

**Testimony of Sheldon H. Laskin, Esq.
in Support of SB 73**

I am an attorney and resident of the 11th Legislative District in Baltimore County. I offer this testimony on behalf of the Baltimore County Progressive Democrats Club, of which I am Treasurer.

Speaker Michael E. Busch died on April 7, 2019, barely three months into his last term as a member of the House of Delegates. Governor Hogan appointed his successor who served out the entire balance of the unexpired term. The voters had no choice in their delegate for virtually Speaker Busch's entire four-year term.

SB 73 proposes an amendment to the Maryland Constitution which would substantially narrow the governor's authority to appoint an individual to serve out the unexpired portion of their predecessor's term. This amendment both reduces the power of the governor to appoint individuals to serve in a co-equal branch of government and restores that power where it belongs, in the voters.

Under current Maryland law, the governor has the unlimited authority to appoint individuals to unexpired General Assembly terms. The voters have no say in the matter. Rather, the nominees are chosen by the central committee of the political party with which the delegate or Senator had been affiliated. in the county or district from which the member had been elected. This means that the successor is chosen by a small handful of people who confer all the benefits of incumbency on an unelected person. This is profoundly undemocratic.

If approved by the General Assembly and ratified by the voters, SB 73 would amend the Maryland Constitution to require a special election to fill a vacancy that occurs on or before the date that is 55 days before the candidate filing election deadline in a presidential election year. The governor will retain the authority to appoint legislative successors for the remainder of the legislative term if the vacancy occurs after the 55-day period.

According to Ballotpedia, twenty-five states currently require a special election to fill legislative vacancies. In many states, special elections are required to fill **all** vacancies, no matter how close the vacancy occurs to the regular election. SB 73 would require a more nuanced approach and would save unnecessary administrative costs to conduct an election for a very short term. The 55-day rule therefore strikes the appropriate balance between assuring continuity of representation and accountability to the voters, while minimizing administrative costs.

The Baltimore County Progressive Democrats Club urges the Maryland General Assembly to enact SB 73. Thank you.