

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 268
Ways and Means

(Delegate Barve, *et al.*)

Education, Health, and Environmental Affairs

Election Law - Deadline for Selection of Lieutenant Governor

This constitutional amendment modifies the time when a candidate who seeks a nomination for Governor designates a candidate for Lieutenant Governor, requiring the designation to be made within 21 days after the primary election rather than at the time of filing for the office. The name of a candidate for Governor is listed on the primary election ballot without a candidate for Lieutenant Governor.

Fiscal Summary

State Effect: If the constitutional amendment is approved by the voters, general fund expenditures increase by approximately \$7,000 over the course of FY 2021 and 2022. Revenues are not materially affected.

Local Effect: If the constitutional amendment is approved by the voters, local government expenditures increase by approximately \$7,000 over the course of FY 2021 and 2022.

Small Business Effect: None.

Analysis

Bill Summary: The constitutional amendment repeals the requirement that a candidate who seeks a nomination for Governor in a primary election designate a candidate for Lieutenant Governor at the time of filing a certificate of candidacy, instead requiring such a candidate to designate a candidate for Lieutenant Governor within 21 days after the primary election. A candidate who seeks a nomination for Governor under any method provided by law other than a primary election must designate a candidate for Lieutenant Governor at the time of filing a declaration of intent to seek nomination, and the candidate

for Governor and the designated candidate for Lieutenant Governor must be considered for nomination jointly.

In a primary election (1) the name of the candidate for Governor is listed on the primary election ballot without a candidate for Lieutenant Governor and (2) the candidate for Lieutenant Governor must file a certificate of candidacy at the time the candidate for Lieutenant Governor is designated by the candidate for Governor.

Current Law: Each candidate who seeks a nomination for Governor, under any method provided by law for the nomination, including primary elections, must at the time of filing for the office designate a candidate for Lieutenant Governor. The names of the candidate for Governor and Lieutenant Governor are listed on the primary election ballot, or otherwise considered for nomination jointly with each other.

In any election, including a primary election, candidates for Governor and Lieutenant Governor are listed jointly on the ballot and a vote cast for the candidate for Governor is also cast for the candidate for Lieutenant Governor jointly listed on the ballot. The election or nomination of the candidate for Governor also constitutes the election or nomination of the candidate for Lieutenant Governor who was listed on the ballot or was being considered jointly with the candidate for Governor.

State Expenditures: If the constitutional amendment is approved by the voters, general fund expenditures increase by approximately \$7,000 over the course of fiscal 2021 and 2022, reflecting the State's share of costs to modify the State Board of Elections' (SBE) election management system in order to allow for candidates for nomination for Governor in primary elections to run and appear on the ballot without a Lieutenant Governor. SBE and the local boards of elections share the costs of the election management system.

Local Expenditures: If the constitutional amendment is approved by the voters, local government expenditures increase by approximately \$7,000 over the course of fiscal 2021 and 2022, reflecting the local governments' share of costs to modify SBE's election management system.

Additional Information

Prior Introductions: HB 535 of 2019 received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, SB 373, received a hearing in the Senate Education, Health, and Environmental Affairs committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2020
af/hlb Third Reader - March 4, 2020

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