

May 24, 2019

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 751 – *Governor’s Appointments Office, Appointing Authorities, and the Secretary of Budget and Management – Duties and Reports*.

This bill would require that the Governor’s Appointments Office engage in an invasive reporting process while vetting candidates for positions in State government, including candidates for Cabinet positions and people seeking appointment to be my closest advisors. This interferes with that office’s most basic duties and flies in the face of the Maryland Declaration of Rights, Article 8, which provides that “the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other” and Article II, § 1 of the Maryland Constitution, which provides that “the executive power of the State shall be vested in a Governor.” These provisions, in addition to others, confer on the Governor “a significant role in setting policies to govern the management and supervision of State employees.” *McCulloch v. Glendening*, 347 Md. 272, 273 (1997).

This flawed and unnecessary legislation is yet another, in a long line of legislative overreach and blatant usurpations of executive privilege. By my count, this is the 103rd time that the Maryland General Assembly has taken power from the executive branch to score a cynical political purpose, not that of the public’s. The constitution is very clear on separation of powers, for very good reasons, you have once again demonstrated a lack of understanding of this important principle in passing this legislation.

This unconstitutional law will impede the Executive Branch’s ability to do business and have a chilling effect on our efforts to recruit qualified candidates. Personnel matters are confidential by law for a reason. Applicants for jobs trust their potential employer to be discreet and professional in every way. Having every movement logged and reported will have a detrimental effect on applicants for positions that affect every Marylander.

During consideration of this legislation, my staff shared with the General Assembly details of how the Appointments Office operates generally. I believe that such information is helpful for the General Assembly to know. The information sought by Senate Bill 751, on the other hand, is unnecessary and an unconstitutional intrusion by the Legislature into the operations of the Executive Branch.

My job as Governor is to appoint the most capable and qualified people to positions who will execute the vision that I have articulated to the people of the State. This legislation undermines that effort.

For these reasons, I have vetoed Senate Bill 751.

Sincerely,

Lawrence J. Hogan, Jr.
Governor