

Department of Legislative Services  
 Maryland General Assembly  
 2015 Session

FISCAL AND POLICY NOTE

House Bill 1067 (Delegate Glenn, *et al.*)  
 Economic Matters

Public Service Commission - Membership - Selection and Term

This bill requires two of the five commissioners of the Public Service Commission (PSC) to be elected, rather than appointed. The term of an elected commissioner is four years and begins in November after the election of the commissioner and continues until a successor is elected and qualifies. Except as otherwise provided, the laws relating to the nomination and election of candidates to public office govern the nomination and election of PSC commissioners. The terms of the three appointed commissioners are shortened from five years to four, consistent with the terms of the elected commissioners. The terms of commissioners expire as specified in the bill.

The bill takes effect June 1, 2015.

Fiscal Summary

**State Effect:** General fund expenditures for the State Board of Elections (SBE) increase in FY 2016 by \$61,500 due to programming and ballot costs. General fund expenditures increase by \$31,500 in future even-numbered fiscal years (which is when primary elections occur on the calendar). Revenues are not affected.

(in dollars)	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	61,500	0	31,500	0	31,500
Net Effect	(\$61,500)	\$0	(\$31,500)	\$0	(\$31,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

**Local Effect:** Expenditures for Baltimore City and Anne Arundel, Baltimore, and Wicomico counties increase by approximately \$101,790 in total in FY 2016 and future even-numbered fiscal years due to ballot and specimen ballot costs.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The two PSC commissioners must be elected on a nonpartisan basis. In a primary election for nominate PSC candidates, any registered voter, regardless of party affiliation or lack of party affiliation, is eligible to vote. Candidates for election to PSC must, without party designation or regard to party affiliation, (1) file certificates of candidacy; (2) be certified to the ballot; (3) appear on the ballot; (4) be voted on; and (5) be nominated and elected.

Candidates must be nominated at the primary election. In a general election for PSC members, a voter may vote for a number of nominees equal to the number of members to be elected. The bill specifies requirements for various contingencies, such as if a candidate becomes disqualified between the primary and general election or if there is a tie between two candidates in the general election.

**Current Law/Background:** All five PSC commissioners are appointed by the Governor with the advice and consent of the Senate. Appointments are for five years and expire on a staggered basis. PSC must be broadly representative of the geographic and demographic diversity of the State and the public and composed of individuals with diverse training and experience. Each commissioner must devote full time to the duties of office. The Governor may remove a commissioner for incompetence or misconduct.

### *Utility Commissioner Selection in Other States*

Whether and to what extent utility commissioners are elected varies by state. The majority are appointed by the governor of the state, and some are appointed by a legislature's presiding officers. States with a utility commission (or the state's version of a utility commission) with elected members include Alabama, Arizona, Georgia, Iowa, Louisiana, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, and South Dakota. The South Carolina and Virginia legislatures elect commissioners.

### *State Elections*

SBE supervises elections in the State through the 24 local boards of elections. The five-member State board is appointed by the Governor, subject to Senate confirmation. Each member must belong to a principal political party with neither party having more than three or less than two members. The State board is charged with ensuring compliance with Maryland and federal law, access to candidacy for all those seeking elective office, and the fullest possible exercise of the voting franchise.

**State Fiscal Effect:** General fund expenditures increase in fiscal 2016 by \$61,500 due to the costs of programming changes to SBE's election management system and additional ballot costs shared with Baltimore City and Anne Arundel, Baltimore, and Wicomico counties. These local jurisdictions do not currently have a nonpartisan ballot card for primary elections. Ballot costs are considered a voting system cost shared with the counties pursuant to Chapter 564 of 2001. General fund expenditures also increase by \$31,500 in subsequent even-numbered fiscal years (when primary elections occur on the calendar) for additional ballot costs.

**Local Fiscal Effect:** Expenditures for Baltimore City and Anne Arundel, Baltimore, and Wicomico counties increase by approximately \$101,790 in total in fiscal 2016 and in future even-numbered fiscal years due to ballot and specimen ballot costs. SBE advises that mailings of specimen (sample) ballots in the four jurisdictions increase by 234,300 in total. Assuming an average cost of 30 cents per mailing (a range of expenditures for individual counties is likely), expenditures by these jurisdictions increase by \$70,290 in total in fiscal 2016 and subsequent even-numbered fiscal years. The actual cost may differ from this estimate if the cost of printing and mailing a ballot differs from this assumption. The local share of printed ballots is estimated at \$31,500 annually.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Board of Elections, Public Service Commission, Department of Legislative Services

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