

January 21, 2026

Testimony on SB 5
General Assembly – Special Election to Fill a Vacancy in Office
Education, Energy, and the Environment

Position: Favorable

Common Cause Maryland supports SB 5. If passed and later approved by voters, this bill would amend the state Constitution to require a special election to fill seats vacated by members of the Maryland General Assembly in any instance where a vacancy occurs more than fifty-five days prior to the filing deadline for statewide elections held in the second year of the term.

Eligible members of the public get to engage in the exercise of one of our most fundamental constitutional rights: the right to select by a majority vote the elected officials who should represent them in public office. While Maryland is a leader in expanding opportunities and access to ensure that every citizen can engage in this critical building block of a democratic government, this is not the case when filling legislative vacancies in the General Assembly. The vacant seats are ultimately filled with little to no public input or even adequate public access to the decision-making process unless that voter is following and engaged in their local political party. Unaffiliated voters and those from other parties also have no opportunity to meaningfully engage.

Under current law, in the event of a vacancy in the General Assembly, the Governor may appoint their replacement who may then fill that office for the duration of the office's term. The individual considered for the appointments are recommended by local political party central committees. While an adequate solution in some situations, in others it leads to legislators filling nearly an entire term without giving constituents the opportunity to choose the person who will be representing them.

Maryland voters want to have the ultimate say in who represents them in the General Assembly. In our 2024 Gonzales poll, a full 85% of Marylanders said that they were in favor having a special election to fill legislative vacancies; only 13 percent favor continuing the current process. SB 5 would improve the current process by requiring that special elections be held to fill these vacated seats if the vacancy occurs prior to the candidate filing deadline. While not a perfect solution, this bill would be a step towards a more democratic process that gives Marylanders a voice in choosing who represents them when these vacancies occur.

Drawing on existing processes for filling vacancies for other offices (such as Comptroller, Attorney General, or United States Senator), SB 5 would also ensure that when a special election does take place, it's at the same time as regular elections where the General Assembly is on the ballot, helping to also maximize awareness and increase voter turnout. SB 5 is a straightforward bill that begins to shift the power to fill legislative vacancies from the executive to the voters of Maryland, and for that reason we urge a favorable report.