

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 361  
Ways and Means

(delegate Tarlau, *et al.*)

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General Assembly - Special Election to Fill a Vacancy in Office

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This proposed constitutional amendment requires the Governor to declare that a special primary and general election be held at the same time as the regular statewide primary and general election to fill a vacancy in the office of a State senator or delegate if the vacancy occurs at least 21 days before the deadline for filing certificates of candidacy for the regular statewide election held in the second year of the term of office. The Governor appoints an eligible individual to fill the vacancy until a successor is elected by special election. If the vacancy occurs within 21 days before the certificate of candidacy deadline for the regular statewide election in the second year of the term, the appointed individual serves for the remainder of the term. The proposed constitutional amendment also includes conforming language to authorize special elections to fill a vacancy in the office of a senator or delegate to be held at times other than the first Tuesday following the first Monday of November at four-year intervals beginning with 1926.

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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 irrespective of this bill.

**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 irrespective of this bill.

**Small Business Effect:** None.

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## Analysis

**Current Law:** The Governor must appoint a person to fill a vacancy in the office of a senator or delegate in case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which he/she has been elected. The Central Committee of the political party affiliated with the vacating senator or delegate must submit in writing, the name of an appointee within 30 days of the vacancy. The Governor must appoint the person to fill the vacancy within 15 days after the Central Committee submits the name.

If a name is not submitted by the Central Committee within 30 days after the occurrence of the vacancy, the Governor must appoint a person within 15 days after the 30-day period ends. The appointee must otherwise be properly qualified to hold the office of delegate or senator in the district or county.

In the event there is no Central Committee in the county or district from which a vacancy is to be filled, the Governor must appoint a person from the same political party, if any, as that of the vacating delegate or senator, within 15 days.

Any appointment by the Governor to fill a vacancy is deemed to be for the unexpired term of the person whose office has become vacant.

The requirement to hold elections on the first Tuesday after the first Monday in November at four-year intervals beginning with 1926 does not apply to special elections to fill the vacancy in a county council or in the office of chief executive officer or county executive.

**State Expenditures:** 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 resulting from any proposed constitutional amendments will have been anticipated in the State Board of Elections' budget irrespective of this bill. 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 ballots. It is assumed, however, that the potential for such increased costs resulting from any proposed constitutional amendments will have been anticipated in local boards of elections' budgets irrespective of this bill.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Governor's Office; Department of Legislative Services

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