

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County

—  
Vice Chair  
Education, Energy, and  
the Environment Committee

—  
Joint Audit and Evaluation Committee

Joint Committee on Federal Relations



Miller Senate Office Building  
11 Bladen Street, Suite 2 West  
Annapolis, Maryland 21401  
301-858-3134 · 410-841-3134  
800-492-7122 Ext. 3134  
Fax 301-858-3665 · 410-841-3665  
Cheryl.Kagan@senate.state.md.us

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 State Board of Elections (SBE) Administrator has no term limit and can be removed for “incompetence, misconduct, or other good cause” by a supermajority of the SBE Board in writing. 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 the Administrator 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.

House sponsor Del. Dana Jones and I have discussed the wisdom of implementing a specific term and making the effective date June 1, 2023 as new SBE members will begin their terms on July 1, 2023. We will finalize and share a proposed amendment in the coming days.

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