

SB 6 - General Assembly - Special Election to Fill

Uploaded by: Antoine, Joanne

Position: FAV

February 4, 2021

Testimony on SB 6
General Assembly – Special Election to Fill a Vacancy in Office
Education, Health, and Environmental Affairs

Position: Favorable

Common Cause Maryland supports SB 6, which if approved by voters, would require a special election to fill seats vacated by members of the Maryland General Assembly in the instances where a vacancy occurs more than fifty five days prior to the filing deadline for the statewide elections held in the second year of the term.

Currently, 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. While this can be an adequate solution in some situations, in others, it results in legislators filling nearly an entire term without giving their constituents a real say in the process.

SB 6 would change this, requiring that special elections be held to fill these vacated seats if the vacancy occurs prior to the candidate filing deadline. While not perfect, this bill would move the state towards a more democratic process that gives Maryland citizens a voice in choosing who represents them when these vacancies occur.

Similar to the process for filling vacancies for other offices, such as Comptroller, Attorney General, or United States Senate, SB 6 would also ensure the special elections occur at the same time as regular elections, helping to maximize awareness and drive turnout for the elections.

SB 6 is a straightforward bill that begins to shift the power to filling legislative vacancies to the voters of Maryland. As such, we urge a favorable report.

SEIU Testimony In Favor of SB 6 Special Elections

Uploaded by: Cavanagh, Terry

Position: FAV



SEIU MARYLAND & DC STATE COUNCIL

1410 Bush Street, Suite F, Baltimore, Maryland 21230

Testimony in **SUPPORT of Senate Bill 6**
General Assembly – Special Election to Fill a Vacancy in Office

Senate Education, Health and Environmental Committee

February 4, 2021

1:30 PM

Presented to: Paul G. Pinsky, Chairman

By: Terry Cavanagh, Executive Director

SEIU Maryland & DC State Council urges a **Favorable Report to SB 6.**

SEIU is the largest union in North America. We are uniting workers in health care, public services, including public education, and property services to improve lives and the services we provide. We represent over 50,000 workers in the Maryland/DC/Virginia region.

Some people have claimed that Maryland is the least democratic (lower case “d”) in the country. We have fewer Election Days for state and local elections than most other states. All our officials for state offices are on the ballot at the same time for the same four-year terms. All counties have the same election calendar as the state. We do not have the “Initiative” as many states have, where citizens can put their own issues on the ballot if the legislature fails to act. And, of course, for senators and delegates, we do not have special elections.

We allow the citizens of our state, very few opportunities to weigh in with their approval or disapproval on the direction that our state is headed.

In filling vacancies, we have a system where half a handful of people can make the decision on who will represent the people. When, as in a recent case, a delegate was selected by a 3-2 vote, are we surprised that the voters are not connected to their representative?

SB 6 gives us the opportunity to change this and turn the “People’s Houses” back to the people.

We urge a Favorable Report on SB 6. Thank you.

Comptroller testimony on SB 6.pdf

Uploaded by: Ford, Sean

Position: FAV



Peter Franchot
Comptroller

TESTIMONY OF COMPTROLLER PETER FRANCHOT

Support – Senate Bill 6 – General Assembly – Special Election to Fill a Vacancy in Office

Education, Health, and Environmental Affairs Committee

February 4, 2021

Chair Pinsky, Vice Chair Kagan and members of the Committee, it is my pleasure to provide testimony in **support** of **Senate Bill 6 – General Assembly – Special Election to Fill a Vacancy in Office**. I would like to thank Senator Lam for sponsoring this legislation.

Senate Bill 6 proposes a constitutional amendment that will change the procedure for filling vacant seats within the General Assembly. Currently, local central committees possess the power to recommend and appoint new legislators instead of the citizens of the district. Under Senate Bill 6, power is returned to the people by allowing them to choose their own representatives through a special election.

The delegates and senators who comprise the Maryland General Assembly don't work for their local central committees. Nor do they work for the Democratic or Republican parties. They work for the taxpayers who pay their salaries and expenses, and that's who should have the privilege of choosing their elected leaders.

I am particularly concerned **how** these appointments have been made. Central Committees often quite literally take votes in backrooms, hidden away from the public. Most recently an appointee was chosen by four of seven committee member votes to represent a district that is home to over 117,000 Marylanders.

It's time to do away with these secretive, un-democratic insider elections that are often already determined and are decided by a handful of votes. Vacancies should be filled by a special election to restore the fundamental principles of democracy. For the reasons stated above, I respectfully request a **favorable report** for Senate Bill 6. Thank you for your time and consideration.

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Lam_FAV_SB006.pdf

Uploaded by: Lam, Clarence

Position: FAV

CLARENCE K. LAM, M.D., M.P.H.
Legislative District 12
Baltimore and Howard Counties

Education, Health, and Environmental Affairs
Committee

Executive Nominations Committee

Joint Committee on Ending Homelessness

Chair

Joint Audit and Evaluation Committee

Joint Committee on Fair Practices and
State Personnel Oversight

Vice Chair

Baltimore County Senate Delegation

Chair

Howard County Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Clarence.Lam@senate.state.md.us

Support SB 6: General Assembly – Special Election to Fill a Vacancy in Office *Senator Clarence Lam*

The Issue:

- When a vacancy occurs in the Senate or House of Delegates, voters are denied input on who represents them
- The current appointment process focuses on maintaining the power of a political party over a seat
- Often members are appointed to executive branch positions at the start of new administrations, leaving voters represented by unelected members for nearly four years
- Appointed members have an incumbency advantage in the next election

What Does SB 6 Do?

- If a vacancy occurs more than 55 days before the candidate filing deadline for a regular statewide primary:
 - A replacement member is appointed to serve until a new member is elected
 - Governor calls for a special election to occur at the same time as the presidential election
 - A new member is elected at the presidential election
- If a vacancy occurs within 55 days of the candidate filing deadline for a regular statewide primary:
 - A replacement member is appointed to serve the remainder of the current term

How Does SB 6 Help?

- Allows voters to elect replacement Senators and Delegates
- Makes the selection of replacement members more democratic
- Reduces political control over the vacancy filling process

Additional Background Information:

- 28 states use special elections to fill state legislative vacancies: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin
- Currently, Maryland fills U.S. Senate, U.S. House of Representatives, Attorney General, and Comptroller vacancies using special elections

Mr. Kenneth Stevens

Columbia, MD

Testimony in support of Senate Bill 6 for House Ways and Means Committee on Feb, 4.

Senate Bill 6 is a very good and overdue Constitutional Amendment. It simply gives the voters the right to vote to fill a legislative vacancy that occurs early enough in a four-year term for the selection to be accomplished in conjunction with a presidential year primary and general election. Why should those voters not have that right?

The affected Central Committee would retain the right to make the initial choice, so the members of such committees wouldn't lose any power. But why should their choice be allowed to slide right past the opportunity for the voters to make their own choice?

Some may favor filling vacancies in special elections and I would have no objection to that. But there would be an extra cost to that and there would be little to no cost in putting a few extra names on a presidential year ballot. So this can be seen as a compromise.

I urge a favorable report on Senate Bill 6.

Respectfully submitted,

Kenneth Stevens

SB 06 Presentation.pdf

Uploaded by: Lam, Clarence

Position: FAV

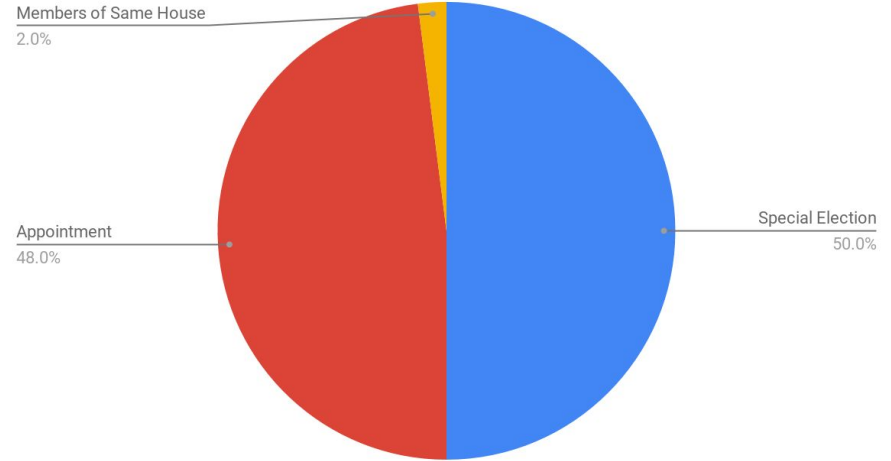
SB 06

General Assembly – Special Election to Fill a
Vacancy in Office

General Assembly Vacancies

- 25 states hold special elections in the event of legislative vacancies
 - Maryland is not one of them
- Vacancies filled by Central Committee

How States Fill Vacancies in the Legislature



SB 06 - Constitutional Amendment

- Vacancies occurring 55 days before filing deadline for regular statewide election
 - Governor convenes special election
 - Cost-savings while ensuring turnout
- Vacancies occurring after 55 days before filing deadline will complete term
 - Reduces time of unelected appointments



Consensus is Already Achieved

- US Senators from Maryland already filled in this fashion
- Bipartisan Support
 - Co-sponsor Senator Hough
- SB 10 passed unanimously in 2020
- Similar bill passed in 2016
 - Amended procedures to fill AG and Comptroller vacancies
 - Public approved referendum 72%



LWVMD testimony - SB 6 - General Assembly - Specia

Uploaded by: Millenson, Janet

Position: FAV



TESTIMONY TO THE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

SB 6 – General Assembly – Special Election to Fill a Vacancy in Office

POSITION: Support

BY: Lois Hybl and Richard Wilson, Co-Presidents

DATE: February 4, 2021

The League of Women Voters of Maryland supports SB 6 because we believe legislative representatives should be elected by their constituents. This bill 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 55 days before the candidate filing deadline for the statewide election that is held in the second year of the term.

Since 1985, the League has supported the use of special elections to fill vacancies in the office of Senator or Delegate. In particular, we favor the provision to hold special elections at the same time as the next regularly scheduled statewide elections, whether Gubernatorial or Presidential. This is the most cost-effective option and has the added benefit of increasing voter turnout.

We are pleased that this legislation provides for a requirement for 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 urges a favorable report on SB 6.

SB0006_Special_Election_MLC_FAV.pdf

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0006
GENERAL ASSEMBLY – SPECIAL ELECTION TO FILL A VACANCY IN OFFICE**

Bill Sponsor: Senator Lam

Committee: Education, Health and Environmental Affairs

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0006 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members would like to ensure, as much as possible, that *their* vote for candidates for the General Assembly is what elects its members. We understand that events happen that cause a duly elected member of the General Assembly to vacate their seat between election cycles and we approve of the process of nominating and confirming a replacement. However, if a seat is vacated early in the term, the constituents of that district are essentially being represented by a person they did not elect for an extended period of time. This seems like an opportunity for change.

This bill would require the Governor to call a special election depending on when the the replacement member is seated. We believe that this will ensure that the replacement member will only serve out the term if it is too late to announce candidacy for the next Primary or General election.

We support this bill and recommend a **FAVORABLE** report in committee.

SB 6 General Assembly-Special Election to fill a V

Uploaded by: Soreng, Nancy

Position: FAV



TESTIMONY TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

SB 6 General Assembly – Special Election to Fill a Vacancy in Office

POSITION: Support

BY: Lois Hybl and Richard Willson – Co-Presidents

Date: February 4, 2021

The League of Women Voters of Maryland supports HB 265, 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 twenty-one 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, to be held in conjunction with other regularly scheduled elections. This proposed legislation requires tie-in elections.

We are pleased that this legislation provides for a requirement for 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 72.

SB006-Special Elections_20210202.pdf

Uploaded by: Griffiths, Brian

Position: FWA

BRIAN GRIFFITHS

February 2, 2021

The Honorable Paul G. Pinsky
Chairman, Education, Health, and Environmental Affairs Committee
Miller Senate Office Building, 2 West Wing
11 Bladen Street
Annapolis, MD 21041

Dear Mr. Chairman and members of the Committee,

I write to you today in **support of Senate Bills 6**, General Assembly – Special Election to Fill a Vacancy in Office. The bill would allow for General Assembly vacancies to be filled by special election instead of appointment by the Governor if the vacancies occurred during the first year of a term.

The current process to fill General Assembly vacancies is a cumbersome and complicated process. Instead of providing voters an opportunity to meet their potential leaders and make their voices heard in the process, the selection process is often held by political party central committees in a manner that minimizes the impact voters can have on the process. Time and time again, these processes do not provide clear selections that represent the voters. Central Committees go out of their way to obfuscate the process, diminish voter participation, and provide predetermined outcomes beneficial to political insiders.

In both parties, from Carroll County to Frederick County, from Baltimore City to the Eastern Shore, General Assembly vacancies are filled by a process that often provides chaos over clarity. This chaos becomes problematic when you look at the number of legislators who have entered the General Assembly through the appointment process. Four of your Senate colleagues and twelve members of the House of Delegates entered their respective chambers through the appointment process. With another appointment forthcoming in House District 27A, that means that nine-percent of the General Assembly will be representing people who did not elect them.

As an example of the fundamental unfairness of the current process, in a recent vacancy in the House of Delegates in District 9A, a Delegate retired, anointed a preordained successor, and the successor was appointed to the House in a two-week span. At what point did anybody ask the voters who they wanted to represent them?

I do believe that this bill can be improved upon. I believe that special elections should be held if the vacancy occurs no later than one year prior to the next gubernatorial General Election. There is no reason that a small scale special election cannot be held at any point in the first three years of the term. While I note that there were issues with universal mail-in voting during the 2020 Elections, these issues are not nearly as important as ensuring that voters, not political committees, pick who represents them in Annapolis.

This bill brings up fundamental issues of basic fairness in providing opportunities for voters to pick their elected officials. Even without my suggested improvements, this bill will make the Maryland General Assembly more representative of the people. I urge you all to **vote yes** on **Senate Bill 6**.

Respectfully

A handwritten signature in brown ink, appearing to read "Brian Griffiths", with a long horizontal flourish extending to the right.

Brian Griffiths

SB0006_Represent Maryland_UNFAVORABLE.pdf

Uploaded by: Demnowicz, Cristi

Position: UNF

BILL NUMBER SB0006

BILL TITLE: General Assembly – Special Election to Fill a Vacancy in Office

BILL CONTACT: Senator Lam

POSITION: UNFAVORABLE



February 2, 2021

Maryland needs real special elections, not a false solution.

Represent Maryland is an all volunteer, small donor funded group of #ProDemocracy activists and advocates who #FightForDemocracy at the local and state level. We formed in 2015 to fight against the influence of big money in politics and to ensure that everyone can participate in our democratic system of governance regardless of financial status. We are a registered PAC with the Maryland Board of Elections and consider ourselves 'Maryland's Only PAC For The People'.

I. What Democracy means to Represent Maryland.

Represent Maryland is fighting to create a democratic system of law and leadership that includes all those who wish to participate, regardless of their financial status, gender, race, or social connections. Any person who wants to should reasonably be able to 1) Run for office and not be overshadowed by other candidates who have access to big and/or dark money, 2) cast their vote for the candidate of their choosing anytime a new lawmaker is selected to represent them, and 3) have a legislature that puts the interests of their constituency before any personal or career interests.

Since the founding of this country only one group of people has consistently been guaranteed these rights- wealthy (land-owning) white men. All others including non-wealthy white men, non-white men, all women, immigrants, and indigenous people have had to fight those in power and in control of government to earn the "right" to participate fully. And even now, in the year 2021, many of these rights are still under attack from those who want to lessen people's participation in democracy. Maryland lawmakers must do better to protect, expand, and secure its residents ability to participate fully in Democracy, now and for the future. Democracy means that the people make the decisions, and that is exactly what Represent Maryland fights for.

II. The problem that this bill is meant to address is not addressed.

We applaud the bill sponsor for introducing this bill and creating space for public dialogue about the nature of democracy. However both Delegate Moon and Senator Lam (sponsor of the Senate bill) have gone on record admitting that the bills are a compromise. We are asking committee members to think about what this compromise accomplishes.

The problem of how legislative vacancies are filled in Maryland is that a very small number of hyper-partisan people, Party Central Committee members who are not public officials and have no public oversight, are able to choose the lawmaker for tens of thousands or even over a hundred thousand residents of Maryland, multiple times a year. The winners of central committee nominations are often those who are already connected to the central committee or our legislature, and then go on to serve for anywhere from a few months to nearly four years. After they have been in office, they have the power of incumbency and name recognition and almost always win their next election, should they choose to run. That is not democracy, it's oligarchy.

Some examples:

-Around this time last year, just five people were responsible for choosing the replacement delegate for LD-45, who won with three votes, one of which was cast by herself as the central committee chair. She has now joined her delegate father to represent over 116,000 Marylanders, almost all of which were not involved with the process.

-Also this time last year the nominee for the LD-44B house vacancy was also chosen by three people, one of which was herself. The tie breaking vote came from the wife of a member of the House of Delegates for an adjoining district. This appointee now represents the 80,000 people of their district.

-In 1997 Speaker Jones was appointed to the legislature by Governor Paris Glendening after the death of Delegate Joan Neverdonn Parker and has gone on to win every election since. We were unable to find a record of the selection process for Speaker Jones from 1997, likely because the Central Committee is not required to maintain records or make them public after their internal vote.

-And one of the most egregious examples of how central committee appointments are harmful to democracy is LD2 (A and B.) That district has had a web of appointments which has excluded voters from participating fully in choosing their lawmakers for over a decade.

Central Committees seats were never meant to be a pipeline to an unelected spot in the general assembly, but that is how they're viewed by members and that is what they've become. All politics are local. If giving voters a choice is important enough to use real, full special elections to fill federal level vacancies there is no reason to not give them a choice at the state level, other than maintaining party control of who ends up in the legislature.

III. How this bill must be strengthened to solve the problem.

This bill is a first step toward making Maryland a more democratically run state but in its current form, HB0265 does not solve the root problem that it claims to solve. Maryland voters do not want our lawmakers to go through the process of passing a constitutional amendment just so they can say we use "special elections" which are not genuine. Maryland voters want the undemocratic process of central committee appointments to the legislature to be completely abolished in favor of democratic participation of all voters every time a new lawmaker is to be chosen, by holding genuine, real special elections, regardless of timing.

Represent Maryland members, volunteers, and supporters, cannot support HB0265 in its current form. We believe it must be seriously strengthened to abolish all central committee appointments, with no exceptions. We can look to our neighbors to the south for an example of how this could work. In Virginia, a special election is called for every legislative opening. The two main parties hold their own "firehouse primary" which is paid for through their private party budget and the primary winners go on to a special general election, where voters make the final decision on who will take over representing them. In 2019, a special election was held for VA Legislative District 33. Almost 4,000 people participated in the firehouse primaries and over 50,000 people cast a vote in the special general. This is over 54,000% more people than the average number of people who choose replacement lawmakers in Maryland.

Another idea is to look to the City of Rockville and copy their use of mail in ballots, preferably with instant run-off ranked choice voting. This method would be cost efficient and not taxing on local government, with no school closing and less election judges needed. There are many solutions that will solve the actual problem of how our vacancies are filled, but none are contained within this bill. If we are going to go through the process of amending our constitution to change how vacancies are filled in Maryland, let's do it right and fully the first time, not in incremental steps. There can be no delay on democracy and the people of Maryland are tired of preformative incrementalism.

IV. Why opposition to a stronger bill is biased and based on bad or no data.

We've been told that holding special elections is "too expensive" but when pressed, no one in the legislature has been able to tell us specifically how much they would cost; all we've gotten are best guesses. When asked how the numbers were determined, no answer was given. We've been told a special election will cost anywhere from \$150,000 to \$1M. With an annual budget of \$46B, that is only 0.00032- 0.0021% of the state budget. Even if we hold 10 special elections a year, and each one costs \$1M, it only adds up to 0.02% of the state budget.

According to the National Conference on State Legislatures "No one knows how much it costs to run elections in the United States. For that matter, it's a rare state that knows how much election administration costs within its own borders due to the complexity of elections and the involvement of several levels of government." (Source:

<https://www.ncsl.org/research/elections-and-campaigns/election-costs-who-pays-and-with-which-funds.aspx>)

With no hard data and costing under a 10th of a percent of the annual budget, saying "it costs too much" is just not true.

Even state Comptroller Peter Franchot has gone on record saying they aren't too expensive and that the benefit to voters is priceless.

We've also heard that central committee appointments can't be abolished because that is the number one purpose of the committees themselves. As mentioned earlier, central committees were never meant to be a shortcut into the legislature. They are meant to strengthen and grow their party through GOTV, outreach, education, and even fundraising. Saying that the main purpose of the central committees is to appoint replacement lawmakers is admitting that the Maryland government is okay with parties using them to side-step democracy.

Last, some people believe that using the central committee appointment process is the best way to add diversity to the legislature. However the 2018 election resulted in the most diverse legislature in Maryland history, when the number of truly elected members is tallied. There may have been a time when this process was the best way to add diversity to the legislature,

but that is no longer the case. If Maryland were to expand other democracy reforms such as Public Election Funds, people from all backgrounds would have the opportunity to run and win using the electoral process as intended. Because even with Central Committee appointments, those appointed are still connected and often represent the same financial class of people.

V. Proof that the voters of Maryland want full special elections, not an in-name-only bill.

Represent Maryland does a lot of power building and organizing using social media and the internet. Over the past few weeks we've been asking Maryland voters if they want the state to abolish central committee appointments and adopt genuine special elections and the answer has resoundingly been yes. We have petition signatures from 26 legislative districts including Districts 22 and 14. When people understand the reality that over 20% of our legislature has been appointed to their seat, and that that number has grown exponentially just in the last term, they want a better, more democratic way to fill vacancies. They want central committee appointments abolished and for Maryland to use full special elections. Don't compromise on democracy. Don't pass this red herring bill.

Represent Maryland is a grassroots anti-corruption group of citizen advocates that #FightForDemocracy in Maryland. Our democracy solutions include: Public Election Funds, Independent Redistricting, Special Elections, Ranked Choice Voting, Increased Ethics and Transparency, and Increased Voter Participation. Learn more about our work at www.RepresentMaryland.org

Authorized by Represent Maryland PAC, T Miler, Treasurer

SB0006_Gallardo_Unfavorable.pdf

Uploaded by: Gallardo, Justin

Position: UNF

Justin Gallardo, SB0006, Unfavorable
February 4, 2021

**Testimony on SB0006
Special Elections to Fill A Vacancy in Office
Education, Health, and Environmental Affairs**

Position: UNFAVORABLE

Mr. Chairman and Members of the Committee:

I, Justin Gallardo of Parkville, oppose SB0006, “Special Elections to Fill A Vacancy in Office.” I am not dismissing the urgency to abolish Central Committee appointments when there are vacancies as I do support the concept of legislative special elections to fill vacancies similar to the process of filling vacant Congressional seats. The language of this bill does not address the problem. There are false claims that legislative special elections held out of alignment with the filing deadline of a presidential election are too expensive.

A better bill can be written. Maryland voters should not be misled by this legislation should it be placed on the ballot for approval. They deserve a better bill!

Misleading Language:

This bill only permits legislative special elections in concurrency to the filing deadline during and ONLY DURING the years of a presidential election.

SB0006, Article III, Section (c)(3):

“IF THE VACANCY OCCURS ON OR BEFORE THE DATE THAT IS 55 12 DAYS BEFORE THE DEADLINE FOR FILING CERTIFICATES OF CANDIDACY FOR THE 13 REGULAR STATEWIDE ELECTION THAT IS HELD IN THE SECOND YEAR OF THE TERM, 14 THE GOVERNOR SHALL ISSUE A PROCLAMATION IMMEDIATELY AFTER THE 15 OCCURRENCE OF THE VACANCY DECLARING THAT A SPECIAL PRIMARY ELECTION 16 AND A SPECIAL GENERAL ELECTION SHALL BE HELD AT THE SAME TIME AS THE 17 REGULAR STATEWIDE PRIMARY ELECTION AND REGULAR STATEWIDE GENERAL 18 ELECTION THAT ARE HELD IN THE SECOND YEAR OF THE TERM”

In accordance with MD Elec Law Code § 8-710 – “Congressional vacancy – Governor’s proclamation,” the Governor must call a special election within 10 days of the vacancy. It also gives guidance as to when special primaries and regular primaries can be combined based on the timeframe of the proclamation of vacancy; however, it does not permit the use of a Central Committee appointment. This was used last year to fill the vacancy of the late-Congressman Elijah Cummings as a Special Primary was designated months in advance of the Regular 2020 Presidential Primary. Then, the Special General Election for the vacant Congressional seat was held concurrently with Regular 2020 Presidential Primary which included the Regular Primary for that congressional seat in anticipation for the 2020 Congressional General Election, November 3, 2020.

This procedure can happen again if there was a vacancy in 2021 – in between the previous Presidential Election and the upcoming 2022 Midterm Election. This bill would NOT permit this. Instead, there would be a Central Committee appointment.

False Claims of Costs:

The sponsor of this bill states that elections out of alignment with the Presidential Election cycle would be too expensive. None of this is true as the State and County Board of Elections are well equipped and well prepared to roll out elections on an as-needed basis.

State Board of Elections:

As stated in the proposed FY 2019 State Operating Budget, “State Board of Elections 038I01.02 Help America Vote Act” in compliance with the Federal Help America Vote Act (HAVA), the Board of Elections was allocated \$28,130,521; however, it only spent \$21,045,620.

Baltimore County Board of Elections:

My home county, Baltimore County, the agency has never cited cost issues. Based on the FY 2019 Budget Analysis from the Office of the Auditor, the County Board of Elections saved money! The proposed budget for FY 2019 was \$5.4 million, a decrease of \$146 thousand from FY 2018. Why? The agency found ways to save money while ensure greater voting access.

Under FY 2018, the County Board of Elections was allocated funds for 35 optical scanners. With additional funds from the State Board of Elections, they were able to buy an additional 17 scanners. That totaled 52 optical scanners once FY 2018 concluded. All completed before the 2018 midterm elections. As a result of these purchases, those funds were not needed in the proposed FY 2019 budget.

Equipment like tablets and printers are leased and covered by the County operating budget years in advanced – from FY 2018 to FY 2022 – at an estimated cost of \$1.6 million. These devices in addition to the 52 optical scanners are stored in a Hunt Valley warehouse at no charge and secured by the Baltimore County Police Department. The County Board of Elections, Office of Information and Technology, and the optical scanner manufacturers have representatives available on election days to ensure functional operations.

Emergency Closure Days:

The sponsor of this bill claims that holding a legislative special election would adversely impact school instruction time. Marylanders use to the colloquial term “Snow Days” and assume emergency closure days are synonymous and limited to natural weather occurrences – they are

not. Emergency Closures can be used for weather, civil unrest, or even a Congressional Special Election. Local public school systems explain how they address emergency closure days. Baltimore County has 5 emergency closure days and explain how the calendar can be adjusted if more the 5 emergency closure days are used. This is not an additional expenditure for the public school system. The following excerpt is from the approved Baltimore County Public School calendar approved for the 2021-2022 school year:

“Please note that if more than five (5) emergency closures occur and/or there are a significant number of delayed openings and/or early dismissals used, the school calendar also may be adjusted appropriately in order to meet the minimum required student days **AND** the required number of student hours.

These readjustments may include the re-designation of holidays as student days; the adjustment of Spring break; the re-designation of professional development days as student days; the cancellation of planned early releases; and the extension of the school year beyond Thursday, June 16, 2022.”

Use of Public Buildings:

Maryland is clear about the need for holding elections in public buildings such as schools. Even if not all schools are used as polling sites, the entire school system must close for the day. Using educational institutes (in addition to other public buildings like recreational centers) are of no charge to the Board of Elections. There are more school buildings in most jurisdictions than libraries and community centers; therefore, they are more prime and have the capacity to hold elections.

If a legislative special election were to be held during Spring Break that would have little impact on student instruction as there is no instruction. Even summer school classes are limited in both time and what facilities hold instruction. This would have little impact on setting up polling sites. It is a matter then of the Board of Elections utilizing these facilities:

Md. Election Law Code Ann. § 2-303:

“K-12 schools not specified. If a precinct is located on a higher education campus, the educational institution must provide a polling place for free.”

Md. Election Law Code Ann. § 10-401(3)(i):

“The public official responsible for the use of any public building requested by a local board for a polling place shall make available to the local board, without charge, the space that is needed in the building for the proper conduct of an election.”

Md. Election Law Code Ann. § 10-401(4)(i):

Justin Gallardo, SB0006, Unfavorable
February 4, 2021

“If suitable space in a public building is not available, a local board may pay a reasonable fee for the use of space in a privately owned building.”