

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 161 (Senator Simonaire)  
Education, Health, and Environmental Affairs

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General Assembly - Legislators' Right to Vote Act

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This proposed constitutional amendment prohibits a member of the General Assembly from being expelled from or denied the right to vote on legislation or any other matter before the member's standing committee unless (1) the member is appointed, with voting rights, to an alternate standing committee; (2) at least two-thirds of elected members in the appropriate house consents to the member's expulsion from or denial of voting rights in the standing committee; or (3) the member is prohibited from voting under a law enacted by the General Assembly or a regulation adopted by an ethics body to which members of the General Assembly are subject. If the constitutional amendment is approved by the voters, the bill also applies its restrictions to actions taken by the Presiding Officers during periods in which the General Assembly is not in session.

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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.

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## Analysis

**Current Law:** According to the Maryland Constitution, each house of the Maryland General Assembly is the judge of the qualifications and elections of its members, and appoints its own officers, determines its own rules, and may punish its own members for disorderly or disrespectful behavior. With the consent of two-thirds of all of its members, a house may expel a member, but no member can be expelled twice for the same offense. State law establishes that, during periods when the General Assembly is not in session, the Presiding Officers make decisions related to the appointment of members to committees, appointment of committee officers, and the setting of dates, times, and places for committee meetings.

**Background:** During the 2014 legislative session, a member of the House of Delegates was not assigned to a standing committee. However, he retained his membership in the House of Delegates and voting rights on the floor of the House. The individual did not win reelection during the 2014 election and is no longer a member of the General Assembly.

**State Fiscal Effect:** State costs of printing 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). However, 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 Fiscal Effect:** 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 ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 12, 2015  
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