

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 863

(Senators Kagan and Simonaire)

Education, Energy, and the Environment

Ways and Means

State Administrator of Elections - Removal From Office

This bill alters the requirements for the removal from office of the State Administrator of Elections such that, provided the State Board of Elections (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 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

Current Law: 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: HB 899 (Delegate D. Jones) - Ways and Means.

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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