

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 1017 (Senator Raskin)
Education, Health, and Environmental Affairs

**Chief Executive Officer or County Executive - Special Election to Fill a Vacancy
in Office**

This bill proposes a constitutional amendment to (1) allow a charter county, as expressly authorized by statute, to provide for the filling of a vacancy in the office of chief executive officer or county executive by special election and (2) exempt a special election to fill a vacancy in the office of chief executive officer or county executive of a charter county from the requirement that elections for State and county officers be held on the Tuesday after the first Monday of November on a specified four-year cycle. Contingent on the adoption of the constitutional amendment, the bill also, in statute, authorizes a county to provide for the conduct of a special election to fill a vacancy in the office of chief executive officer or county executive and specifies that such special primary and general elections (1) may be held at a time other than the date of a regular primary and general election; (2) are held as provided in the county charter; and (3) may be conducted by mail if the resolution of the county council establishing the date of the special election directs that the election be conducted by mail.

The bill takes effect June 1, 2014, and the constitutional amendment must be voted on at the November 2014 election.

Fiscal Summary

State Effect: If the constitutional amendment is approved, general fund expenditures may increase by over \$100,000 if a special primary election and a special general election to fill a vacancy in the office of county executive are held in a large county.

Local Effect: If the constitutional amendment is approved, county expenditures may increase by over \$1 million if a special primary election and a special general election to fill a vacancy in the office of county executive are held in a large county.

Small Business Effect: Minimal.

Analysis

Current Law/Background: The Maryland Constitution allows for the county council of a charter county, as expressly authorized by statute, to provide for the filling of a vacancy in the county council by special election. A special election to fill a vacancy in a county council is exempt from the constitutional requirement that elections for State and county officers be held on the Tuesday after the first Monday of November on a specified four-year cycle. Charter counties are authorized in State statute to provide for the conduct of a special election to fill a vacancy in the county council. The State Board of Elections (SBE) website provides information on four county council special elections in recent years – two in Montgomery County (2008 and 2009) and two in Prince George’s County (2008 and 2011).

Chapter 677 of 2012 authorized county council special elections in Montgomery County to be conducted largely by mail and Chapters 197 and 198 of 2013 expanded those provisions to apply to special elections to fill a vacancy in the office of representative in Congress, special elections to fill a vacancy in a county council, and other specified local special elections, statewide.

State Fiscal Effect: If the constitutional amendment is approved, general fund expenditures may increase by over \$100,000 if a special primary election and a special general election to fill a vacancy in the office of county executive are held in a large county, at polling places, reflecting the State share of certain voting system-related costs. SBE generally shares voting system-related costs, such as voting equipment delivery, voting system/machine technicians, and ballot printing costs, with the local boards of elections (pursuant to a requirement under Chapter 564 of 2001), though some local boards obtain certain services such as voting system/machine technicians independently and bear the whole cost of those services. Costs may be less if special elections are conducted by mail, with voting equipment delivery costs and any other voting system-related costs associated with voting at polling places replaced with potentially lesser overall costs of additional ballot printing.

State costs of printing absentee and provisional ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). Any increase in costs, however, is expected to be relatively minimal, and it is assumed that the potential for such increased costs will

have been anticipated in SBE's budget. Pursuant to Chapter 564 of 2001, SBE shares the costs of printing paper ballots with the local boards of elections.

Local Fiscal Effect: If the constitutional amendment is approved, county expenditures may increase by over \$1 million if a special primary election and a special general election to fill a vacancy in the office of county executive are held in a large county, at polling places, reflecting the county share of those voting system-related costs shared with the State, along with costs of election judges, temporary staff, overtime, and printing and mailing of sample ballots, among others. Costs may be somewhat less if special elections are conducted by mail but will still be significant due to printing, mailing, and personnel costs.

Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on absentee and provisional ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

Additional Information

Prior Introductions: None.

Cross File: HB 1415 (Delegate Kaiser, *et al.*) - Ways and Means.

Information Source(s): State Board of Elections; Baltimore, Carroll, Harford, and Montgomery counties; Maryland Association of Counties, Montgomery County, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2014
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