

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 955 (Delegate Myers)
Ways and Means

Elections for County Treasurers, Clerks of the Circuit Court, and Registers of
Wills - Nonpartisan Elections

This bill requires a county treasurer, clerk of the circuit court, and register of wills to be elected on a nonpartisan basis and candidates for those offices to be nominated by primary election. In a primary election to nominate a candidate for county treasurer, clerk of the circuit court, or register of wills, any registered voter of the county, regardless of party affiliation or nonaffiliation, is eligible to vote in the contest. The bill specifies additional procedures for the nomination of candidates for and the election of a county treasurer, clerk of the circuit court, or register of wills.

Fiscal Summary

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

Local Effect: Local government expenditures will increase for some local boards of elections due to additional printing and mailing costs for specimen, absentee, and provisional ballots during a gubernatorial primary election.

Small Business Effect: None.

Analysis

Bill Summary: The bill requires a county treasurer, clerk of the circuit court, and register of wills to be elected on a nonpartisan basis. A candidate for election to the office of county treasurer, clerk of the circuit court, or register of wills files a certificate of candidacy, is certified to the ballot, appears on the ballot, is voted on, and is nominated and elected, all without party designation or regard to party affiliation.

Candidates for county treasurer, clerk of the circuit court, or register of wills are nominated at the primary election, unless there are no more than two candidates who have filed certificates of candidacy for the contest, in which case each candidate is nominated for the general election. Any registered voter of the county, regardless of party affiliation or nonaffiliation, may vote in a primary election to nominate a candidate for county treasurer, clerk of the circuit court, or register of wills.

The two candidates who receive the largest number of votes in the primary election are the nominated candidates. If two or more candidates are tied for the second most votes, each of the candidates is nominated. The bill specifies rules governing circumstances in which a candidate or nominee dies, becomes disqualified, or declines nomination.

In the general election for county treasurer, clerk of the circuit court, or register of wills, a voter may vote for one nominee and the nominee who receives the largest number of votes is elected. If two or more nominees tie for the most number of votes, the office is considered vacant and the vacancy is filled (1) as if it occurred during the term of the office; and (2) by the selection of one of the nominees who ties in the general election.

Current Law/Background: In general, nominations for State and county offices must be made by party primary, for candidates of a principal political party; by petition, for candidates not affiliated with any political party; or in accordance with the constitution and by-laws of the political party, for candidates of a political party that does not nominate by party primary.

Under the Election Law Article, unless otherwise provided in specified provisions of the Education Article, local boards of education are elected on a nonpartisan basis, in a similar manner as that prescribed for the offices of county treasurer, clerk of the circuit court, and register of wills in this bill, with candidates nominated at the primary election and voted on by any registered voter of the county. Currently 18 counties have local boards of education elected through contested elections. In addition, Harford County recently transitioned to a partially elected board of education, and in Caroline County the school board will be partially elected after the 2012 elections.

Elections for county treasurer, clerk of the circuit court, and register of wills occur during the gubernatorial elections.

Local Fiscal Effect: Local government expenditures will increase for some local boards of elections that otherwise would not have nonpartisan contests during a gubernatorial primary election. Generally, a person must be registered with either the Democratic or Republican Party to vote in a primary election, unless candidates are being nominated for a nonpartisan local board of education, in which case any registered voter can vote for that office.

In counties that otherwise would not have nonpartisan offices being contested in the gubernatorial primary election, local boards of elections will incur increased printing and mailing costs for specimen, absentee, and provisional ballots as a result of voters not affiliated with the Democratic and Republican parties being eligible to vote in the election. Baltimore County, for example, estimates costs may increase by roughly \$30,000.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Register of Wills; Judiciary (Administrative Office of the Courts); Baltimore City; Baltimore, Howard, and Montgomery counties; Maryland Association of Counties; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2011
ncs/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510