

Supporting Documents provided for HB265  
January 19th, 2021  
Documents provided by Delegate David Moon

**Supporting documents include:**

- 2020 *Common Cause Maryland* Testimony in support of HB103.....**pg. 2**
- 2020 *Montgomery County Young Democrats* Testimony in support of HB103.....**pg. 3**
- 2020 *Comptroller Peter Franchot* Testimony in support of HB103.....**pg. 5**
- 2020 *Indivisible HoCo MD* Testimony in support of HB103, including: .....**pg. 6**
- 2020 *League of Women Voters of MD* Testimony in support of HB103.....**pg. 7**

\*HB103 is the 2020 introduction of this bill

January 29, 2020

**Testimony on HB 103  
General Assembly – Special Election to Fill a Vacancy in Office  
Ways and Means**

**Position: Favorable**

Common Cause Maryland supports HB 103, which would require a special primary and special election at the same time as regular primaries and elections to fill seats vacated by members of the Maryland State Senate or House of Delegates.

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.

HB 103 would change this, requiring that special elections be held to fill these vacated seats. This bill would provide for true democratic participation by giving citizens a greater voice in choosing who represents them when these vacancies occur. This bill would also create greater consistency between the process for replacing a vacancy for a Representative seat and a Senate vacancy.

Additionally, HB 103 would do this by holding special elections that occur at the same time as regular elections, ensuring maximum awareness of and turnout for the elections.

HB 103 is a straightforward bill, returning power to Maryland citizens in the event of a vacancy by one of their popularly elected officials. As such, we urge a favorable report.



## Testimony of Montgomery County Young Democrats in Support of HB 103-Special Elections Bill

Chair Kaiser and members of the Committee:

Thank you for hearing our testimony. My name is Michael DeLong and I am the President of the Montgomery County Young Democrats, a group of young Democrats ages 14-34 who work to make Montgomery County and Maryland a better place for everyone and to promote freedom and justice for all. We are here to support HB 103, a constitutional amendment sponsored by Delegate David Moon to require special elections to fill legislative vacancies if they occur on or before a certain date.

HB 103 is bipartisan and would require legislative vacancies that occur at least twenty one days before a presidential election deadline to be filled by a special election. An appointee would still serve in that position until then, but a special primary and a special general election for the legislative seat would happen at the same time as the presidential election. If the legislative seat opens up in the second half of a legislative term, it will be filled by the current appointment process until the next regular election.

This bill will make our state government more democratic and promote increased accountability to the voters. While appointments to legislative seats can help some candidates, they also can lead to charges of cronyism. And it means voters aren't very involved in choosing their representatives. It is important that voters have a voice in choosing legislators. People should be able to learn about and determine their state representatives, and this proposal will uphold integrity and transparency in our elections.

Recently there was a controversy in Baltimore County where the Baltimore City Democratic Central Committee appointed one of their own members to a vacant seat, and one of the members cast the tie-breaking vote for herself. HB 103 will help ensure a better process and promote intra party democracy.

New and diverse candidates should also be encouraged to run for office-we need a legislature that represents and looks like Maryland. This bill will promote that by providing communities and grassroots leaders with more opportunities for involvement in the political process.

Committees can and do appoint excellent people, but elections are more democratic and should be the default way of choosing legislators.

We urge the Committee to vote for and favorably report HB 103. Thank you for your time. If you have questions, we can be reached at [mocoyoungdems@gmail.com](mailto:mocoyoungdems@gmail.com).

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President

Montgomery County Young Democrats



Peter Franchot  
Comptroller

## TESTIMONY OF COMPTROLLER PETER FRANCHOT

Support – House Bill 103 – General Assembly – Special Election to Fill a Vacancy in Office

*Ways and Means Committee*

*January 29, 2020*

Chairman Kaiser, Vice Chairman Washington and members of the Committee, it is my honor to provide testimony in **support** of **House Bill 103 – General Assembly – Special Election to Fill a Vacancy in Office**. I would like to thank Delegate Moon and the other cosponsors for sponsoring this legislation.

House Bill 103 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 House Bill 103, 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 - and must - have the sole 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 with a plurality of three total votes to represent a district that is home to over 117,000 Marylanders.

It's time to do away with the secretive, closed-door elections that are often already determined and are decided by a handful of votes. Each and every one of these vacancies must 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 House Bill 103. Thank you for your time and consideration.

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# Indivisible HoCoMD

## **TESTIMONY TO THE HOUSE WAYS AND MEANS COMMITTEE**

### **HB103 General Assembly - Special Election to Fill a Vacancy in Office**

#### **POSITION: Support**

**by: Christine Lemyze, Defend Democracy Team Lead, Indivisible Howard County**

**Date: January 28, 2020**

Indivisible Howard County supports HB 103 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.

We strongly believe in fair elections and that voters should have the last word in determining who represents them in the legislature. When legislative seats become vacant in the first year of a four-year term, there is ample opportunity for voters to cast their votes in conjunction with the presidential primary and general election.

This process is now in place in Maryland for vacancies of the state attorney general, comptroller or a U.S. senator that occur in the first half of a term. It needs to apply to the General Assembly as well.

Indivisible Howard County urges a favorable report on HB103.

## **TESTIMONY TO THE HOUSE WAYS AND MEANS COMMITTEE**

### **HB 103 General Assembly – Special Election to Fill a Vacancy in Office**

**POSITION: Support**

**BY: Lois Hybl and Richard Willson – Co-Presidents**

**Date: January 29, 2020**

The League of Women Voters of Maryland supports HB 103, 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 HB 103.