

January 26, 2022

Testimony on SB 73
General Assembly – Special Election to Fill a Vacancy in Office
Education, Health, and Environmental Affairs

Position: Favorable

Common Cause Maryland supports SB 73. If approved by voters, this bill would amend the state Constitution to require a special election to fill seats vacated by members of the Maryland General Assembly in any instance where a vacancy occurs more than fifty-five days prior to the filing deadline for statewide elections held in the second year of the term.

Under current law, 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 an adequate solution in some situations, in others it leads to legislators filling nearly an entire term without giving constituents the chance to choose their representative.

SB 73 would correct this by requiring that special elections be held to fill these vacated seats if the vacancy occurs prior to the candidate filing deadline. While not a perfect solution, this bill would be a step towards a more democratic process that gives Maryland citizens a voice in choosing who represents them when these vacancies occur.

Drawing on existing processes for filling vacancies for other offices (such as Comptroller, Attorney General, or United States Senator), SB 73 would also ensure the special elections occur at the same time as regular elections, helping to maximize awareness and increase voter turnout.

SB 73 is a straightforward bill that helps shift the power to fill legislative vacancies from the executive to the voters of Maryland, and for that reason we urge a favorable report.