

DANA JONES
Legislative District 30A
Anne Arundel County

Ways and Means Committee

Secretary, Women's Caucus

Vice Chair, Anne Arundel
County Delegation



The Maryland House of Delegates
6 Bladen Street, Room 161
Annapolis, Maryland 21401
410-841-3211 · 301-858-3211
800-492-7122 Ext. 3211
Dana.Jones@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Testimony of Delegate Dana Jones
Before the Ways and Means Committee**

**In Support of HB 899
State Administrator of Elections - Removal From Office
February 28, 2023, 1pm**

Chair Atterbeary, Vice-Chair Wilkins, and fellow members of the Ways and Means Committee,

For the record - I am Delegate Dana Jones.

Under current Maryland Election Law Article §2-103(7)(ii), the State Board of Elections (SBE) Administrator has no term limit and no term at all. They can only be removed for “incompetence, misconduct, or other good cause” by a supermajority of the SBE Board in writing. The process is strikingly arduous.

The current process:

- All five seats on the SBE Board must be filled
- Administrator may only be removed for incompetence, misconduct, or other good cause
- Four of the five SBE Board members must vote affirmatively for removal
- Charges stating the grounds for dismissal must be in writing
- The Administrator must be given notice and “ample” opportunity to be heard
- The Administrator is authorized to continue to serve until a successor is confirmed by the State Senate

This arrangement means that the Administrator could serve indefinitely— even if the SBE Board has voted in favor of their removal. This approach lacks the fundamental accountability needed

for an important public office. No other employee of the State government enjoys this level of statutory job protection. The complete lack of accountability of the State Administrator to the Governor, or anyone who is elected by and answerable to the people, is an extreme and unprecedented arrangement that offends the separation of powers and basic principles of democratic government. There are serious questions regarding the Constitutionality of the SBE's current terms of removal.

To correct this issue, HB899 would authorize a supermajority of the five-member SBE Board to remove the SBE Administrator. This maintains protections from a political ousting of the SBE Administrator due to the political makeup of the Board, while making it easier for the Administrator to be held responsible for their actions.

The process set forth by this bill mirrors many other states' laws. No Maryland public employee should be allowed to serve indefinitely or operate beyond accountability-- regardless of position, status, or performance.

After working with Counsel, I am introducing an amendment that sets a 4 year term, beginning August 1st 2023, for the Administrator to be appointed by the Board with approval by the Senate. I believe it is time we bring the State Board of Elections Administrators terms of employment in line with other States and other appointed officials in Maryland.

I respectfully urge a favorable report on HB 899.



Delegate Dana Jones