

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 366 (Senator Lam)  
Education, Energy, and the Environment

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**General Assembly Vacancy - Political Party Central Committees - Procedures**

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This bill establishes requirements for the filling of a vacancy for the office of senator or delegate in the General Assembly by central committees of political parties in the State under Article III, § 13 of the Maryland Constitution.

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**Fiscal Summary**

**State Effect:** The bill does not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The application period to apply to a central committee to fill a vacancy must be open for at least seven days, and advertised by the central committee filling the vacancy by a public notice that includes the (1) central committee's intent to meet to fill the vacancy; (2) time and place of any meetings to be held to discuss or vote on the filling of the vacancy; (3) process for filling the vacancy; and (4) manner in which individuals may apply to fill the vacancy.

The specified notice must be translated into a language other than English if the local Board of Elections for the county in which the central committee is located is required to translate election materials into that language as required under § 203 of the federal Voting Rights Act.

All applications submitted to a central committee to fill a vacancy must (1) be posted online promptly after receipt by the county central committee or the State central committee of the political party and (2) remain posted online until at least 30 days after the central committee votes on an individual to fill the vacancy.

The central committee must hold a public meeting to interview the individuals who applied to fill the vacancy. A meeting held by a central committee to discuss or vote on filling a vacancy must be (1) open to the public and (2) announced at least three days before the meeting.

The vote by a central committee to choose an individual to fill a vacancy must be (1) by roll call vote or by signed ballots and (2) in a meeting open to the public. A member of the central committee who has applied to fill the vacancy must recuse themselves from voting on the individual to fill the vacancy.

### **Current Law:**

#### *Political Parties and Central Committees*

Except as to a matter of compelling State interest, if any provision of Title 4 of the Election Law Article (political parties) relating to party governance conflicts with the constitution and bylaws of a political party, the constitution and bylaws must apply.

Each political party must have a State central committee that (1) is the governing body of the political party and (2) may be comprised of the members of the central committees of the counties during their terms in office. A principal political party must elect the members of the county central committee at a primary election. A party's State central committee must determine its own rules and procedure, not inconsistent with the provisions of the Election Law Article.

Generally, each political party must adopt and be governed by a constitution and all bylaws and rules adopted in accordance with the constitution. In accordance with the constitution and bylaws of a principal political party, the central committee of that party for each county must adopt a constitution, bylaws, and rules.

#### *State Constitutional Process for Filling General Assembly Vacancies*

In the case of death, disqualification, resignation, refusal to act, or expulsion of a State senator or delegate, or in the case of a senator's or delegate's removal from the city or county from which he or she was elected, the Governor must, in accordance with specified procedures, appoint a person affiliated with the same political party to serve the remainder of the vacating senator's or delegate's unexpired term.

The Governor appoints a person named by the specified central committee of the political party, if any, with which the vacating senator or delegate was affiliated only if that central committee submits, in writing, the name of a qualified person no more than 30 days after the vacancy occurs. In the event of a vacancy in a district that includes all or a portion of two or more counties, the affected central committees follow specified procedures for selecting and submitting a name or list of names to the Governor.

Upon receipt of a submission from the affected central committee, as specified, the Governor must, within 15 days, appoint the central committee's selection to fill the vacancy. If the central committee does not submit a name to the Governor within the 30-day period, as specified, the Governor must, within 15 days of the expiration of the 30-day period, select and appoint a person to fill the vacancy. The appointee must be (1) affiliated with the same political party, if any, as the vacating senator or delegate and (2) otherwise properly qualified to hold the office of senator or delegate in the affected district or county. Similarly, if no central committee exists in the affected county or district, the Governor must, within 15 days after the vacancy occurs, appoint a person who is (1) affiliated with the same political party, if any, as the vacating senator or delegate and (2) otherwise properly qualified to hold the office.

A gubernatorial appointee to fill a vacancy in the office of State senator or delegate serves the remainder of the vacating senator's or delegate's unexpired term. Elections for State and county offices, with the exception of special elections to fill vacancies in specified county offices, may be held only every four years, as specified.

#### *Language Accessibility – Federal Voting Rights Act*

In accordance with § 203 of the Voting Rights Act of 1965, States and political subdivisions that have over a certain amount of limited-English proficient citizens in a single language minority group (defined as persons who are American Indian, Asian American, Alaska Native, or of Spanish heritage) may not provide voting materials only in the English language. Generally, the provisions are triggered if more than 10,000 in a political subdivision, or more than 5% of the citizens of voting age in the jurisdiction, are members of a single-language minority group and do not speak or understand English adequately enough to participate in the electoral process. Separate criteria apply if a political subdivision contains all or any part of an Indian reservation.

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## **Additional Information**

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

**Designated Cross File:** HB 563 (Delegates Palakovich Carr and Griffith) - Ways and Means.

**Information Source(s):** Maryland State Board of Elections; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2023  
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