

The Honorable Thomas V. Mike Miller, Jr.
Senate President
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 444 - *Elections - State Board of Elections - Membership Appointment Process and Authority over the State Administrator*.

Senate Bill 444 was passed as an emergency measure by the General Assembly to alter the appointment process for members of the State Board of Elections and to change the criteria relating to the appointment and removal of the State Administrator of Elections. Specifically, the bill alters current law by: (1) requiring the Governor to appoint an individual to the State Board of Elections from a recommendation submitted by the State central committee of the principal political party entitled to the appointment; (2) requiring advice and consent of the Senate for the appointment of the State Administrator by the State Board; (3) prohibiting the State Board from removing the State Administrator unless the Board is fully constituted with five members duly confirmed by the Senate; and (4) authorizing the State Administrator to continue to serve subsequent to a valid vote of removal until a successor is confirmed by the Senate of Maryland.

This bill is an example of a disturbing trend of bills being introduced in the General Assembly that would restrict or undermine the executive powers of the Governor. For more than thirty years, the five members of the Board of Elections have been appointed by the Governor with the advice and consent of the Senate. A Board member must be a member of one of the two principal parties in Maryland and the party of the incumbent Governor receives three of the five appointments to the Board. Under this bill, the selection process for these appointments is given to the respective State central committees because they are only required to submit one name for each vacancy. This proposed process extinguishes the Governor's role in ensuring that this policy-making Board consists of competent, talented members with expertise in election law. Furthermore, no rational explanation has been provided by the General Assembly for the removal of these appointment powers from the Governor.

After the Gubernatorial election of 1994, substantial reforms to the State's election laws were accomplished by the General Assembly. Considerable attention was given to create a statutory structure that would insulate the appointment of the State Administrator from undue political influences. The current structure was adopted based upon the recommendation of members of the Commission to Revise the Election Code chaired by Marie M. Garber. The Commission proposed that the State Administrator be appointed by the State Board instead of by the Governor and that the removal of the State Administrator must be accomplished by a super-majority vote of four of the five members of the State Board. *See Report of the Commission to Revise the Election Code (December 1997)*. This concept was adopted by the General Assembly and passed into law in 1998.

The evolution of the statute concerning the State Administrator is based upon the rationale of insulating the election process from direct political involvement. The