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Submitted to: Maryland State Senate Education, Energy, and the Environment Committee

SUBJ: Testimony in favor of SB0002 (General Assembly – Special Election to Fill a Vacancy in Office)

Dear Senators:

I would like to point out something in support of this bill that you may not be aware of, which is that only North Dakota disenfranchises voters as long as Maryland when it comes to replacing vacancies in its legislature. I am referring to the length of time that appointed legislators may serve without standing for election by voters. The current system in Maryland gives short shrift to the fundamental right of voters to elect their representatives to the General Assembly, and the fact that members of the House of Delegates serve four-year terms makes the problem exponentially worse.

Of the 49 states with bicameral legislatures, only five (Alabama, Louisiana, Maryland, Mississippi and North Dakota) have lower houses in which members serve four-year terms. The rest have two-year terms. *All except two of the states with four-year terms in their lower house (Maryland and North Dakota) mitigate disenfranchisement by a system of special elections.* That's right, Alabama, Louisiana and Mississippi protect the representative nature of their legislatures better than Maryland.

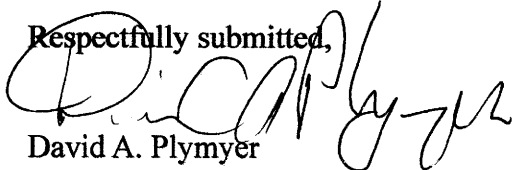
Del. Carl Jackson, recently nominated by the Baltimore County Democratic Party Central Committee to replace former Sen. Kathy Klausmeier, is an example of the impact of the absence of special elections. He was appointed to fill a vacant seat in the House in 2019 and served for three years before standing for election in 2022. By the end of the current term, assuming the governor confirms his appointment as Senator, he will have served only *two of his seven years* in the General Assembly as an elected representative. That's ridiculous.

Over time, the years of appointed representation in the House add up. Then throw in the fact that approximately one-third of the members of the Senate (like Del. Jackson) initially gain their seats through appointment, and we have a distinctly diluted form of representative democracy in Maryland, with too many appointed people serving in the General Assembly.

Maryland can and should do better. SB0002 doesn't fix the problem, but it is a reasonable compromise.

Finally, let's clear away some of the smoke that has been blown. In my years both inside and outside of government, the thing that I've found most offensive is when politicians insult the intelligence of their constituents, and there's been a lot of that with this issue in the past.

There isn't anyone familiar with this issue who doesn't realize that this shameful situation has been allowed to continue as long as it has because of one reason: The self-interests of certain politicians, especially members of the Maryland House of Delegates looking to preserve their inside track to a seat in the Senate. Credit where due, the Senate has done its part to try to enact reform in the past. Hopefully this will be the year that the House sees the light.

Respectfully submitted,

David A. Plymyer