

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 326 (Senator Colburn)
Education, Health, and Environmental Affairs

Election Law - General Election to Fill Vacancy in the Office of United States Senator

This bill specifies that if a vacancy occurs in the office of United States Senator before the deadline for filing certificates of candidacy, for either the election held in the second or fourth year of the term, the successor to complete the remainder of the term is elected at the regular statewide general election in the respective year. The successor replaces an individual initially appointed by the Governor to fill the vacancy. If a vacancy occurs after the filing deadline for certificates of candidacy for the election held in the fourth year of the term, the appointed individual completes the term and the successor is elected at the next regular statewide general election and commences the next term of office.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: The bill is not expected to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: If a vacancy occurs in the office of United States Senator, the Governor has to appoint an eligible individual to fill the vacancy. If the vacancy occurs before the date that is 21 days before the deadline for filing certificates of candidacy for the next succeeding regular statewide election in the second or fourth year of the term, a primary and general special election are called, to be held at the same time as the next regular

statewide primary and general election. The appointed individual serves until a successor is elected or the end of the term (if the vacancy occurs after the date 21 days before the deadline for filing certificates of candidacy for the election held in the fourth year of the term).

The 17th Amendment to the U.S. Constitution specifies that when vacancies occur in the U.S. Senate, the executive authority of the applicable state must issue “writs of election” to fill such vacancies. A state legislature, however, may also empower the executive to make temporary appointments until such vacancies are filled by election as the legislature may direct.

Background: A vacancy in a Maryland U.S. Senate seat has not occurred since 1912. A recent vacancy in the U.S. Representative seat for the 4th Congressional District was filled in 2008 by a special election in June.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections, Governor’s Office, Baltimore, Charles, Frederick, Montgomery, and Somerset counties, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2009
mlm/hlb

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