

SENATE BILL 5

G1, P5
SB 2/25 – EEE

CONSTITUTIONAL AMENDMENT
(PRE-FILED)

6lr0730
CF HB 50

By: **Senator Kagan**

Requested: August 25, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable

Senate action: Adopted

Read second time: February 3, 2026

CHAPTER _____

1 AN ACT concerning

2 **General Assembly – Special Election to Fill a Vacancy in Office**

3 FOR the purpose of requiring that a special election be held at the same time as the regular
4 statewide primary and general elections that are held in the second year of a term
5 to fill a vacancy in the office of Delegate or Senator in the General Assembly if the
6 vacancy occurs on or before a certain date.

7 BY proposing an amendment to the Maryland Constitution
8 Article III – Legislative Department
9 Section 13

10 BY proposing an amendment to the Maryland Constitution
11 Article XVII – Quadrennial Elections
12 Section 2

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 (Three-fifths of all the members elected to each of the two Houses concurring), That it be
15 proposed that the Maryland Constitution read as follows:

16 **Article III – Legislative Department**

17 13.

18 (a) (1) In case of death, disqualification, resignation, refusal to act, expulsion,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 or removal from the county or city for which [he] **THE INDIVIDUAL** shall have been elected,
2 of any [person] **INDIVIDUAL** who shall have been chosen as a Delegate or Senator, or in
3 case of a tie between two or more such qualified [persons] **INDIVIDUALS**, the Governor
4 shall appoint [a person] **AN INDIVIDUAL** to fill such vacancy from [a person] **AN**
5 **INDIVIDUAL** whose name shall be submitted to [him] **THE GOVERNOR** in writing, within
6 [thirty] **30** days after the occurrence of the vacancy, by the Central Committee of the
7 political party, if any, with which the Delegate or Senator, so vacating, had been affiliated,
8 at the time of the last election or appointment of the vacating Senator or Delegate, in the
9 County or District from which [he or she] **THE VACATING SENATOR OR DELEGATE** was
10 appointed or elected, provided that the appointee shall be of the same political party, if any,
11 as was that of the Delegate or Senator, whose office is to be filled, at the time of the last
12 election or appointment of the vacating Delegate or Senator, and it shall be the duty of the
13 Governor to make said appointment within [fifteen] **15** days after the submission thereof
14 to [him] **THE GOVERNOR**.

15 (2) If a name is not submitted by the Central Committee within [thirty] **30**
16 days after the occurrence of the vacancy, the Governor within another period of [fifteen] **15**
17 days shall appoint [a person] **AN INDIVIDUAL**, who shall be affiliated with the same
18 political party, if any as was that of the Delegate or Senator, whose office is to be filled, at
19 the time of the last election or appointment of the vacating Delegate or Senator, and who
20 is otherwise properly qualified to hold the office of Delegate or Senator in the District or
21 County.

22 (3) In the event there is no Central Committee in the County or District
23 from which said vacancy is to be filled, the Governor shall within [fifteen] **15** days after the
24 occurrence of such vacancy appoint [a person] **AN INDIVIDUAL**, from the same political
25 party, if any, as that of the vacating Delegate or Senator, at the time of the last election or
26 appointment of the vacating Senator or Delegate, who is otherwise properly qualified to
27 hold the office of Delegate or Senator in such District or County.

28 [(4) In every case when any person is so appointed by the Governor, his
29 appointment shall be deemed to be for the unexpired term of the person whose office has
30 become vacant.]

31 (b) In addition, and in submitting a name to the Governor to fill a vacancy in a
32 Legislative or Delegate district, as the case may be, in any of the [twenty-three] **23**
33 counties of Maryland, the Central Committee or committees shall follow these provisions:

34 (1) If the vacancy occurs in a district having the same boundaries as a
35 county, the Central Committee of the county shall submit the name of a resident of the
36 district.

37 (2) If the vacancy occurs in a district which has boundaries comprising a
38 portion of one county, the Central Committee of that county shall submit the name of a
39 resident of the district.

1 **(2) TO FILL A VACANCY IN THE OFFICE OF DELEGATE OR SENATOR IN**
2 **THE GENERAL ASSEMBLY UNDER ARTICLE III, § 13(C) OF THE CONSTITUTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
4 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
5 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
6 Constitution concerning local approval of constitutional amendments do not apply.

7 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
8 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
9 voters of the State at the next general election to be held in November 2026 for adoption or
10 rejection in accordance with Article XIV of the Maryland Constitution. At that general
11 election, the vote on the proposed amendment to the Constitution shall be by ballot, and on
12 each ballot there shall be printed the words “For the Constitutional Amendment” and
13 “Against the Constitutional Amendment”, as now provided by law. Immediately after the
14 election, all returns shall be made to the Governor of the vote for and against the proposed
15 amendment, as directed by Article XIV of the Maryland Constitution, and further
16 proceedings held in accordance with Article XIV.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.