

HOUSE BILL 899

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3lr2622
CF SB 863

By: **Delegate D. Jones**

Introduced and read first time: February 9, 2023

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2023

CHAPTER _____

1 AN ACT concerning

2 **State Administrator of Elections – Term, Vacancy in Office, and Removal From**
3 **Office**

4 FOR the purpose of establishing the term of office of the State Administrator of Elections;
5 requiring the deputy administrator to serve as State Administrator if there is a
6 vacancy in the office of State Administrator due to certain causes; altering
7 requirements for the removal from office of the State Administrator ~~of Elections;~~
8 repealing the authority of the State Administrator to continue to serve in office until
9 a successor is appointed and confirmed following a certain vote for removal of the
10 State Administrator; specifying the application of this Act to an individual serving
11 as State Administrator on the effective date of this Act; and generally relating to the
12 ~~removal from office of the~~ State Administrator of Elections.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section ~~2-103(b)(7)~~ 2-103(b)
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2022 Supplement)

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

Article – Election Law

20
21 2-103.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(b) The State Administrator shall:

(1) be appointed by the State Board, with the advice and consent of the Senate of Maryland, and serve at the pleasure of the State Board;

(2) SERVE A TERM OF 4 YEARS, BEGINNING ON AUGUST 1;

~~[(2)] (3)~~ receive a salary as provided in the State budget;

~~[(3)] (4)~~ as provided in the State budget, employ and supervise:

(i) a deputy administrator, who shall serve as State Administrator in the event:

1. the State Administrator [resigns.] becomes disabled[, or dies.]; OR

2. THERE IS A VACANCY IN THE OFFICE OF STATE ADMINISTRATOR DUE TO THE RESIGNATION, DEATH, REMOVAL FROM OFFICE, OR EXPIRATION OF THE TERM OF THE STATE ADMINISTRATOR, pending the appointment of a successor State Administrator; and

(ii) pursuant to the State Personnel and Pensions Article, other staff of the State Board;

~~[(4)] (5)~~ supervise the operations of the local boards;

~~[(5)] (6)~~ perform all duties and exercise all powers that are assigned by law to the State Administrator or delegated by the State Board;

~~[(6)] (7)~~ implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list;

~~(7) (8)~~ provided the State Board is fully constituted with five duly confirmed members, be subject to removal by the affirmative vote of four duly confirmed members of the State Board [for incompetence, misconduct, or other good cause except that:

(i) prior to removal, the State Board shall set forth written charges stating the grounds for dismissal and afford the State Administrator notice and an ample opportunity to be heard; and

(ii) subsequent to a valid vote for removal by at least four duly confirmed members of the State Board, the State Administrator is authorized to continue to serve until a successor is appointed and confirmed by the Senate of Maryland]; and

1 ~~[(8)] (9)~~ be the chief State election official.

2 SECTION 2. AND BE IT FURTHER ENACTED, That:

3 (a) The first term of the State Administrator of Elections under § 2-103(b) of the
4 Election Law Article, as enacted by Section 1 of this Act, shall begin August 1, 2023.

5 (b) An individual serving in the office of State Administrator on June 1, 2023:

6 (1) is eligible to be appointed to the office of State Administrator for the
7 term that begins on August 1, 2023, or for any subsequent term of the office; but

8 (2) may not continue to serve in the office of State Administrator after July
9 31, 2023, unless the individual serving as State Administrator on June 1, 2023, is appointed
10 by the State Board of Elections for the term of office beginning on August 1, 2023, or for
11 any subsequent term of office.

12 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 ~~October~~ June 1, 2023.

Approved:

_____ Governor.

_____ Speaker of the House of Delegates.

_____ President of the Senate.