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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB29: Special Elections**

Education, Energy, & the Environment Committee

January 30, 2024: 1:00 PM

[Nearly a quarter](#) of our legislative colleagues were **selected** by their political party— rather than **elected** by their constituents.<sup>1</sup> There is growing discontent with the role of Party Central Committees, which do not allow voters to express their views on who should represent them... perhaps for the balance of our four-year terms.

[SB29](#) aims to modify the inadequately democratic Central Committee appointment process. It will require that mail-in Special Elections be conducted for vacancies occurring during the first three years of a legislative term. Mail-in ballots will increase voter input in a cost-efficient manner. Limited, in-person voting will also be available.

A vacancy in the fourth year of a legislative term would still be filled using the current Central Committee process under this Constitutional Amendment.<sup>2</sup>

An amendment to this bill clarifies that:

- Any Delegate running in a mail-in Special Election would be exempt from the fundraising prohibitions on members during session within 60 days of the election; and
- Any vacancy occurring as a result of a sitting Delegate winning a mail-in Special Election for Senate will be filled using the current appointment method, avoiding a ‘domino’ scenario of repetitive Special Elections.

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There is another option for your consideration: [HB412](#). Under this less democratic model for filling vacancies, one Special Election would coincide with the Presidential election if a vacancy occurs 55 days or more prior to the filing deadline. Central Committees would still make recommendations for appointments prior to the Special Election, resulting in an incumbency

<sup>1</sup> <https://www.washingtonpost.com/dc-md-va/2023/11/26/appointments-maryland-general-assembly/>

<sup>2</sup> SB29 also requires a report by the SBE and DLS analyzing the benefits and fiscal impact of the various methods of filling legislative vacancies. It will be due by October 1, 2028 and sent to the Governor, as well as the Senate Education, Energy, & Environment, (& Elections!) and the House Ways & Means Committees.

advantage for the Party's choice. During the last two years of a term, Central Committees would continue to submit nominations to the Governor.

This second plan has been introduced and passed by the Senate previously. While I believe that this version is better than the status quo, it clearly does not resolve the issue of unelected legislators.

Either plan would go into effect immediately following the voters' approval of the Constitutional Amendment in November 2024.

We have the ability to make our system more democratic, more representative, and more responsive, as have the [25 other States](#)<sup>3</sup> that currently use Special Elections to fill legislative vacancies.

**I urge a favorable report on SB29 as I propose to amend it.**

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<sup>3</sup> According to the NCSL, "Twenty-five states fill legislative vacancies through special elections." These include: AL, AR, CA, CT, DE, FL, GA, IA, KY, LA, MA, ME, MI, MN, MS, MO, NH, NY, OK, PA, RI, SC, TX, VA, and WI. <https://www.ncsl.org/elections-and-campaigns/filling-legislative-vacancies>