

Committee: Education, Energy, and the Environment

**Testimony on: SB 5 General Assembly –
Special Election to Fill a Vacancy in Office**

Position: Favorable

Hearing Date: January 21, 2026

Chair Feldman, Vice Chair Kagan, and distinguished Members of this Committee, thank you for the opportunity to submit written testimony for your hearing today.

My name is Dr. David Weinberg, and I am writing to you in my capacity as a Policy Strategist for Protect Democracy United, a cross-partisan 501(c)(4) that seeks to strengthen the representative institutions of our system of government. I am also a proud Maryland resident.

Protect Democracy United encourages you to issue a favorable report on Senate Bill 5.

This bill is a proposed constitutional amendment that would incrementally but meaningfully strengthen Maryland's democracy. Because after all, what is a democracy? It is a system of government in which the voters get to choose their leaders. And yet in both the Senate and the House of our state, more than two in ten lawmakers originally came to be members of the General Assembly through their appointment instead of by election.

We have become inured to this practice because it's how things have historically been done here in Maryland, but that doesn't mean it's how we should continue to operate here in the Free State. Especially at a time when our nation's democracy is under such severe pressure, we should aspire to set the best possible example for the rest of the country.

This bill is also important for mitigating public apathy toward civic participation, especially among our youth. If we want the next generation to believe that democracy is the right form of government for our state and for our nation, we should ensure that voters are the ones who get to choose

their elected representatives whenever doing so is feasible.

This bill strikes a reasonable balance between those lofty ideals and real-world practicalities, minimizing the burden on our hardworking election officials as well as on our taxpayers by only holding such special elections once every four years, on a preexisting election date. And it still leaves open a pathway to better representation for underrepresented communities through the appointment process, since it would only trigger a special election for vacancies that arise well before the middle of a four-year term.

I am probably preaching to the choir here. To your immense credit, the Senate has sent versions of this bill to the House for four out of the last five years.

But this year is the time to act. If the General Assembly finally sends this referendum to voters this November, Maryland will hold its first such special elections to fill legislative vacancies in 2028. Otherwise, that wouldn't be a possibility until November 2032 – at the earliest.

For these reasons, we hope you will issue a favorable report on SB 5. Thank you for your consideration.

For more information, contact:

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ABOUT US

Protect Democracy United is a nonpartisan, nonprofit group working to prevent American democracy from declining into a more authoritarian form of government.