

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

Senate Bill 816  
Rules

(Senator Reilly, *et al.*)

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**General Assembly - Member Called to Active Duty - Temporary Replacement**

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This proposed constitutional amendment gives the General Assembly the power to provide, by suitable enactment, for the prompt and temporary succession to the powers and duties of a delegate or senator who is called to active duty in the armed services of the United States.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2012 general election. It should not result in additional costs for the local boards of elections.

**Small Business Effect:** None.

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**Analysis**

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

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. 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.

**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 2012 general election in newspapers or on specimen ballots.

**Additional Comments:** SB 818 of 2011 establishes procedures for the selection of a temporary replacement if this constitutional amendment passes and is ratified by the voters of the State.

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### **Additional Information**

**Prior Introductions:** HB 682 of 2010 received an unfavorable report from the House Rules and Executive Nominations Committee.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2011  
mlm/lgc

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