

**Department of Legislative Services**  
 Maryland General Assembly  
 2021 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 766 (Senator Washington)  
 Education, Health, and Environmental Affairs

**State Board of Elections and Local Boards of Elections - Membership and Staff**

This bill establishes requirements relating to the State Board of Elections’ (SBE) membership, including that members have specified experience and knowledge and not serve more than two consecutive terms. The bill also requires that SBE appoint a Racial Equity Coordinator. The bill transfers the authority to appoint and remove members of the local boards of elections from the Governor to the county executive or the governing body of the county.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$74,400 in FY 2022, with ongoing costs in future years. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	74,400	88,100	90,800	94,000	97,300
Net Effect	(\$74,400)	(\$88,100)	(\$90,800)	(\$94,000)	(\$97,300)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

### Bill Summary:

#### *State Board of Elections Membership*

The bill requires that each member of SBE have (1) at least five years of experience administering elections and (2) an extensive knowledge of the State's election laws. The bill limits members to serving not more than two (in place of not more than three) consecutive terms. The bill also requires the Maryland Association of Election Officials to submit to the Governor the name of at least one eligible individual whom the Governor may appoint as a member of the State board.

#### *Racial Equity Coordinator*

The bill requires that a Racial Equity Coordinator be appointed by SBE and receive a salary as provided in the State budget. The Racial Equity Coordinator must (1) ensure that all registered voters in each district across the State receive the same treatment and access to resources; (2) investigate racial disparities in ballot access and voter turnout across the State; and (3) make recommendations to SBE on ways to improve racial equity in the administration of elections in the State. By December 1 of each year, beginning in 2021, the Racial Equity Coordinator must submit a report to the General Assembly on the coordinator's activities, findings, and any recommendations made to SBE for the immediately preceding year. Each report must be published on SBE's website.

#### *Appointment and Removal of Local Board of Elections Members*

The bill transfers the authority to appoint and remove members of the local boards of elections from the Governor to the county executive or the governing body of the county.

### Current Law:

#### *State Board of Elections*

SBE consists of five members. Members serve staggered, four-year terms and may not serve more than three consecutive terms. Each member must (1) be appointed by the Governor, with the advice and consent of the Senate of Maryland; (2) be a registered voter in the State for the five years immediately preceding the appointment; (3) be eligible for reappointment, subject to the limit of three consecutive terms; (4) conform to restrictions on specified political activity; and (5) be subject to removal by the Governor for incompetence, misconduct, or other good cause.

Each member must be a member of one of the principal political parties, and a person may not be appointed if the appointment will result in the board having more than three or fewer than two members of the same principal political party. The Governor must appoint as a member an individual whose name is submitted to the Governor by the State central committee of the principal political party entitled to the appointment.

*Local Boards of Elections*

Except in Montgomery and Prince George’s counties, each local board of elections consists of five regular members. Three members must be of the majority party, and two members must be of the principal minority party. The board of elections in Montgomery County consists of five regular members and two substitute members. Three regular members and one substitute member must be of the majority party, and two regular members and one substitute member must be of the principal minority party. The board of elections in Prince George’s County consists of five regular members and three substitute members. Four regular members and two substitute members must be of the majority party, and one regular member and one substitute member must be of the principal minority party.

The Governor generally appoints board members from a list of eligible individuals submitted by the county central committee of the applicable party and may remove a member for incompetence, misconduct, or other good cause. Appointments are subject to confirmation by the Senate, except in Caroline, Dorchester, and Kent counties if there is no resident Senator of the particular county, in which case confirmation is by the House of Delegates.

**State Fiscal Effect:** General fund expenditures increase by \$74,402 in fiscal 2022, which accounts for the bill’s October 1, 2021 effective date. This estimate reflects the cost of hiring (appointing) the Racial Equity Coordinator pursuant to the bill. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salaries and Fringe Benefits	\$68,821
Operating Expenses	<u>5,581</u>
<b>Total FY 2022 State Expenditures</b>	<b>\$74,402</b>

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 1249 (Delegate Washington) - Ways and Means.

**Information Source(s):** State Board of Elections; Governor's Office; Worcester County; Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2021  
an/hlb

---

Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510