

**Department of Legislative Services**  
 Maryland General Assembly  
 2007 Session

**FISCAL AND POLICY NOTE**

**Revised**

Senate Bill 708 (Senator McFadden, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

**Election Law - County Offices or Baltimore City Municipal Offices - Election Dates**

This bill alters the year in which the Baltimore City municipal primary and general elections are held so that each election coincides with the gubernatorial primary and general elections. General elections for county offices are also required to coincide with the gubernatorial general election.

The bill takes effect January 1, 2008.

**Fiscal Summary**

**State Effect:** General fund expenditures could decrease by \$512,000 in FY 2012 due to the elimination of the State’s share of the cost of voting system operations for the Baltimore City municipal elections that would have otherwise been held in September and November of 2011. This estimate reflects inflation and annualization.

| (in dollars)   | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012   |
|----------------|---------|---------|---------|---------|-----------|
| Revenues       | \$0     | \$0     | \$0     | \$0     | \$0       |
| GF Expenditure | 0       | 0       | 0       | 0       | (512,000) |
| Net Effect     | \$0     | \$0     | \$0     | \$0     | \$512,000 |

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Baltimore City expenditures could decrease by approximately \$3.4 million in FY 2012 due to the elimination of costs associated with the Baltimore City municipal elections that would have otherwise been held in September and November of 2011. Expenditures could increase in future years due to city officials elected to office in 2007 receiving an additional year of service credit in the city’s elected officials’ retirement system if a full, three-year term is served.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** In uncodified language, the bill provides that Baltimore City municipal officers elected in the November 2007 municipal general election serve a three-year term of office. Beginning in November 2010, the term of office will be four years. Municipal officers who serve three-year terms will earn four years of service credit in the Baltimore City Elected Officials' Retirement System for that term of office.

### Current Law:

#### *Baltimore City Elections*

Under State law, the Baltimore City primary election for municipal offices is held on the second Tuesday following the first Monday in September of the year following the year of the gubernatorial election. The general election is held on the Tuesday following the first Monday in November of the same year.

The Baltimore City Charter provides for the mayor, city council, and comptroller to be elected on the Tuesday after the first Monday in November 2007, and on the same day and month in every succeeding fourth year.

#### *County Elections*

Article XVII of the Maryland Constitution provides that elections for State and county officers are held on the second Tuesday after the first Monday in 1926 and on the same day every four years thereafter. Article XVII is specifically made not applicable to elected local boards of education and the Cecil County Board of County Commissioners, and is considered to not apply to the City of Baltimore.

**Background:** The Baltimore City municipal election dates were originally set by Article XI of the Maryland Constitution, providing for a mayoral election every four years in October and a city council election annually in October. Baltimore City election dates have since been changed, once by the General Assembly in 1898, and three times by Baltimore City voters in 1964, 1999, and 2004 after being delegated the power to make changes to §§ 1-6 of Article XI, by the General Assembly in 1920.

The 1999 Charter amendment moved the municipal general election from the year after the gubernatorial election to the same year as the presidential elections on the Tuesday after the first Monday in November 2004 and every year thereafter. The municipal primary election, however, remained in September of the year after the gubernatorial election (2003), as provided under State law. The Charter amendment created a conflict between the municipal general election date under the Charter (November 2004) and the municipal general election date under State law (November 2003). However, in the Office of the Attorney General's view, State law setting the Baltimore City municipal general election date in the year after the gubernatorial election (2003), which had been enacted as part of a revision of State election law in 1998, had not been intended to repeal the authority delegated to voters of the city to set the date of the municipal general election and therefore the municipal general election should be held as prescribed in the City Charter. Baltimore City therefore had its municipal primary election in September 2003 and its municipal general election in November 2004.

A number of attempts were made to amend State law between 2000 and 2003 to be consistent with the 1999 Charter amendment, but none were successful. At the November 2004 municipal general election, the City Charter was amended to move the municipal general election back to the year after the gubernatorial election (in November 2007 and every fourth year thereafter) in the same year prescribed by State law for the municipal primary and general elections.

**State Fiscal Effect:** General fund expenditures could decrease by approximately \$512,000 in fiscal 2012 due to the elimination of the State's share of the cost of voting system operations for the Baltimore City municipal elections that would have otherwise been held in September and November of 2011. This estimate reflects inflation and annualization.

State Board of Elections (SBE) estimates that approximately \$964,000 in voting system operations costs will be incurred in conducting the 2007 Baltimore City municipal elections. Pursuant to Chapter 564 of 2001, which requires each county to pay its share, based on its voting age population, of one-half of the State's cost of acquiring and operating the State's voting systems, SBE expects to be responsible for half of the voting systems operations costs (\$482,000). SBE also expects to incur approximately \$10,000 in e-pollbook-related costs that would not be shared with Baltimore City.

Conducting the municipal elections in conjunction with the 2010 gubernatorial election could result in a minimal increase in voting system operations expenditures in fiscal 2011 due to a need for additional ballot styles to be created to account for city council races.

**Local Fiscal Effect:** Baltimore City expenditures could decrease by approximately \$3.4 million in fiscal 2012 due to the elimination of costs associated with the Baltimore City municipal elections that would have otherwise been held in September and November of 2011. This estimate reflects inflation and annualization and accounts for Baltimore City's share of voting system operations costs in addition to election judge, regular and temporary staff, contractual services, and other costs. The estimate is based on SBE's estimate of voting system operations costs and the election judge, regular and temporary staff, contractual services and other costs incurred by Baltimore City during the 2006 elections that are generally expected to be incurred again for the 2007 elections.

Conducting the municipal elections in conjunction with the 2010 gubernatorial election could result in a minimal increase in expenditures in fiscal 2011 due to a need for additional ballot styles to be created to account for city council races.

Baltimore City indicates city expenditures would increase due to the liability incurred from city elected officials receiving an additional year of service credit in the city's elected officials' retirement system upon serving full, three-year terms after the 2007 elections. The city indicates the liability would be amortized over 10 years at a 7.5% interest rate resulting in a first-year expenditure increase of \$112,478.

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### Additional Information

**Prior Introductions:** HB 1513 of 2006, a similar bill, received a hearing in the House Ways and Means Committee but no further action was taken.

**Cross File:** None.

**Information Source(s):** Baltimore City, State Board of Elections, *87 Opinions of the Attorney General* \_ (2002) [Opinion No. 02-018 (October 17, 2002)], Department of Legislative Services

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