

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 660 (Delegate King)
Rules and Executive Nominations

State Officials - Limitation of Terms

This proposed constitutional amendment establishes that a person who has served two consecutive popular elective terms of office as a Senator or Delegate is ineligible to serve as a Senator or Delegate for the term immediately following the second of the two consecutive terms. Similarly, the amendment establishes that a person who has served two consecutive terms of office as Attorney General, Comptroller, or Treasurer is ineligible to serve in those respective offices for the term immediately following the second of the two consecutive terms.

Fiscal Summary

State Effect: If approved by the voters, the constitutional amendment is not expected to materially affect State finances.

Local Effect: If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2010 general election. It should not result in additional costs for the local boards of elections.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Constitution, members of the General Assembly and the Attorney General, Comptroller, and Treasurer all serve terms of four years. The constitution does not specify limits on consecutive terms those officials may serve. Members of the General Assembly, the Attorney General and the Comptroller are elected every four years during the gubernatorial elections and the Treasurer is elected by a joint

ballot of the two houses of the General Assembly at the beginning of the Governor's term.

Background: The National Conference of State Legislatures (NCSL) indicates that proposals to limit the terms of state legislators have been the subject of public policy debate since 1990 when citizen initiatives limiting the terms of legislators were passed by voters in California, Colorado, and Oklahoma. Since that time, NCSL indicates that as of 2008, 18 other states adopted term limits, but term limits in 4 states were thrown out by state supreme courts and the legislatures in Idaho and Utah repealed term limits.

State Fiscal Effect: If the constitutional amendment is approved by the voters at the 2010 general election, any impact of the bill will not occur until fiscal 2015, assuming that, pursuant to the constitutional amendment, officials that will have served two consecutive terms by 2014 will not be eligible to serve in the office in the subsequent term. Increased turnover of affected State officials may minimally reduce State pension liabilities and contribution rates. Costs of orientation of new members every four years could increase minimally. Overall, however, the bill is not expected to materially affect State finances.

Local Fiscal Effect: 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 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2010 general election in newspapers or on specimen ballots.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General, National Conference of State Legislatures, Department of Legislative Services

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