

January 30, 2024

Testimony on SB 29
Special Elections – Procedures and General Assembly Vacancies and Ties
Education, Energy, and the Environment Committee

Position: Favorable

Common Cause Maryland supports SB 29. If approved by voters, this bill would amend the state Constitution to require a special election, with the option to vote by mail or in person, to fill seats vacated by members of the Maryland General Assembly in any instance where a vacancy occurs before the election year where the General Assembly is on the ballot.

Eligible members of the public get to engage in the exercise of one of our most fundamental constitutional rights: the right to select by a majority vote the elected officials who should represent them in public office. While Maryland is a leader in expanding opportunities and access to ensure that every citizen can engage in this critical building block of a democratic government, this is not the case when filling legislative vacancies in the General Assembly. The vacant seats are ultimately filled without public input or even adequate public access to the decision-making process unless that voter is following and engaged in their local political party.

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. The individual considered for the appointments are recommended by local political party central committees. While an adequate solution in some situations, in others it leads to legislators filling nearly an entire term without giving constituents the opportunity to choose the person who will be representing them.

Maryland voters want to have the ultimate say in who represents them in the General Assembly. In a recent Gonzales poll, a full 85% of Marylanders said that they were in favor having a special election to fill legislative vacancies; only 13 percent favor continuing the current process. SB 27 proposes both.

SB 27 would improve the current process by requiring that special elections be held to fill these vacated seats if the vacancy occurs during the first three years of an election cycle. While not a perfect solution, this bill would be a step towards a more democratic process that gives Marylanders a voice in choosing who represents them when these vacancies occur. SB 27 also aims to ensure voters are made aware a vacancy has occurred in their district and that a special election will be held, with multiple opportunity to vote - using the convenience of mail-in voting which we expect will boost overall participation in a special election or voting in person for those in need of assistance or simply prefer this method.

Drawing on existing processes for filling vacancies for other offices (such as Comptroller, Attorney General, or United States Senator), SB 27 would also ensure that when a special election does take place, it's at the same time as regular elections where the General Assembly is on the ballot, helping to also maximize awareness and increase voter turnout.

SB 27 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.