

# **ADDENDUM A-1**

## ***Policy on Filling Legislative Vacancies***

Republican State Central Committee of Anne Arundel County

Adopted April 2, 2014; Revised November 13, 2024



**Republican State Central Committee of Anne Arundel County**  
**Policy on Filling Legislative Vacancies, As Amended**  
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**Section 1. Purpose.**

Article III, § 13 of the Maryland State Constitution provides that a vacancy in the Maryland General Assembly shall be filled by designation of the central committee of the party and county from which the legislator was last elected or appointed within thirty (30) days of the seat becoming vacant. This policy shall govern the selection process by the Republican State Central Committee of Anne Arundel County of a candidate to fill a vacancy in the Maryland General Assembly originally held by a Republican from Anne Arundel County. This policy shall only apply with respect to filling vacant seats in districts wholly located within the geographical boundaries of Anne Arundel County, and shall not apply, to the selection of candidates to fill vacant seats in districts lying partially within Anne Arundel County and another county.

**Section 2. Definitions.**

For the purposes of this policy, the following terms are defined.

2.1 **RSCCAAC** shall mean the Republican State Central Committee of Anne Arundel County.

2.2 **Chair** shall mean the Chairman of the Republican State Central Committee of Anne Arundel County as set forth in Article VI, Section 2 of the Constitution and Bylaws of the Republican State Central Committee of Anne Arundel County.

2.3 **Legislative Vacancy** shall mean a vacancy in a seat, occurring in either the Maryland House of Delegates or the Maryland State Senate, whereby the member immediately holding the seat prior to the vacancy was a Republican at the time of last election or appointment, and where the geographical boundaries of the district in which the vacant seat occurs lie entirely within Anne Arundel County.

2.4 **Application Deadline** shall mean the deadline for submitting a timely application to fill a Legislative Vacancy as prescribed in Section 4 herein.

2.5 **Application Review Committee** shall mean an Ad-Hoc Committee formed pursuant to Article VII, Section 9 of the Constitution and Bylaws of the Republican State Central Committee of Anne Arundel County for the purpose of reviewing applications of candidates to fill Legislative Vacancies.

2.6 **Eligible Candidate** shall mean a person who meets all of the requirements of Art. III, Section 9 of the Maryland State Constitution to serve as a member of the Maryland House of Delegates or the Maryland State Senate from the district in which the Legislative Vacancy occurs and who has filed a complete and timely application with the RSCCAAC for designation as the nominee of the RSCCAAC to the Governor for appointment to fill the Legislative Vacancy.



2.7 **Public Hearing** shall mean a public meeting or series of meetings of the Republican State Central Committee of Anne Arundel County as prescribed in Section 7 herein for the purposes of interviewing candidates and making a selection to fill a Legislative Vacancy.

2.8 **Short-term Vacancy** shall mean a Legislative Vacancy occurring within sixty (60) days prior to the expiration of the vacating member's term in the General Assembly.

### **Section 3. Announcement of Vacancy.**

Upon the occurrence of a Legislative Vacancy, the Chair or his designee shall, within five (5) days, publicly announce the Legislative Vacancy by the following means:

- (a) by sending an electronic mail (email) message to each of the following for which the Chair has a valid email address:
  - (1) all members and officers of the RSCCAAC;
  - (2) all elected public officials who were elected or appointed as Republicans and represent all or part of Anne Arundel County; and
  - (3) the president of each organization listed in the Official Schedule of Chartered Clubs, which may be found in Annex I to the Constitution and Bylaws of the RSCCAAC.
- (b) by issuing a press release to all local media announcing the vacancy and that the vacancy shall be filled pursuant to the RSCCAAC's policy on Legislative Vacancies.

### **Section 4. Applications to Fill Legislative Vacancies.**

- (a) Any individual who meets the requirements of the Maryland State Constitution to serve as a member of the Maryland House of Delegates or the Maryland State Senate from the district in which the vacancy occurs may apply to be considered as a candidate to fill the vacancy.
- (b) Any individual wishing to apply as a candidate to fill the vacancy shall submit prior to the Application Deadline a statement of his or intention to apply as a candidate to fill the vacancy along with a completed nomination form signed by at least one (1) voting member of the RSCCAAC.
- (c) In addition to the application documents required in (b), candidates may be requested to submit a resume and/or a completed questionnaire prior to the Application Deadline.
- (d) The Application Deadline shall be announced along with the Legislative Vacancy in accordance with Section 3 above, and shall in no event, be set less than ten (10) days nor more than fifteen (15) days after the Legislative Vacancy occurs except as prescribed in Section 10 herein.
- (e) Any individual wishing to apply as a candidate to fill a Legislative Vacancy shall send his or her application via mail to the officially published mailing address of the RSCCAAC, or via email address(es) set forth in notification.
- (f) Any application materials postmarked by the Application Deadline shall be deemed to have been timely filed.



- (g) The Chair shall confirm receipt of an application within three (3) days of receipt by the RSCCAAC.
- (h) Any applications or application materials not timely filed shall not be considered.

### **Section 5. Review of Applications.**

- (a) There shall be an Application Review Period which shall be the ten (10) day period immediately following the Application Deadline.
- (b) An Application Review Committee shall be empaneled and meet a minimum of one (1) time during the Application Review Period in order to review all submitted applications for the Legislative Vacancy for the purpose of determining compliance with all technical requirements including, but not limited to, submission of the required statement and nomination form in a timely manner.
- (c) The Application Review Committee shall verify that each applicant meets the constitutional eligibility requirements (*e.g.*, residency in the district, etc.) to occupy the seat in which there is a Legislative Vacancy.
- (d) The Application Review Committee shall submit a report containing (1) the names of all applicants that it has found to be Eligible Candidates; and (2) for any applicants that it has not designated as an Eligible Candidate, the reason for such designation.
- (e) The review of the Application Review Committee shall be limited to whether each applicant is constitutionally eligible to serve and whether each application complies with all technical requirements as set forth in this policy. In no event shall the Application Review Committee make any other substantive recommendations or conclusions about any candidate.
- (f) The entire RSCCAAC shall make the final determination with respect to any findings and/or recommendations of the Application Review Committee regarding whether any particular applicant shall be designated as an Eligible Candidate.

### **Section 6. Public Comment Period.**

- (a) Within (3) days after the Application Deadline, the Chair shall announce the identity of all applicants for the Legislative Vacancy along with an invitation for public comments in the same manner as set forth in Section 3 above for originally announcing the Legislative Vacancy.
- (b) The method and deadline for submission of public comments shall be announced in accordance with subsection (a) above.
- (c) The deadline for public comments shall be a minimum of seven (7) days after the Application Deadline.

### **Section 7. Public Hearing.**

- (a) The RSCCAAC shall hold a Public Hearing for the purpose of interviewing candidates and selecting a candidate to fill the Legislative Vacancy.
- (b) The Public Hearing shall be held no earlier than the end of the Application Review Period as defined in Section 5(a) herein nor later than 29 days after the occurrence of the Legislative Vacancy.
- (c) The Public Hearing shall take place at a Regular or Special Meeting of the RSCCAAC as defined in Article VIII of the Constitution and Bylaws of the RSCCAAC.



- (d) The Public Hearing may take place over multiple meetings of the RSCCAAC provided that all the sessions occur within the timeline prescribed in subparagraph (b) herein.

### **Section 8. Interview of Eligible Candidates.**

- (a) The RSCCAAC shall hold an interview of each Eligible Candidate at the Public Hearing.
- (b) The order in which Eligible Candidates will be interviewed shall be selected by lottery.
- (c) There shall be three parts to the interview of each Eligible Candidate: (1) an opening statement; (2) a question-and-answer session; and (3) a closing statement.
- (d) The maximum time limit for each interview and part thereof shall be the same for each Eligible Candidate, and it shall be announced at the outset of the Public Hearing.
- (e) Following the interview of all Eligible Candidates, the RSCCAAC may adjourn to executive session to discuss the qualifications of the candidates.

### **Section 9. Selection of Candidate.**

- (a) Only Eligible Candidates who have been interviewed at the Public Hearing may receive votes to be selected as the nominee of the RSCCAAC to the Governor for appointment to fill the Legislative Vacancy.
- (b) An Eligible Candidate shall be selected as the nominee of the RSCCAAC to the Governor for appointment to fill the Legislative Vacancy upon receiving eight (8) votes of the members of the RSCCAAC.
- (c) There shall be no proxy voting on Eligible Candidates. Only those RSCCAAC members actually present may vote.
- (d) Voting shall take place in a public session after the completion of the interviews of all Eligible Candidates at the Public Hearing. It may occur during the same session as the interview of candidates or during a subsequent meeting of the RSCCAAC provided that it occurs during the time period specified in this policy.
- (e) Voting shall be conducted by a written secret ballot indicating the name of the Eligible Candidate for which the member is voting.
- (f) The Secretary or another administrative officer of the RSCCAAC shall collect all ballots in a ballot box.
- (g) The Secretary or another administrative officer of the RSCCAAC shall count the ballots in the presence of the Chair and one other officer of the RSCCAAC.
- (h) If no individual Eligible Candidate receives eight (8) or more votes, second and subsequent ballots shall be taken until one candidate receives eight (8) or more votes.
- (i) The RSCCAAC may stand in recess for a minimum of three (3) minutes between ballots. Longer periods of recess shall be permitted upon motion and vote. Multiple rounds of balloting may take place over multiple meetings of the RSCCAAC, provided that all rounds occur during the time period set forth by section 6(b) herein.
- (j) After the second and each subsequent ballot, the Eligible Candidate(s) receiving the lowest number of votes shall be eliminated and shall receive no further consideration.
- (k) Notwithstanding subsection (j) of this section, if at the end of a ballot no Eligible Candidate receives eight (8) or more votes, and (on that ballot) a tie occurs among the remaining Eligible Candidates with the fewest votes such that the removal of all of the tied Eligible Candidates would result in only one Eligible Candidate (or no



Eligible Candidates) remaining, then no Eligible Candidate(s) shall be eliminated as a result of that ballot.

### **Section 10. Early Initiation of Process for Anticipated Vacancies.**

- (a) In some cases, in which the Central Committee receives notification that an incumbent member of the Maryland House of Delegates or the Maryland State Senate intends to resign as of a given date, it may be prudent to initiate the selection process prior to the actual occurrence of a vacancy as to minimize the time needed to complete the selection process after an actual vacancy occurs.
- (b) When the RSCCAAC receives notification that a vacancy will occur in the office of State Delegate or State Senator as of a date certain occurring no more than thirty (30) days in the future, the RSCCAAC may, upon motion and a majority vote, opt to proceed with the procedures for filling a Legislative Vacancy as if the Legislative Vacancy had occurred on the date such motion was approved. As part of approving such motion, the RSCCAAC shall approve the date for initiating the process enumerated herein. However, in no event, shall the Public Hearing take place prior to the actual occurrence of the Legislative Vacancy.<sup>1</sup>
- (c) If the process for filling a Legislative Vacancy is initiated early due to an anticipated vacancy, the Application Deadline may be set no earlier than ten (10) days following the date on which the Legislative Vacancy is first announced in accordance with Section 3 herein.
- (d) Should the process have been initiated early, but for some reason the Legislative Vacancy never actually occurs, the process shall terminate immediately, and the RSCCAAC shall not be responsible for any damages or costs incurred as a result of a candidate's decision to apply for filling the anticipated vacancy.

### **Section 11. Short-term Vacancies.**

In the event of a Short-term Vacancy as defined in Section 2.8 herein, the RSCCAAC may act to fill the Legislative Vacancy at a Regular or Special Meeting with voting taking place in accordance with Section 9 herein except that no timeframes specified in these policies shall apply to filling the Short-term Vacancy. In addition, the RSCCAAC shall not be required to announce, take applications for, or interview candidates for a Short-term Vacancy. The requirements of Sections 3 through 8 and 10 of this policy shall not apply. Any selection to fill such a Legislative Vacancy, however, may still be made within thirty (30) days after the occurrence of such vacancy as prescribed by the Maryland State Constitution.

### **Section 12. Notification of the Governor.**

The Chair shall notify the Governor of the RSCCAAC's decision within one (1) day after the final selection is made. Pursuant to the Maryland State Constitution, the Governor must be notified no later than thirty (30) days after the occurrence of the Legislative Vacancy.

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<sup>1</sup> For example, suppose that on June 1 the RSCCAAC receives a copy of a post-dated resignation letter, from an incumbent State Delegate or State Senator, with an effective date of June 30. At any time after June 1, the RSCCAAC may, at its discretion, move forward with advertising the vacancy and setting a deadline for applications. However, it may not hold the Public Hearing to interview candidates and select a nominee to fill the vacancy until after the actual occurrence of the vacancy on June 30.



**Section 13. Repeal of Previous Policies or Procedures.**

This policy repeals and supersedes any and all policies or procedures of the RSCCAAC for filling a Legislative Vacancy in effect prior to its adoption and amendment.

