

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 691 (Delegate Jennings, *et al.*)
Rules and Executive Nominations

General Assembly - Member Called to Active Duty - Temporary Replacement -
Implementing Legislation

This bill establishes procedures and conditions for the temporary replacement of a member of the General Assembly who is called to active duty in the armed forces of the United States for at least 180 days.

The bill's enactment is contingent on the passage of HB 682 of 2010, a constitutional amendment, and its ratification by the voters of the State.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: In the event that a member of the General Assembly is called to active duty for at least 180 days, the Governor must appoint a temporary successor from a list of candidates provided by the Central Committee of the same political party to which the member is affiliated, and in the county or district from which the absent member was elected or appointed. The list of nominees must be provided to the Governor within 10 days after the member receives an order to active duty for a period of time that coincides with at least 30 days of a legislative session. If the successor appointed by the Governor is unable to serve, the Governor must appoint an alternate successor from the

same list. The successor must be qualified to serve in the General Assembly from the member's district.

The temporary successor serves at the pleasure of the house to which he or she is appointed, is subject to all constitutional and statutory provisions relating to a member of the General Assembly, and serves until the absent member notifies the Presiding Officers that he or she has been released from active duty and is eligible to serve again in the General Assembly.

The temporary successor may not stand for election to the same office at the next general election unless the absent member is not a candidate for that office in that election.

The bill specifies administrative privileges and responsibilities that apply to the temporary successor during his or her service.

Current Law: There are no constitutional or statutory provisions allowing for the temporary replacement of a member of the General Assembly.

In the event of a vacancy due to the death, disqualification, resignation, refusal to act, expulsion, or removal of a delegate or senator, or in the case of a tie between two or more qualified candidates, the Governor appoints a person to fill the vacancy. The person selected must be first nominated in writing by the Central Committee of the political party, if any, with which the delegate or senator was affiliated in the same county or district from which the member was elected or appointed. The name of the nominee must be provided to the Governor within 30 days of the creation of the vacancy, and the Governor must appoint the replacement within 15 days of receiving the nominee's name. For legislative districts that span more than one county, the constitution includes additional guidelines for the selection of a nominee.

If a list of candidates is not provided to the Governor within 30 days, or if there is no Central Committee in the city or county, the Governor must, within 15 days, select a replacement from the same political party of the former delegate or senator who is otherwise qualified for the position.

The appointed member serves for the remainder of the former member's term.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2010

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