

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 644 (Senator Kagan)
Education, Health, and Environmental Affairs

State Officials - Appointments - Advice and Consent of the Senate

This bill establishes that the appointment of the State Superintendent of Schools is subject to the advice and consent of the Senate. The bill further establishes that, beginning in 2023, the State Administrator of Elections is subject to reappointment by the State Board of Elections (SBE) at least once every five years after initial appointment, with the advice and consent of the Senate. Finally, the bill requires, beginning in 2023, that the Governor, if inaugurated to a second consecutive term of office, reappoint any principal department Secretary who will continue to serve as Secretary during the Governor's second term, subject to the advice and consent of the Senate.

Fiscal Summary

State Effect: None. The bill is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

State Superintendent of Schools

The State Superintendent is appointed by the State Board of Education for a term of four years beginning on July 1 after the Superintendent's appointment and serves until a

successor is appointed and qualifies. The Superintendent must meet specified minimum qualifications as required under State law. If there is a vacancy in the office, the State board must appoint a new Superintendent to fill the vacancy for the remainder of the unexpired term. The State board may remove the Superintendent for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty in accordance with specified procedural requirements.

State Administrator of Elections

The State Administrator of Elections is the chief State election official and is appointed by, and serves at the pleasure of, SBE, with the advice and consent of the Senate. The State administrator's responsibilities include employing and supervising a deputy administrator and other staff of SBE; supervising the operations of the local boards of elections; and performing all duties and exercising all powers that are assigned by law to the State administrator or delegated by SBE. Provided that SBE is fully constituted with five duly confirmed members, the State administrator may be removed by SBE by the affirmative vote of four duly confirmed members for incompetence, misconduct, or other good cause, subject to specified procedural requirements.

Principal Department Secretaries

The head of each principal department is a Secretary appointed by the Governor with the advice and consent of the Senate. The Governor must select, on the bases of professional and administrative knowledge and experience, a Secretary who has the qualifications required by law.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Governor's Office; Maryland State Department of Education; Maryland State Board of Elections; Department of Legislative Services

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