

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

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

Senate Bill 89 (Senator Peters)  
Education, Health, and Environmental Affairs

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**Municipalities - Vacancies in Elected Offices**

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This bill requires each municipality to establish procedures that require a vacancy in an elected municipal office to be filled by holding a regular or special election within 90 days after the date the vacancy occurs.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Municipal expenditures increase for charter amendments and any special elections that would not be held in the absence of the bill. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A municipality has the power and authority to adopt a new charter, and to amend or repeal any adopted charter. Charter provisions and charter amendments are subject to all applicable laws enacted by the General Assembly. A charter amendment is proposed either by a resolution of the legislative body of the municipality or by a petition containing the signatures of at least 20% of the qualified voters of the municipality. Subject to its municipal charter, a municipality may provide for special elections for municipal purposes at times and places determined by the municipality.

**Local Fiscal Effect:** Local government expenditures increase for municipalities to (1) amend their charters to the extent their charter is not consistent with the bill's

requirement and (2) hold any special elections needed to fill a vacancy in elected municipal office that would not otherwise be held in the absence of the bill.

The Maryland Municipal League indicates that about 40% of municipalities have a provision to fill a vacancy in an elected position through an election but expects almost all municipalities will need to amend their charter to meet the specific requirement of the bill. As an example of costs associated with a charter amendment and a special election, the City of Frostburg estimates it will incur \$6,000 in legal fees associated with the charter amendment process and approximately \$8,000 in costs for any special elections that need to be held (based on costs of the city's 2020 regular election held by mail, for which there were just over 4,000 registered voters). Based on information on a small number of other municipalities' election costs, it appears that costs for a municipal election may average in the range of \$1.00 to \$3.00 per voter, per (primary or general) election.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Frederick, Garrett, Howard, and Montgomery counties; cities of College Park, Frederick, and Frostburg; Maryland Municipal League; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2021  
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