

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 166 (Senator Feldman, *et al.*)
Education, Health, and Environmental Affairs

General Assembly - Special Election to Fill a Vacancy in Office

This constitutional amendment authorizes the governing body of a county and the Mayor and City Council of Baltimore to enact legislation authorizing a special election to fill a vacancy in the General Assembly. The special election consists of a specified vote of the members of the General Assembly elected to represent the affected jurisdiction(s) (counties or Baltimore City) unless the vacancy occurs by January 1 of the year immediately following the year that the delegate or senator takes office, in which case the special election is held at the same time and in accordance with the same process as the next presidential election, among the voters registered in the legislative district in which the vacancy occurred. The existing process for appointment by the Governor to fill a vacancy continues to be followed, but with the appointment deemed to be for the unexpired term or until the vacancy is filled by special election.

Fiscal Summary

State Effect: If the constitutional amendment is adopted, general fund expenditures may increase by \$5,000 to \$10,000 in FY 2020 and future fiscal years in which a presidential election occurs due to State Board of Elections (SBE) programming costs.

Local Effect: The constitutional amendment does not materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The special election under the constitutional amendment that consists of a vote of the members of the General Assembly elected to represent the affected jurisdiction(s) may only occur if the governing body of each affected jurisdiction enacts legislation authorizing a special election.

Specified parameters apply to the special election that consists of a vote of the members of the General Assembly elected to represent the affected jurisdiction. If the vacancy occurs in a district that has boundaries comprising part or all of one county or Baltimore City, the vacancy is filled by a majority vote of the members of the General Assembly elected to represent that county or Baltimore City. If the vacancy occurs in a district that has boundaries comprising more than one county or one county and Baltimore City, the vacancy is filled, from among the nominees selected by the affected jurisdictions, by the nominee who receives an affirmative vote of the members of the General Assembly elected to represent each affected jurisdiction as well as a majority vote of the total number of voting members of the General Assembly elected to represent the affected jurisdictions. The members' votes are weighted proportionally based on the share of the population in the district that resides in the jurisdiction the member is elected to represent.

Current Law: In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which a delegate or senator was elected, or in case of a tie between two or more qualified persons, the Governor must appoint a person to fill the vacancy from a person whose name is submitted in writing within 30 days after the occurrence of the vacancy by the central committee of the political party, if any, with which the delegate or senator was affiliated, as specified. The Governor must make the appointment within 15 days after the submission.

If a name is not submitted by the central committee within 30 days, the Governor, within another period of 15 days, must appoint a person, who must be affiliated with the same political party, if any, of the delegate or senator whose office is to be filled. The person must be properly qualified to hold the office of delegate or senator in the district or county.

If there is no central committee within the county or district from which the vacancy is to be filled, the Governor must, within 15 days after the vacancy, appoint a person from the same political party, if any, of the vacating delegate or senator, and who is properly qualified to hold the office.

In every case when any person is appointed by the Governor, the appointment is deemed to be for the unexpired term of the person whose office has become vacant.

In addition, and in submitting a name to the Governor to fill a vacancy, the central committee or committees must follow specified provisions relating to districts with boundaries comprising of more than one county.

State Fiscal Effect: If the constitutional amendment is approved in the November 2016 general election, general fund expenditures may increase by \$5,000 to \$10,000 in fiscal 2020 and future fiscal years in which a presidential election occurs, for programming in SBE's election management system to accommodate any special elections on the presidential election ballot in the applicable legislative district.

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 SBEs' budget. Pursuant to Chapter 564 of 2001, SBE 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.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, HB 604 (Delegate Moon, *et al.* - Ways and Means) is not identical.

Information Source(s): State Board of Elections; Baltimore City; Calvert and Caroline counties; Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2015
md/hlb

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