

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 447
Ways and Means

(Delegate Crosby)

Local Elections - County Commissioner - District Voting

This bill requires that the election of a county commissioner to represent a specific county commissioner district must be decided by a plurality of the votes cast within that district.

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The bill is applicable, beginning with elections held in 2024, to the elections for county commissioner. The bill does not affect the tenure of a county commissioner serving in office before the beginning of the next regular full term of office that begins after the bill's effective date.

County Commissioner Election

Maryland counties operate under three forms of government: commission, charter home rule, and code home rule. To date, only 6 counties continue to operate under the commission, or nonhome rule, form of government, while 11 counties operate under charter home rule and 6 counties operate under code home rule. **Exhibit 1** shows the form of government for each Maryland county.

Exhibit 1
Form of County Government

| <u>Charter</u> | <u>Commission</u> | <u>Code</u> |
|-----------------------|--------------------------|--------------------|
| Anne Arundel | Calvert | Allegany |
| Baltimore | Carroll | Caroline |
| Cecil | Garrett | Charles |
| Dorchester | St. Mary's | Kent |
| Frederick | Somerset | Queen Anne's |
| Harford | Washington | Worcester |
| Howard | | |
| Montgomery | | |
| Prince George's | | |
| Talbot | | |
| Wicomico | | |

Source: Department of Legislative Services

The 12 counties operating under commission and code home rule forms of government elect county commissioners. State law requires the number of county commissioners in a county to be set by the public local laws of each county. The public local laws of each county also determine whether commissioners are elected by voters from within a district or by voters of the entire county.

In three counties (Carroll, Somerset, and Worcester), commissioners run by district and are elected by the voters residing in that district.

In one county (Charles), four commissioners run by district and are elected by the voters residing in that district, and one at-large commissioner serves as the president of the county commissioners. This approach was enacted by the Charles County Commissioners in 2022 and will apply to future elections. The current county commissioners were elected by the voters at-large.

In four counties (Allegany, Caroline, Kent, and Washington), commissioners run countywide, not by district.

In one county (Garrett), commissioners run by district and are elected by the voters at large.

In three counties (Calvert, Queen Anne's, and St. Mary's), a hybrid board structure is utilized wherein a specified number of county commissioners represent a district, the

remaining run countywide, and all of the commissioners are elected by the voters at large. In St. Mary's County, the at-large commissioner serves as the president of the county commissioners.

The following sections show the county commissioner election district structure under current law and the proposed structure under the bill for each affected county:

Calvert County

Under current law, there are five county commissioners who are elected countywide. Of these individuals, three must be residents of specified election districts. The two remaining county commissioners must be residents of the county and represent the county at large.

Under the bill, the three county commissioners who run by district must be elected by the voters who reside in that election district. The two county commissioners who represent the county at large must be residents of the county and must be elected by the voters of the entire county.

Garrett County

Under current law, there are three county commissioners who run by district and are elected countywide. Furthermore, at primary elections, one candidate for each party is chosen from each commissioner district by the countywide vote of the members of the respective parties.

Under the bill, the three county commissioners who run by district must reside in and be elected by the voters of that district. At primary elections, one candidate for each party is chosen from each commissioner district by the vote of the members of the respective parties within that district.

Queen Anne's County

Under current law, there are five county commissioners who are elected countywide. Of these individuals, four must reside in each of the four county commissioner districts. The fifth county commissioner may reside anywhere in the county.

Under the bill, the four county commissioners who run by district must reside and be elected by the voters of that district.

St. Mary's County

Under current law, there are five county commissioners who are elected countywide. Of

these individuals, four run by commissioner district. The fifth county commissioner holds the position of President of the County Commissioners and must be a resident of the county, as specified, and is elected by voters of the entire county.

Under the bill, the four county commissioners who run by district must be elected by the voters who reside in that district.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 655 of 2021.

Designated Cross File: None.

Information Source(s): Caroline, Carroll, Charles, Frederick, Garrett, St. Mary's, Washington, and Worcester counties; Department of Legislative Services

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