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April 23, 2007

The Honorable Martin J. O'Malley
Governor of Maryland
State House
Annapolis, Maryland 21401-1991

Re: Senate Bill 376 and House Bill 181

Dear Governor:

We have reviewed and hereby approve the constitutionality and legal sufficiency of Senate Bill 376 and House Bill 181, which increase the compensation for election judges in Baltimore County.

We note, however, the increase in salary cannot be awarded to current election judges. Election judges are "public officers." *See* 65 Opinion of the Attorney Gen. 381 (1980). Under Article III, § 35 of the Maryland Constitution, the compensation for a public officer cannot be increased during that official's term, unless the term exceeds four years. Terms for election judges begin on the Tuesday that is 13 weeks before each statewide primary election and end on the Tuesday 13 weeks before the next statewide primary election. Election Art. § 10-203. The terms of the current election judges expire on December 4,

2007.¹ The effective date of these bills, if signed, is July 1, 2007. If any of the current election judges are reappointed to new terms, however, they may receive the increased compensation. 65 Opinion of the Attorney Gen. at 384.

¹Senate Bill 1025 and House Bill 1434, which both passed the General Assembly during 2007 legislature session, moved up the date for the next statewide primary to February 12, 2008. If you sign these bills, the current terms of the election judges expire on November 13, 2007.

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Sincerely,

/s/

Douglas F. Gansler
Attorney General