

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 225
Ways and Means

(Delegate Ali, *et al.*)

Transparency in Legislative Appointments Act

This bill requires that the constitution, bylaws, and rules of a county central committee prohibit voting by secret ballot when selecting a name to submit to the Governor to fill a vacancy in the office of senator or delegate.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A county central committee of a principal political party must adopt a constitution, bylaws, and rules, in accordance with the constitution and bylaws of the party. Until a central committee adopts a constitution, bylaws, and rules, it is governed by the State central committee.

Under the Maryland Constitution, in the event of a vacancy in the office of senator or delegate, the Governor generally appoints a replacement from a name submitted by the county central committee of the vacating member's party, if any, in the county or district the vacating senator or delegate was appointed or elected from. The appointment is for the unexpired term of the vacating senator or delegate. If a vacancy occurs in a district with boundaries surrounding all or parts of two or more counties, each county central

committee has one vote in determining the name submitted, and in the event of a tie, the list of proposed names is submitted to the Governor.

Information on the number of county central committees that vote by secret ballot when nominating replacements for senators and delegates is not immediately available.

Background: In the 2007-2011 General Assembly, there have been four Senate vacancies and six House of Delegates vacancies. In the 2003-2007 General Assembly, there were 14 total Senate and House of Delegates vacancies. The National Conference of State Legislatures indicates there is a great deal of variation among state legislatures in how they fill membership vacancies, but generally half of the states fill vacancies by special election and half fill vacancies by appointment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office, National Conference of State Legislatures, Department of Legislative Services

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