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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB863: State Administrator of Elections - Removal From Office**

Education, Energy, Environment (& Elections!) Committee

Thursday, February 16, 2023 1PM

Under current Maryland Election Law Article [§2-103\(7\)\(ii\)](#), the Administrator of the State Board of Elections (SBE) has no term limit and can be removed for “incompetence, misconduct, or other good cause” by a supermajority of the SBE Board. The process is strikingly onerous. Specifically:

- 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 means that Administrators 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. As has been observed, “no other employee of [our] State government enjoys this level of statutory job protection.”

[SB863](#) is a **bipartisan** bill (co-sponsored with Sen. Bryan Simonaire) that would authorize a supermajority of the five-member SBE Board to remove the SBE Administrator. This process 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.

This bill [passed the Senate](#) on March 2nd. The effective date was [amended](#) from October 1st to June 1, 2023.

**I urge a favorable report on SB863.**