

SB1007/533726/1

BY: Executive Nominations Committee

AMENDMENTS TO SENATE BILL 1007
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 3, after “of” insert “authorizing the Governor to appoint an individual to the State Board of Elections during a certain time period under certain circumstances;”; and after line 15, insert:

“BY repealing and reenacting, with amendments,

Article - State Government

Section 17-109

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

“17-109.

(a) This section applies:

(1) only to an office for which an appointment to fill a vacancy is required to be made with the advice and consent of the Senate; and

(2) regardless of whether a salary or any other compensation is provided to the holder of the office.

(B) SUBJECT TO § 2-201 OF THE ELECTION LAW ARTICLE, THE GOVERNOR MAY APPOINT AN INDIVIDUAL TO BE A MEMBER OF THE STATE BOARD OF ELECTIONS DURING THE RECESS OF THE SENATE REGARDLESS OF WHETHER THE TERM OF OFFICE OF THE MEMBER WILL END DURING THE NEXT UPCOMING RECESS.

[(b)] (C) An individual who was appointed to fill a vacancy in an office during the recess of the Senate or who was nominated to fill a vacancy in an office during a regular session of the Senate may not be nominated for the same office at the same session, unless requested by the Senate, be appointed to the same office during the recess of the Senate, or continue to serve in the office or be designated to serve in an acting capacity for the same office after the adjournment of the regular session of the Senate at which the nomination was made, if:

(1) the Governor withdrew the nomination during the regular session of the Senate at which the nomination was made;

(2) the Senate failed to act on the nomination before the Senate adjourned the regular session of the Senate at which the nomination was made and the individual was not reappointed to the office by the Governor;

(3) the individual withdrew the individual's nomination;

(4) the Governor fails to make the nomination on the first day of the regular session of the Senate if required under Article II, § 11 of the Maryland Constitution; or

(5) the individual is not confirmed by the Senate and is designated by the Governor to fill the vacancy in an acting capacity.

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[(c)] (D) An individual who is prohibited from continuing to serve in an office under subsection [(b)] (C) of this section may not:

- (1) carry out the responsibilities of the office in any capacity; or
- (2) make representations that the individual:
 - (i) serves in the office in any capacity; or
 - (ii) is legally authorized to carry out the responsibilities of the office in any capacity.

[(d)] (E) If the holder is in an office on a public body for which no salary is provided:

- (1) any votes cast by an individual who, at the time the vote is conducted by the public body, is prohibited from continuing to serve in the office under subsection [(b)] (C) of this section may not be counted; and
- (2) the presence of an individual described in item (1) of this subsection may not be counted for purposes of a quorum.

[(e)] (F) (1) Subject to paragraph (2) of this subsection, an individual who is designated to serve in an acting capacity to fill a vacancy in an office for which an appointment is required to be made with the advice and consent of the Senate may not serve in the office for more than 275 days after the date the designation was made.

(2) An individual may not continue to serve in an acting capacity after the adjournment of a regular session of the Senate if:

- (i) the individual was serving in the acting capacity before the start of the regular session; and

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(ii) the individual was not nominated to fill the vacancy in the office during that regular session.

[(f)] (G) An individual who violates this section may not receive any compensation, including a salary or reimbursement for expenses out of the State budget, related to serving in the office or carrying out the responsibilities of the office.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Government

On page 2, in line 1, strike “(B)” and substitute “(b)”; after line 17, insert:

“(4) Subject to § 2–201 of the Election Law Article, the Governor may appoint an individual to be a member of the State Board of Elections during the recess of the Senate regardless of whether the term of office of the member will end during the next upcoming recess.”;

in line 21, strike “2” and substitute “4”; and in line 23, strike “(b)” and substitute “(c)”.

On page 3, in lines 14, 15, 21, 25, and 28, strike “(c)”, “(b)”, “(d)”, “(b)”, and “(e)”, respectively, and substitute “(d)”, “(c)”, “(e)”, “(c)”, “(f)”, respectively.

On page 4, in line 7, strike “(f)” and substitute “(g)”; in line 10, strike “2.” and substitute “3.”; in the same line, after “That” insert “Section 2 of”; in lines 10 and 11, strike “June 1, 2024” and substitute “January 1, 2025”; and after line 11, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected

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to each of the two Houses of the General Assembly, and, except as provided in Section 3 of this Act, shall take effect from the date it is enacted.”.