

May 18, 2011

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 270 – *Alcoholic Beverages – Allegany County Board of License Commissioners – Vacancies*.

Senate Bill 270 alters the manner in which members of the Allegany County Board of License Commissioners (“Board”) are appointed. Under current law, there are three members of the Board who are appointed by the Governor with the advice and consent of the Senate, if it is in session, or if not by the Governor alone. Two of the members appointed by the Governor must be members of the political party “which at the last preceding general election in Allegany County polled the greatest number of votes in the aggregate for the several offices of County Commissioner,” and the remaining member must be of the political party “which at the last preceding general election in Allegany County polled the second highest number of votes in the aggregate for the several offices of County Commissioner.” In addition, the Governor selects a member to serve as Chair.

Article 2B, Section 15–101 generally sets out the appointment process for local Boards of License Commissioners. The Sections that follow detail alternative appointment processes in some local jurisdictions. In general, if not appointed by the Governor, a local Board is appointed by the County Commissioners or the County Executive (Article 2B, Section 15–104), or the County Council or County Commissioners *ex officio* constitute the Board (Article 2B, Sections 15–505, 15–507, 15–507.1 and 15–508 (in Garrett County the Liquor Control Board performs these functions)). For the most part, appointees of the Governor are subject to the advice and consent of the Senate or, in the instance of Caroline County, the House of Delegates.

It is common for the appointing authority to be bound by certain restrictions regarding the political affiliation of the appointees to the Board. Most

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jurisdictions require a balance of some sort in the number of members from different political parties. In only one instance, Prince George's County, is the appointing authority (the Governor) required to consult with the central committees of the two leading political parties. That consultation resembles the process used to appoint local election boards (Section 2-201 of the Election Law Article); each central committee in Prince George's County submits at least four names for each Board of License Commissioner vacancy. In no instance is the Governor required to accept the nominee sent by a central committee, let alone have the nominee be subject to the advice and consent of a local central committee.

Senate Bill 270 establishes a unique, if not unprecedented, process by subjecting an appointment by the Governor to the advice and consent of a local political central committee. Putting aside the policy concerns regarding such a change, the process created by the bill would be unwieldy, as the appointment remains subject to the advice and consent of the Senate. The logistics involving an appointing authority needing approval from two other bodies could be complicated and time consuming, as well as the source of significant disagreements.

Senate Bill 270 injects a purely political body into a pivotal role in the appointment of a Board that performs a governmental function. If the citizens of Allegany County are seriously concerned about the current appointment process, Article 2B provides many models for how the process can be structured, and who would be involved in the process. The process pursued in Senate Bill 270 politicizes the appointment, and presumably the Board, by empowering political central committees in a unique manner, and to an even greater extent than they are involved in the appointment of our local election boards. This is both unjustified and unwise.

For these reasons, I have vetoed Senate Bill 270.

Sincerely,

Governor