

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 319 (Senator Simonaire)
Education, Health, and Environmental Affairs

Elected Offices - Filling of Vacancies - Procedures

This proposed constitutional amendment alters the process by which a vacancy in the offices of clerk of the circuit court, judge of the Orphans' Court, register of wills, sheriff, Attorney General, State's Attorney, or Comptroller is to be filled. The proposed amendment requires the official who is authorized or required to fill the vacancy to appoint the person whose name is submitted in writing by the central committee of the political party, if any, with which the vacating elected official was affiliated, as specified. It also establishes procedures for when a name is not submitted and when there is no central committee in the relevant jurisdiction.

Fiscal Summary

State Effect: None. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the next general election will have been anticipated in the State Board of Elections' budget.

Local Effect: None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the next general election, will have been anticipated in local boards of elections' budgets.

Small Business Effect: None.

Analysis

Bill Summary: The central committee must submit a name to the appropriate official within 30 days after the vacancy occurs. The official must make the appointment within 15 days after the name is submitted. If a name is not submitted by the central committee within 30 days, the designated official, within another period of 15 days, must appoint a person, who must be affiliated with the same political party, if any, of the individual whose office is to be filled. The person must be properly qualified to hold the office.

If there is no central committee within the county or city from which the vacancy is to be filled, the designated official must, within 15 days after the vacancy, appoint a person from the same political party, if any, of the vacating elected official, and who is properly qualified to hold the office. In filling a vacancy in the Office of the Comptroller or the Attorney General, the central committee of each county and Baltimore City must have one vote for submitting the name of a qualified person. If there is a tie vote, the list of names is submitted to the Governor, who must make the appointment from the list.

Current Law: In case of a vacancy in the office of clerk of a circuit court, the judges of that court may fill the vacancy until the next general election for Delegates to the General Assembly, when a successor must be elected for the term of four years.

The Governor must appoint, subject to confirmation or rejection by the Senate, a suitable person to fill any vacancy in the office of judge of the Orphans' Court. The person appointed serves the remainder of the term.

Any vacancy in the office of the register of wills must be filled by the judges of the Orphans' Court. The person appointed serves until the next general election for Delegates to the General Assembly, when a successor must be elected for the term of four years.

The Governor is responsible for appointing a person to serve as sheriff for the remainder of the term in the event of a vacancy in a county or Baltimore City. The Governor is also responsible for filling a vacancy in the Office of the Attorney General. The Governor, by and with the advice and consent of the Senate, must fill a vacancy in the Office of the Comptroller. The appointed individual serves until another election and the qualification of the successor.

In the event of a vacancy in the Office of State's Attorney, the resident judge or judges in the jurisdiction, as specified, must appoint a person to fill the vacancy for the remainder of the term.

State Expenditures: State costs of printing absentee and provisional ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). Any increase in costs, however, is expected to be relatively minimal, and it is assumed that the potential for such increased costs will have been anticipated in the State Board of Elections' budget. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

Local Expenditures: Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on absentee and provisional ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General; Comptroller's Office; Maryland Association of Counties; Register of Wills; Baltimore City, Kent, Washington, and Worcester counties; Department of Legislative Services

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