

SUBDIVISION AND SHALL COMPLY WITH FIDUCIARY STANDARDS THAT AT LEAST MEET THE STANDARDS SET FORTH IN ARTICLE 73B, §§ 1-203 THROUGH 1-205 OF THE CODE IN CONNECTION WITH FUNDS UNDER THEIR CUSTODY OR CONTROL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1992.

May 26, 1992

The Honorable R. Clayton Mitchell, Jr.  
Speaker of the House of Delegates  
State House  
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 1036.

House Bill 1036 would provide that, upon adoption of a resolution by the Board of County Commissioners of Caroline County authorizing a straw poll to be held, a straw poll would be conducted at the November 1992 general election. The purpose of the straw poll would be to canvass the opinion of the voters on whether or not the members of the Caroline County Board of Education should be elected.

A surprising number of officials and individuals from Caroline County have requested a veto of this legislation, including the Caroline County Democratic Central Committee, a member of the County Commissioners, and a member of the County School Board. The basis of their requests is that this legislation was introduced and passed without input from the three groups that are affected by this legislation, those being the Caroline County Commissioners, the County Board of Education, and the County Democratic Central Committee. Opponents of the bill have also argued that the results of the straw poll would be meaningless. This is because the citizens of Caroline County would be voting for or against the broad concept of an elected school board without the opportunity to analyze the specific details, the "nuts and bolts" of a formal proposal.

In addition, the Attorney General has advised me that House Bill 1036 includes a technical problem. The bill provides for an effective date of October 1, 1992, but the Election Code sets a deadline of August 17, 1992 "for the certification of questions to the appropriate election board if those questions are going to appear on the ballot in the next general election." April 30, 1992, Bill Review Letter of the Attorney General. The Attorney General indicates that the County Commissioners "do not technically have the power to approve the referendum or certify the question until October 1, 1992.". Waiting until October 1, 1992, however, would create printing problems, and violations of federal requirements for mailing absentee ballots to overseas voters. The Attorney General does not indicate that the bill cannot be signed because of this flaw. Instead, he suggests that the County Commissioners must act on the straw poll before the August 17 deadline; this