

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 985 (Delegate Impallaria)  
Ways and Means

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Election Law – State Officials – Recall Election

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This constitutional amendment makes the Governor, Lieutenant Governor, Attorney General, and Comptroller subject to a recall election. A recall is proposed by the filing of a petition for recall that has signatures from registered voters equal in number to at least 25% of the number of votes cast in the State at the last preceding gubernatorial election. The special recall election must be held within 120 days after the certification of the petition. A petition may not be filed during the first 120 days of the term of office of a State official subject to recall.

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Fiscal Summary

**State Effect:** If the constitutional amendment is approved by the voters and a special recall election is held, independent of a regular election, general fund expenditures increase by at least \$2 million to conduct the election. Revenues are not affected.

**Local Effect:** If the constitutional amendment is approved by the voters and a special recall election is held, independent of a regular election, local government expenditures increase by at least \$12 million to conduct the election. Local government expenditures may also increase for petition verification, as discussed below. Revenues are not affected. **This constitutional amendment may impose a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Under the Maryland Constitution, the Governor, Lieutenant Governor, Attorney General, and Comptroller serve their elected term of office, until a successor has

been elected and qualified. There are certain provisions relating to removal of those officials in certain circumstances, including those relating to (1) the impeachment (and conviction) power of the General Assembly; (2) the removal of the Attorney General for incompetency, willful neglect of duty or misdemeanor in office, on conviction in a court of law; and (3) removal of the Comptroller by the Governor under certain circumstances, for incompetency, malfeasance in office, willful neglect of duty, or misappropriation of State funds.

**State and Local Fiscal Effect:** If the constitutional amendment is approved by the voters and a special recall election is held, independent of a regular election, State general fund and local government expenditures increase significantly to conduct the election. State costs for the election are expected to be at least \$2 million and local government costs are expected to be at least \$12 million, for election judges, local board of elections temporary staff and overtime, ballots (in-person and mail-in), ballot drop box delivery and pick up, and contractual services for voting system staffing and voting equipment transportation. Some of these costs are solely local costs (election judges and local temporary staff and overtime) and others are shared by the State Board of Elections and local boards of elections. These estimates do not account for all costs and actual overall costs may be higher.

Local boards of elections may also incur costs to verify the signatures on a petition for recall, assuming local boards would have that responsibility, similar to referendum and other petitions. Montgomery and Wicomico counties, for example, indicate that if a petition needs to be verified when existing staff are occupied with election preparation or verification of other petitions, additional costs of approximately \$65,000 and \$13,000 may be incurred, respectively, for temporary staff and/or overtime. If a petition needs to be verified at a less busy time for existing staff, Montgomery County indicates it may still incur costs of approximately \$36,000, and Wicomico County indicates that any increased costs should be minimal.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Harford, Montgomery, and Wicomico counties; Comptroller's Office; State Board of Elections; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2021  
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