

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 899

(Delegate D. Jones)

Ways and Means

Education, Energy, and the Environment

State Administrator of Elections - Term, Vacancy in Office, and Removal From Office

This bill establishes a term of office of four years for the State Administrator of Elections, with the first term beginning on August 1, 2023. An individual serving in the office of the State Administrator on June 1, 2023, is eligible to be appointed to the office by the State Board of Elections (SBE) for the term that begins on August 1, 2023, or for any subsequent term of the office, but may not continue to serve after July 1, 2023, unless appointed. The bill also alters the requirements for the removal from office of the State Administrator (by SBE) by, among other things, repealing a requirement that the removal be for incompetence, misconduct, or other good cause. The bill also adds circumstances under which the deputy administrator must serve as State Administrator. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill establishes a term of office of four years for the State Administrator, with the first term beginning on August 1, 2023. An individual serving in the office of State Administrator on June 1, 2023, is (1) eligible to be appointed to the office of State Administrator for the term that begins on August 1, 2023, or for any

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

The bill alters the requirements for the removal from office of the State Administrator such that, provided SBE is fully constituted with five duly confirmed members, the State Administrator must be subject to removal by the affirmative vote of four duly confirmed members of the board. The bill repeals (1) a requirement that the removal be for incompetence, misconduct, or other good cause; (2) a requirement that, prior to removal, SBE set forth written charges stating the grounds for dismissal and afford the State Administrator notice and an ample opportunity to be heard; and (3) the authority of the State Administrator to continue to serve, subsequent to a valid vote for removal, until a successor is appointed and confirmed by the Senate of Maryland.

The bill adds circumstances under which the deputy administrator must serve as State Administrator such that the deputy administrator must serve as State Administrator in the event (1) the State Administrator becomes disabled 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.

Current Law: The State Administrator is the chief State election official, is appointed by SBE with the advice and consent of the Senate of Maryland, and serves at the pleasure of the board. The State Administrator must, as provided in the State budget, employ and supervise a deputy administrator, who must serve as State Administrator in the event that the State Administrator resigns, becomes disabled, or dies, pending the appointment of a successor State Administrator.

Provided SBE is fully constituted with five duly confirmed members, the State Administrator must be subject to removal by the affirmative vote of four duly confirmed members of the board for incompetence, misconduct, or other good cause. Prior to removal, SBE must set forth written charges stating the grounds for dismissal and afford the State Administrator notice and an ample opportunity to be heard. Subsequent to a valid vote for removal by at least four duly confirmed members of SBE, the State Administrator is authorized to continue to serve until a successor is appointed and confirmed by the Senate of Maryland.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 863 (Senators Kagan and Simonaire) - Education, Energy, and the Environment.

Information Source(s): Department of Budget and Management; State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2023
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