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THE SENATE OF MARYLAND
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SB 73 - General Assembly - Special Election to Fill a Vacancy in Office

The Issue:

- When a vacancy occurs in the Senate or House of Delegates, voters are not provided the opportunity to vote for the successor.
- County Central Committees of the same party appoint a replacement without the input of voters which is followed by confirmation from the Governor.
- This current process permits political advantages to well-connected party members.
 - Appointed members have an incumbency advantage in the next election.
 - The timing of the vacancy can permit nearly 4 years of unelected representation.
 - Some Central Committees are composed of only a handful of individuals that determine the representation of thousands of voters when a vacancy occurs in the Assembly.

What Does SB 73 Do?

- SB 73 reduces the amount of possible time that an unelected appointee can serve in the House or Senate while also saving taxpayer dollars.
- If a vacancy occurs **more than** 55 days before the candidate filing deadline for a presidential election:
 - The Governor calls for a special election to occur at the same time as the regular statewide primary election and regular statewide general election that are held in the second year of the term.
 - A temporary replacement member is appointed by the associated county Central Committee to serve until a new member is elected in a special election.
- If a vacancy occurs **within** 55 days of the candidate filing deadline for a presidential election a replacement member is appointed by the associated Central Committee to serve the remainder of the current term.

How Does SB 73 Help?

- SB 73 makes the process of filling vacancies more democratic and representative.
 - SB 73 reduces political control over the vacancy replacement process.
 - SB 73 allows voters to participate in the filling of General Assembly vacancies.
 - SB 73 limits the amount of time an unelected member can serve in the Assembly.

Additional Background Information:

- Although Maryland is one of only 10 states that charge the Governor to fill vacancies, the Governor must appoint the Central Committee's nominee within 15 days provided that they are of the same party of the vacant seat.
- Currently, Maryland fills U.S. Senate, U.S. House of Representatives, Attorney General, and Comptroller vacancies using special elections.
- This bill was introduced during the 2020 and 2021 sessions and passed unanimously in the Senate.
- This bill never received a downvote in either committee or on the Senate floor, in either 2020 or 2021.