

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 580 (Senator King, *et al.*)  
Education, Health, and Environmental Affairs

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Constitution - Local Government - Legal Notices

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This constitutional amendment allows a charter county to publish specified notices of county legislation in a manner specified by the General Assembly.

This constitutional amendment must be submitted to qualified voters of the State at the next general election to be held in November 2016 for their adoption or rejection.

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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:** Charter county expenditures may decrease, beginning in FY 2017, to the extent legal notices are posted on county websites. 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:** Article XI-A of the Maryland Constitution states that for charter counties "...all legislation shall be enacted at the times so designated for that purpose in the charter, and the title or a summary of all laws and ordinances proposed shall be published once a week for two successive weeks prior to enactment followed by publication once after

enactment in at least one newspaper of general circulation in the county, so that the taxpayers and citizens may have notice thereof.”

**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:** Charter county expenditures may decrease, beginning in fiscal 2017, to the extent that they no longer have to post legal notices in local newspapers and are able to post these notices on a website. The amount of any decrease depends on the number of legal notices posted in the newspaper and the cost of each.

**Exhibit 1** shows estimated publication costs for fiscal 2013 as reported by a survey of counties conducted by the Maryland Association of Counties in 2014. Reporting counties spent approximately \$1.3 million on legal publication costs. The savings resulting from the bill will depend on what notices a local government may or may not choose to publish on their websites.

Anne Arundel County advises that it currently spends approximately \$270,000 per year advertising various legal notices. The county could realize a significant reduction in these expenditures depending on new posting requirements. Harford County reports that expenditures for notice requirements may decrease by between \$10,000 and \$15,000 annually. Montgomery County reports that it could save at least several thousand dollars annually if the county no longer has to publish legal notices in newspapers. Specifically, the Montgomery County Department of Transportation advises that the Division of Transportation Engineering could save approximately \$25,000 annually if it no longer has to publish various legal notices in the newspaper. Talbot County advises that newspaper advertising costs could decrease by up to \$15,000 annually. Wicomico County reports that it could save \$12,800 annually in advertising costs.

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**Exhibit 1**  
**County Publication Costs for Legal Notices**  
**Fiscal 2013**

<u>County</u>	<u>Publication Expenses</u>
Allegany	n/a
Anne Arundel	\$479,437
Baltimore City	n/a
Baltimore	40,000
Calvert	n/a
Caroline	n/a
Carroll	n/a
Cecil	131,722
Charles	n/a
Dorchester	n/a
Frederick	73,252
Garrett	26,465
Harford	71,180
Howard	n/a
Kent	n/a
Montgomery	74,993
Prince George's	171,095
Queen Anne's	n/a
St. Mary's	n/a
Somerset	26,784
Talbot	93,649
Washington	n/a
Wicomico*	116,878
Worcester	37,157
<b>Total</b>	<b>\$1,342,611</b>

\*Includes tax sale advertising costs.

Source: Maryland Association of Counties

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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:** HB 663 (Delegate S. Robinson) - Environment and Transportation.

**Information Source(s):** Anne Arundel, Baltimore, Dorchester, Harford, Montgomery, Prince George's, Talbot, and Wicomico counties; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2016  
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