, the Governor may decline to declare the special elections and allow the office to remain vacant for the remainder of that term. If the vacancy occurs or becomes known to the Governor during the period beginning 120 days before a regular primary election and ending 40 days before a regular primary election, the special and regular primary elections are merged.

Background: This bill aligns State law with recently enacted federal legislation (Legislative Branch Appropriations Act of 2006, Pub. L. No. 109-55, 119 Stat. 565, 588) that requires the executive authority of a State in which a vacancy in its representation in the House of Representatives exists, during extraordinary circumstances (when Speaker of the House of Representatives announces that vacancies exceed 100), to order a special election. The special election must take place no later than 49 days after the Speaker's announcement, unless, during the 75-day period after the Speaker's announcement, a regular general election or special election for the vacant office was scheduled to occur.

The bill would allow SBE to adopt regulations establishing procedures for a special election held under the circumstances defined in the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Wicomico County, Allegany County, Montgomery County, Prince George's County, State Board of Elections, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2006
ncs/jr

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