

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 956  
Ways and Means

(Delegate Myers)

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Election of Sheriffs - Nonpartisan Elections

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This bill requires sheriffs to be elected on a nonpartisan basis and candidates for the office to be nominated by primary election. In a primary election to nominate a candidate for sheriff, 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 sheriff.

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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.

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Analysis

**Bill Summary:** The bill requires sheriffs to be elected on a nonpartisan basis. A candidate for election to the office of sheriff 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 sheriff 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 sheriff.

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 sheriff, 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 office of sheriff 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 sheriff 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; Baltimore City; Baltimore, Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2011  
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