



**TESTIMONY TO THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT
COMMITTEE**

SB 5 General Assembly – Special Election to Fill a Vacancy in Office

POSITION: Favorable

BY: Linda Kohn, President

Date: January 21, 2026

The League of Women Voters of Maryland supports SB 5, which proposes an amendment to the Maryland Constitution requiring a special election to fill a vacancy in the office of Delegate or Senator in the General Assembly if the vacancy occurs more than fifty-five days prior to the filing deadline for the statewide election that is held in the second year of the term.

Legislative representatives should be elected by their constituents. Since 1985, the Maryland League of Women Voters has supported the use of special elections to fill vacancies in the office of Senator or Delegate. Recognizing the expense of special elections and the historically low voter turnout in such elections, the League supports tie-in special elections, which are held in conjunction with other regularly scheduled elections. This proposed legislation requires tie-in elections.

More than that, voter apathy is a significant issue. Maryland has one of the highest appointment records in the country. This trend can lead voters to believe that the government is decided without them and that they are, in fact, not part of the democratic process. Anyone who works in elections knows that getting voters to vote down ballot is not always successful. This leads to many voters “undervoting” and only voting for more prominent offices, such as governor or president. These voters would not know who their central committee members are, leading them to feel discounted when it comes to appointments.

In a survey conducted, 85% of Marylanders agreed that special elections should be held to fill a vacancy. The League is asking for these voters to be allowed back into the process and not be locked out and silenced. If Democracy is a value of Marylanders, it is paramount that they be allowed to cast a ballot.

We are pleased that this legislation requires special elections to fill a Senator or Delegate vacancy that is uniform across jurisdictions in the state. Where appointments by the Governor rather than special elections are used to fill legislative vacancies, the League also supports additional statewide standards regulating the central committee nominating process to fill vacancies, including:

- public notice of meetings within the vacated district for public input
- the public announcement of candidates prior to that meeting
- and a publicly recorded vote of each committee member.

The LWVMD strongly urges a favorable report on SB 5.