

# HOUSE BILL 163

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(PRE-FILED)

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By: **Delegate Ivey**

Requested: August 7, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Elections – Membership – Appointments**

3 FOR the purpose of repealing the authority of the Governor to appoint and remove members  
4 of the State Board of Elections; requiring that the members of the State Board be  
5 appointed jointly by the President of the Senate and Speaker of the House of  
6 Delegates; authorizing the President and Speaker to remove members of the State  
7 Board under certain circumstances; making conforming changes; and generally  
8 relating to the appointment of members of the State Board of Elections.

9 BY repealing and reenacting, with amendments,  
10 Article – Election Law  
11 Section 2–101  
12 Annotated Code of Maryland  
13 (2017 Replacement Volume and 2020 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Election Law**

17 2–101.

18 (a) There is a State Board of Elections consisting of five members.

19 (b) The State Board shall maintain its principal office in Annapolis and have staff,  
20 subject to the State Personnel and Pensions Article, as provided in the State budget.

21 (c) (1) Each member of the State Board shall:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) [subject to subsection (g)(2) of this section,] be appointed  
2 **JOINTLY** by the [Governor] **PRESIDENT OF THE SENATE AND THE SPEAKER OF THE**  
3 **HOUSE** in accordance with paragraph (2) of this subsection[, with the advice and consent  
4 of the Senate of Maryland];

5 (ii) be a registered voter in the State for the 5 years immediately  
6 preceding the appointment;

7 (iii) subject to subsection (f)(3) of this section, be eligible for  
8 reappointment;

9 (iv) conform to the restrictions specified under § 2-301 of this title;  
10 and

11 (v) be subject to removal by the [Governor] **PRESIDENT AND**  
12 **SPEAKER** for incompetence, misconduct, or other good cause, upon written charges filed  
13 by the [Governor] **PRESIDENT AND SPEAKER** with the State Board and after having been  
14 afforded notice and ample opportunity to be heard.

15 (2) Subject to subsection (e) of this section, the [Governor] **PRESIDENT**  
16 **AND SPEAKER** shall **JOINTLY** appoint as a member of the State Board an individual whose  
17 name is submitted to the [Governor] **PRESIDENT AND SPEAKER** by the State Central  
18 Committee of the principal political party entitled to the appointment.

19 (d) Before taking office, each appointee to the State Board shall take the oath  
20 required by Article I, § 9 of the Maryland Constitution.

21 (e) (1) Each member of the State Board shall be a member of one of the  
22 principal political parties.

23 (2) A person may not be appointed to the State Board if the appointment  
24 will result in the State Board having more than three or fewer than two members of the  
25 same principal political party.

26 (f) (1) The term of a member is 4 years and begins on July 1.

27 (2) The terms of the members are staggered as required by the terms  
28 provided for members of the State Board on July 1, 1999.

29 (3) A member may not serve more than three consecutive terms.

30 (4) At the end of a term, a member continues to serve until a successor is  
31 appointed and qualifies.

32 (g) [(1)] If a vacancy occurs on the State Board, it shall be filled for the  
33 remainder of the unexpired term and until a successor is appointed and qualifies.

1                    [(2) An appointment made while the Senate of Maryland is not in session  
2 shall be considered temporary until the appointee is confirmed by the Senate.]

3            (h) Not later than August 1 each year, the State Board shall elect one of its  
4 members as chairman.

5            (i) Each member shall receive:

6                    (1) per diem compensation as provided in the State budget for each day  
7 that the member is actually engaged in the discharge of official duties, as authorized by the  
8 State Board and in accordance with the State budget; and

9                    (2) reimbursement for all necessary and proper expenses, as provided in  
10 the State budget.

11            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2021.