

SENATE BILL 644

P1, P5

1lr1823

By: **Senator Kagan**

Introduced and read first time: January 29, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Officials – Appointments – Advice and Consent of the Senate**

3 FOR the purpose of providing that the State Board of Education shall appoint the State
4 Superintendent of Schools with the advice and consent of the Senate; requiring an
5 individual who holds the office of State Administrator of Elections, beginning in a
6 certain year, to be subject to reappointment by the State Board of Elections with the
7 advice and consent of the Senate with a certain frequency; providing that, beginning
8 in a certain year, after the inauguration of a Governor to a second consecutive term
9 of office, if that Governor carries over any principal department secretary, that
10 secretary shall be reappointed by the Governor with the advice and consent of the
11 Senate; and generally relating to the advice and consent of the Senate to confirm
12 State officials.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 2–302(a)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 2–103
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – State Government
25 Section 8–203
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Education**

4 2–302.

5 (a) (1) The State [Superintendent shall be appointed by the State Board for a
6 term of 4 years beginning on July 1 after the Superintendent’s appointment and serves
7 until a successor is appointed and qualifies] **BOARD SHALL APPOINT THE STATE**
8 **SUPERINTENDENT WITH THE ADVICE AND CONSENT OF THE SENATE.**

9 (2) **THE TERM OF THE STATE SUPERINTENDENT IS 4 YEARS**
10 **BEGINNING ON JULY 1 AFTER THE SUPERINTENDENT’S APPOINTMENT.**

11 (3) **THE STATE SUPERINTENDENT CONTINUES TO SERVE UNTIL A**
12 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

13 **Article – Election Law**

14 2–103.

15 (a) There is a State Administrator of Elections.

16 (b) The State Administrator shall:

17 (1) be appointed by the State Board, with the advice and consent of the
18 Senate of Maryland, and serve at the pleasure of the State Board;

19 (2) receive a salary as provided in the State budget;

20 (3) as provided in the State budget, employ and supervise:

21 (i) a deputy administrator, who shall serve as State Administrator
22 in the event the State Administrator resigns, becomes disabled, or dies, pending the
23 appointment of a successor State Administrator; and

24 (ii) pursuant to the State Personnel and Pensions Article, other staff
25 of the State Board;

26 (4) supervise the operations of the local boards;

27 (5) perform all duties and exercise all powers that are assigned by law to
28 the State Administrator or delegated by the State Board;

29 (6) implement, in a uniform and nondiscriminatory manner, a single,

1 uniform, official, centralized, interactive computerized statewide voter registration list;

2 (7) provided the State Board is fully constituted with five duly confirmed
3 members, be subject to removal by the affirmative vote of four duly confirmed members of
4 the State Board for incompetence, misconduct, or other good cause except that:

5 (i) prior to removal, the State Board shall set forth written charges
6 stating the grounds for dismissal and afford the State Administrator notice and an ample
7 opportunity to be heard; and

8 (ii) subsequent to a valid vote for removal by at least four duly
9 confirmed members of the State Board, the State Administrator is authorized to continue
10 to serve until a successor is appointed and confirmed by the Senate of Maryland; and

11 (8) be the chief State election official.

12 (c) **BEGINNING IN 2023, AN INDIVIDUAL WHO HOLDS THE OFFICE OF STATE**
13 **ADMINISTRATOR IS SUBJECT TO REAPPOINTMENT BY THE STATE BOARD WITH THE**
14 **ADVICE AND CONSENT OF THE SENATE OF MARYLAND AT LEAST ONCE EVERY 5**
15 **YEARS AFTER THE INITIAL APPOINTMENT.**

16 (D) Before taking office, the appointee to the office of State Administrator shall
17 take the oath required by Article I, § 9 of the Maryland Constitution.

18 Article – State Government

19 8–203.

20 (a) (1) The head of each principal department is a secretary, who shall be
21 appointed by the Governor with the advice and consent of the Senate.

22 (2) **BEGINNING JANUARY 1, 2023, AFTER THE INAUGURATION OF A**
23 **GOVERNOR TO A SECOND CONSECUTIVE TERM OF OFFICE, IF THAT GOVERNOR**
24 **CARRIES OVER ANY PRINCIPAL DEPARTMENT SECRETARY, THAT SECRETARY SHALL**
25 **BE REAPPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE**
26 **SENATE.**

27 (b) The Governor shall select, on the bases of professional and administrative
28 knowledge and experience, a secretary who has the qualifications required by law.

29 (c) Unless otherwise provided by law, the secretary of a principal department or,
30 with the approval of the Governor, a designee of the secretary shall represent the State and
31 coordinate its participation in an interstate, regional, or other intergovernmental unit that
32 is in the department.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2021.