

Saundry, Andrew SB2 Testimony.pdf

Uploaded by: Andrew Saundry

Position: FAV

Good morning Chair Feldman and Vice Chair Kagan. Thank you for the opportunity to submit testimony on this important issue. My name is Andrew Saundry and I am submitting this in a personal capacity as resident of District 15.

Filling vacancies in the Maryland General Assembly is a challenging process and well-intentioned Legislators, activists, and Central Committee-members may disagree about the strengths and weaknesses of different approaches. Of course, we recognize that there is no substitute for a duly elected member of the General Assembly completing the term to which they were selected by the residents of their district, but such vacancies do occur from time to time and no method of filling them is flawless. The legislation before you today is a meaningful improvement on the status quo.

As I know you all are already aware, there are two significant schools of thought on the best way to handle these vacancies:

Advocates of replacing appointments with special elections in all cases (as happens in Virginia) argue that the current appointments process is not participatory and, thusly, does not adequately reflect the will of the voters. In Montgomery County (and the majority of counties across Maryland), the Central Committees are composed of individuals from across the county, only a small minority of whom reside in the affected district. These Committee members were chosen primarily not by the residents of the district to make such a decision on their behalf, but by the residents of several other districts. No such system, they contend, can be representative of the interests or perspectives of that district.

Advocates of an appointments system respond that the current process is more affordable for the State and lowers barriers of entry for candidates who may have a harder time running in a special election due to costs, disability, age, or work requirements. These advocates argue that under the current system, the delegation has become more diverse, while also ensuring the elevation of qualified, experienced, and knowledgeable legislators. Opponents of off-cycle special elections cite the low turnout numbers and high expenses for special elections at abnormal times.

SB2 strikes a perfect balance between these schools of thought—retaining the benefits of the current system while addressing the chief concern of special elections advocates by creating a mechanism for direct voter feedback—by creating special elections in Presidential election years for appointees who are selected in the first two years of a term. Because this is concurrent with a presidential election, it will not cost the state more to administer and it will keep open the path for candidates who may have a difficult time competing in a special election. This proposal enables appointees to serve for up to two sessions before facing an election, while giving the voters an opportunity to make their voices heard about that appointee and their legislative record as well as the decision of the Central Committee.

This is a complex issue and I thank Senator Kagan and Delegate Foley for bringing folks together to improve the process in the most effective way possible at this time.

I urge a favorable recommendation. Thank you!!

SB0002_General_Assembly_Special_Election_MLC_FAV.p

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0002
General Assembly - Special Election to Fill a Vacancy in Office

Bill Sponsor: Senator Kagan

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of SB0002 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members would like to ensure, as much as possible, that *their* vote for candidates for the General Assembly is what elects its members. We understand that events happen that cause a duly elected member of the General Assembly to vacate their seat between election cycles. If a seat is vacated early in the term, the constituents of that district should be able to re-elect a new representative.

This bill would require the Governor to call a special election for a vacancy in the legislature as long as the vacancy does not occur within an election year. The special election (both primary and general election) would be carried out by mail and the dates of the special election would coincide with the normal dates of primary and general elections. If the vacancy occurs in an election year, within 55 days of the date that candidates certify candidacy, the appointee would serve out the remainder of the term. We believe that this will ensure that the replacement member will only serve out the term if it is too late to announce candidacy for the next Primary or General election.

Overall, this bill will give the constituents of Maryland more of a voice in electing their representatives, which is what is supposed to happen in a democratic society.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

SB-02-250203-Special-Election.pdf

Uploaded by: Christine Hunt

Position: FAV

Christine Hunt and Jay Crouthers
1014 Dockser Drive
Crownsville, MD 21032

February 3, 2025

Maryland General Assembly
Members of the Education, Energy and the Environment Committee
Annapolis, MD

RE: SB 02 – Special Election to Fill a Vacancy in Office

Dear Senators,

We support and respectfully request that you vote for the above bill, as long as the election is held for candidates of the party where the vacancy occurred.

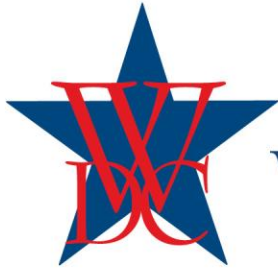
Sincerely,

Christine Hunt and Jay Crouthers

SB0002Special Elections 2025.pdf

Uploaded by: Cynthia Rubenstein

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill 0002 Special Elections to Fill a Vacancy in Office
Education, Energy and the Environment (EEE)– February 5, 2025
SUPPORT**

Thank you for this opportunity to submit testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2025 legislative session. WDC is one of the largest and most active Democratic clubs in our county with hundreds of politically active members, including many elected officials.

WDC urges the passage of HB 174. We support this bill because it will increase the number of legislators elected by citizens of their district. In Montgomery County, 34% of current Delegates (8) and Senators (4) were first appointed by the Governor on the recommendation of a partisan central committee.

The current practice is undemocratic and unacceptable. Appointment confers on the appointee unfair advantages in stature, communications, and fundraising that no challenger will possess. In Montgomery County, that advantage is conferred by a vote of 25 Central Committee members, only two of whom are guaranteed to live in the district. In some cases, citizens are deprived of their right to vote for their legislators for almost four years.

Some ask about "cost" and "inconvenience." Such factors do not justify removing the franchise from voters. With the widespread use of mail-in voting, special elections can be held far more easily and with less cost and inconvenience than might have been the case even a few years ago. According to the [National Conference of State Legislatures](#), 25 states respect that open and fair elections are the bedrock of democracy and fill their legislative vacancies with special elections. It is time for Maryland to join them.

We ask for your support for HB 174 and strongly urge a favorable Committee report.

Tazeen Ahmad
WDC President

Lynn Olson
WDC Advancing
Democracy in Maryland
Subcommittee

Cynthia Rubenstein
WDC Advocacy Chair

Ltr to Sen Education, Energy & Envt Comm 2 3 25.pd

Uploaded by: David Plymyer

Position: FAV

David A. Plymyer
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410-979-2505
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February 3, 2025

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.

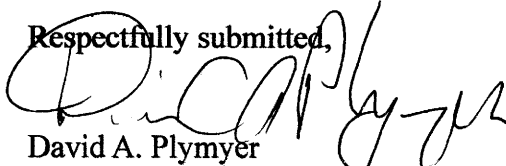
Del. Carl Jackson, recently nominated by the Baltimore County Democratic Party Central Committee to replace former Sen. Kathy Klausmeier, is an example of the impact of the absence of special elections. He was appointed to fill a vacant seat in the House in 2019 and served for three years before standing 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

Testimony SB 2 Special Elections.pdf

Uploaded by: Edward Fischman

Position: FAV

Testimony of Edward Fischman
(Chair – Montgomery County chapter of Our Revolution Maryland)

Testimony in Support of SB 2

Chairman Feldman and the Members of the EEE Committee:

I offer this testimony in support of the bill, SB 2, and thank Senator Kagan for bringing this question before the Senate. I am testifying on behalf of Our Revolution Maryland which has advocated for various reforms to our election and appointment rules, which too often work to entrench and reinforce the influence of those in positions of power. Members of our organization have stood for election or appointment to the county Democratic Central Committees, as well as the General Assembly, in hopes of advancing some important reforms.

Elections are an essential piece of any democratic system. They are not in themselves necessarily very democratic, though. We see in many countries how elections are used as a fig leaf to claim public legitimacy in a process which gives the citizens little actual choice. In our country, there are many dynamics which interfere with a fully democratic system.

One aspect of our political process which seriously impacts the choices available to voters is the vacancy appointment process. The change being proposed in SB 2 is far cheaper than, say, public financing for all General Assembly races – which is a reform Our Revolution has long supported. Still, it would do much to democratize our electoral and political process.

I was raised in New York and moved to Maryland. They are perhaps the 2 states most notorious for the deeply insider process that launches the electoral careers of a significant percentage of state representatives. One of the motivations I had for getting involved in state elections and legislative issues was to reform this very process.

I was elected to the Montgomery County Committee in 2022, a role I sought in large part to advocate for the type of reform that we see in SB 2. I speak for myself, and not the Committee or its members, but I think my experience in the vacancy process may be instructive.

I and other members of the committees have certainly taken our charge seriously to give our best advice to the Governor on filling vacancies. We have had a lot of experience with it, given that we filled 7 vacancies in the last 2 years. Few, if any voters in a regular primary would have the opportunity to meet with each candidate and interview them for 30 minutes, or even an hour or more. I would like to believe our votes were in some way qualitatively better than a layperson in a regular primary, but I'm not convinced.

We struggle with balancing many factors, and we are wildly inconsistent. Some covet this power to advance minority candidates to the Legislature, yet even some of those folks have voted to nominate non-minority candidates.

I have not been consistent either. Because of my political orientation, I wanted to support the candidate I felt was the most progressive or perhaps the most impressive, but even I didn't stay true to that in every race.

Mindful of the fact that I was voting in place of voters in those districts, I tried to respect the votes for (or against) applicants who already faced the voters and especially those applicants who held public office, even when that went against my personal preference.

I note this only to point out how erratic our votes can be, in no small part because unlike voters in a real election, we do not cast secret ballots.

Even with letters of support, the appointment process doesn't truly engage the voters in choosing their new representatives.

To my mind, it is the incumbency which the committees bestow that is the most deeply problematic aspect of the current process. I have advocated for a reform which would retain the vacancy appointment process in some form but absolutely restricting the ability of those appointed to stand for election then as an incumbent. However, I do not expect this idea to gain any currency in the General Assembly. There is no bill currently to make that change.

The next best alternative is to have special elections. A year ago, Sen Kagan introduced a bill that would require a special election for any seat other than for a vacancy created in the final year of a term. This largely would eliminate the problem of creating incumbents who have never won election.

This year's bill is a pared down reform, limited only to those vacancies which central committees fill in the first year of a new term. While it may feel unsatisfying for reform advocates, it would certainly mark great progress in moving to embrace full popular democracy. At a moment where we face great budgetary constraints, this change would have no fiscal impact at all. The only change is that some districts would have primary and general election ballots which feature a special election.

One feature of this change which I find to be perhaps most valuable is that those new incumbents who choose to run in the special election will have to stand on their own, rather than as part of a slate with any of the other incumbents in that district. I expect that the voters will quickly embrace that change.

On my own behalf, and on behalf of thousands of Our Revolution members in Maryland, I urge the committee to issue a favorable report on SB 2.

SB2_SPECIALEX_MDPIRG_FAV.pdf

Uploaded by: Emily Scarr

Position: FAV

Maryland PIRG

**SB2: Special Elections - Procedures and General Assembly Vacancies and Ties
Education, Energy, and the Environment
February 5th, 2025
Emily Scarr, Maryland PIRG
Favorable**

Maryland PIRG is a state based, small donor funded public interest advocacy organization with grassroots members across the state. We work to find common ground around common sense solutions that will help ensure a healthier, safer, more secure future.

Our democracy works best when everyone has a voice and everyone is represented. Voting for our local, state and federal representatives is fundamental to this vision, and is step one in a civically-engaged electorate and responsive government.

Twenty-eight states have some sort of special elections process for replacing legislative vacancies and it is time for Maryland to join them.

This legislation will reform the current appointment process by holding a special election if a vacancy is created before the candidacy filing deadline for the regular statewide primary held in the second year of the Maryland General Assembly term. This is a step in the right direction to reduce the role of appointments, but Maryland PIRG would support full special elections or more robust special elections if possible to reduce or eliminate the role of appointments.

The numbers vary year to year, but more than one in five Maryland state legislators were initially appointed by a party Central Committee rather than elected by voters.

These policymakers are committed to public service and their districts. But our democracy would be stronger if we joined state legislatures across the country that hold special elections to fill vacancies. Maryland is the only state with four-year State House terms, other than North Dakota, that relies on this political party appointment process.

There are some benefits to the appointment system. It saves money by avoiding the costs of a special election. But holding special elections for vacancies is a more democratic process, and a price we should pay.

There are also concerns that ending special elections will hurt candidates who are disadvantaged in the traditional election system, including women, people of color and young people. However noble, this intent should not be a reason to withhold the right to vote.

Fortunately, there are democratic tools to realize the goal of ensuring we have a representative General Assembly where candidates with a diversity in gender, race, age, and socio-economic background are able to run competitive races for office. One of the

best tools the state has to reach this goal is small donor public financing, which is reducing barriers for seeking office in communities across the state. The legislature would be well served to join city and county governments across Maryland that have adopted such programs for legislative offices.

Our state legislators make important decisions on education, health, the environment and how our tax dollars are spent. Maryland is a national leader on democracy and ballot access. It's time to democratize the process to fill vacancies and support policies that are proven effective in building a representative democracy.

We respectfully request a favorable report.

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We respectfully request a favorable report.

Jayson Spiegel SB0002 Testimony Favorable.pdf

Uploaded by: Jayson Spiegel

Position: FAV

JAYSON L. SPIEGEL
413 Upshire Circle
Gaithersburg, MD 20878
Jayson_spiegel@yahoo.co
(301) 525-1418

February 5, 2025

Honorable Brian Feldman
Honorable Cheryl Kagan
Senate Education, Energy and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: **Request for Favorable Report SB0002**, General Assembly - Special Elections to Fill a Vacancy in Office

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee::

I urge the Committee to issue a favorable report on SB0002. I am providing this testimony in my personal capacity as a Maryland resident. Although I am a member of the Montgomery County Democratic Central Committee (MCDCC), the opinions expressed herein do not reflect the opinions of other Central Committee members; they are mine alone.

Elections are the cornerstone of a democracy which in turn is the source of our freedom as Americans. Vacancies in office are inevitable, especially during the transition from one party holding the Governorship to another party. Maryland is not unique in that regard. Members of Congress often resign to accept positions in the administration of a new President.

Five legislative vacancies in Montgomery County have been filled since 2024. More than 40% of Montgomery County's delegation and almost 25% of all Maryland General Assembly members entered the legislature for the first time by appointment rather than election.

As a member of the MCDCC, I participated in the process of selecting nominees to fill legislative vacancies. I can personally attest to the fact that all of my colleagues took the responsibility seriously and invested a substantial amount of time learning about the applicants. While the Central Committee selected outstanding public servants to fill vacancies in the General Assembly over the past two years, our democratic ideals and desire to empower citizens dictate replacement of the appointment system with short-term appointments and special elections.

I recognize that there are competing visions for the best way to fill legislative vacancies, but this bill would retain the benefits of the appointments process—namely lower cost and a pathway to elective office for traditionally disadvantaged communities—while also making that process more participatory and inclusive.

Our representatives in Annapolis should be chosen directly by the voters in their respective districts. This is the essence of a participatory democratic process. Because only a fraction of the Central Committee’s membership live in any given district, appointments by the Central Committee gives outsize influence to individuals who do not live in the district that has a vacancy. Empowering the district’s voters to fill vacancies at the ballot box will not only allow for more direct feedback and engagement from the public but will also restore public confidence in the process of filling vacancies.

This bill fills vacancies quickly while ensuring an election is held without waiting for the next regular legislative election. Conducting an election during the “Presidential election year” also minimizes the cost of holding a special election.

SB0002 would amend the Maryland Constitution. If enacted by the General Assembly, the matter would be put before the voters on the 2026 ballot. That puts the matter in the hands of the voters to decide how they want vacancies to be filled – by election or Central Committee appointment.

I want to thank Senator Kagan for her leadership on this issue and urge the Committee to favorably report SB0002.

A handwritten signature in black ink, appearing to read "Jayson Spiegel". The signature is fluid and cursive, with the first name "Jayson" and the last name "Spiegel" clearly distinguishable.

Jayson L. Spiegel
Gaithersburg, Maryland

Jayson Spiegel SB0002 Testimony Favorable.pdf

Uploaded by: Jayson Spiegel

Position: FAV

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Gaithersburg, Maryland

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Re: **Request for Favorable Report SB0002**, General Assembly - Special Elections to Fill a Vacancy in Office

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I urge the Committee to issue a favorable report on SB0002. I am providing this testimony in my personal capacity as a Maryland resident. Although I am a member of the Montgomery County Democratic Central Committee (MCDCC), the opinions expressed herein do not reflect the opinions of other Central Committee members; they are mine alone.

Elections are the cornerstone of a democracy which in turn is the source of our freedom as Americans. Vacancies in office are inevitable, especially during the transition from one party holding the Governorship to another party. Maryland is not unique in that regard. Members of Congress often resign to accept positions in the administration of a new President.

Five legislative vacancies in Montgomery County have been filled since 2024. More than 40% of Montgomery County's delegation and almost 25% of all Maryland General Assembly members entered the legislature for the first time by appointment rather than election.

As a member of the MCDCC, I participated in the process of selecting nominees to fill legislative vacancies. I can personally attest to the fact that all of my colleagues took the responsibility seriously and invested a substantial amount of time learning about the applicants. While the Central Committee selected outstanding public servants to fill vacancies in the General Assembly over the past two years, our democratic ideals and desire to empower citizens dictate replacement of the appointment system with short-term appointments and special elections.

I recognize that there are competing visions for the best way to fill legislative vacancies, but this bill would retain the benefits of the appointments process—namely lower cost and a pathway to elective office for traditionally disadvantaged communities—while also making that process more participatory and inclusive.

Our representatives in Annapolis should be chosen directly by the voters in their respective districts. This is the essence of a participatory democratic process. Because only a fraction of the Central Committee’s membership live in any given district, appointments by the Central Committee gives outsize influence to individuals who do not live in the district that has a vacancy. Empowering the district’s voters to fill vacancies at the ballot box will not only allow for more direct feedback and engagement from the public but will also restore public confidence in the process of filling vacancies.

This bill fills vacancies quickly while ensuring an election is held without waiting for the next regular legislative election. Conducting an election during the “Presidential election year” also minimizes the cost of holding a special election.

SB0002 would amend the Maryland Constitution. If enacted by the General Assembly, the matter would be put before the voters on the 2026 ballot. That puts the matter in the hands of the voters to decide how they want vacancies to be filled – by election or Central Committee appointment.

I want to thank Senator Kagan for her leadership on this issue and urge the Committee to favorably report SB0002.

A handwritten signature in black ink, appearing to read "Jayson Spiegel". The signature is fluid and cursive, with the first name "Jayson" and the last name "Spiegel" clearly distinguishable.

Jayson L. Spiegel
Gaithersburg, Maryland

Jayson Spiegel SB0002 Testimony Favorable.pdf

Uploaded by: Jayson Spiegel

Position: FAV

JAYSON L. SPIEGEL
413 Upshire Circle
Gaithersburg, MD 20878
Jayson_spiegel@yahoo.co
(301) 525-1418

February 5, 2025

Honorable Brian Feldman
Honorable Cheryl Kagan
Senate Education, Energy and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: **Request for Favorable Report SB0002**, General Assembly - Special Elections to Fill a Vacancy in Office

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Jayson L. Spiegel
Gaithersburg, Maryland

SB 2 - General Assembly - Special Election to Fill

Uploaded by: Joanne Antoine

Position: FAV

February 5, 2025

Testimony on SB 2
General Assembly - Special Election to Fill a Vacancy in Office
Education, Energy, and the Environment Committee

Position: Favorable

Common Cause Maryland supports SB 2. If passed and later 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.

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 with little to no public input or even adequate public access to the decision-making process unless that voter is following and engaged in their local political party. Unaffiliated voters and those from other parties also have no opportunity to meaningfully engage.

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 our 2024 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 2 proposes both.

SB 2 would improve the current process 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 Marylanders 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), HB 174 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 2 is a straightforward bill that begins to shift the power to fill legislative vacancies from the executive to the voters of Maryland, and for that reason we urge a favorable report.

SB0002 Special Elections.pdf

Uploaded by: laura wade

Position: FAV

FAVORABLE POSITION

Maryland Senate Bill 0002: General Assembly – Special Election to Fill a Vacancy in Office

February 3, 2025

To: The Honorable Members of the Senate Education, Energy, and the Environment Committee,

I am writing to express my strong support for Senate Bill 2, which proposes a constitutional amendment to require that a special election be held at the same time as the regular statewide primary and general elections in the second year of the term to fill a vacancy in the office of Delegate or Senator in the General Assembly, provided the vacancy occurs on or before the date that is 55 days before the deadline for filing certificates of candidacy for the regular statewide election.

Currently, when a vacancy arises in the Maryland General Assembly, a special election is held separately from the regular statewide elections. This process can lead to increased costs and voter fatigue, as constituents are required to participate in multiple elections within a short timeframe.

By aligning special elections with the regular statewide primary and general elections, SB 2 offers several benefits:

- **Cost Efficiency:** Combining elections reduces administrative expenses and the financial burden on taxpayers.
- **Increased Voter Turnout:** Holding special elections concurrently with regular elections can lead to higher voter participation, ensuring that the elected representative more accurately reflects the will of the constituents.
- **Streamlined Electoral Process:** This alignment simplifies the electoral process for both voters and election officials, promoting a more efficient and effective democratic system.

I urge the committee to favorably consider SB 2. Implementing this constitutional amendment will enhance the efficiency of our electoral system, reduce costs, and encourage greater civic engagement among Maryland's voters.

Thank you for your attention to this important matter.

Laura Wade
115 Holy Cross Road
Street, Maryland 21154

SB0002_Special Election to Fill Vacancy_FAVORABLE.

Uploaded by: Liz Enagonio

Position: FAV



Indivisible: Central Maryland

Susan Radke, Lead Advocate

Dsusan56@gmail.com

Liz Enagonio, Lead Advocate

lenagonio@icloud.com

TESTIMONY FOR SB0002

General Assembly – Special Election to Fill a Vacancy in Office

Bill Sponsor: Senator Kagan

Committee: Energy, Education and the Environment

Organization Submitting: Indivisible Central Maryland

Person Submitting: Liz Enagonio and Susan Radke, lead advocates

Position: FAVORABLE

Our names are Liz Enagonio and Susan Radke, lead advocates for Indivisible Central Maryland, a grassroots organization of constituents dedicated to protecting progressive and democratic values. Indivisible Central Maryland **strongly supports SB0002.**

This bill proposes a constitutional amendment to require that a special election be held at the same time as the regular statewide primary or biannual general elections to fill a vacancy in the office of Delegate or Senator in the General Assembly if the vacancy occurs on or before the date that is 55 days before the deadline for filing certificates of candidacy for the regular statewide election. At the moment, about 40% of our legislative positions are filled by appointment by the Governor. This does not give the voters in the district a chance to hear from and choose a person who best meets the needs of the community. It's a form of disenfranchisement, and damages the concept that citizens elect their representation. This in turn breeds cynicism with the electoral process, leading to distrust of elected officials and disengagement from the electoral process vital to a strong Democratic nation. At a time of Federal turmoil, strong state governments elected and supported by state voters are vital to maintaining a government of, by, and for the people.

We understand the fiscal constraints on Maryland at this time. The plan to add a special election to an already-existing election ballot seems financially prudent, and we support that plan.

For these reasons, **Indivisible Central Maryland STRONGLY supports SB0002, and recommends a FAVORABLE vote in committee.** Thank you.

Testimony SB0002.pdf

Uploaded by: Liza Smith

Position: FAV

Testimony in Support of SB0002

From: Liza Smith, Montgomery County Democratic Central Committee District 14

Position: SUPPORT

Honorable Members of the Education, Energy, and Environment Committee,

My name is Liza Smith, and I am a member of the Montgomery County Democratic Central Committee, District 14. I want to express my strong support for Senate Bill SB0002, a measure that would ensure a special election is held to fill vacancies in the Maryland General Assembly. Democracy requires that the people have the opportunity to choose their representatives in government. Allowing a political party Central Committee to appoint individuals to these roles undermines this fundamental right that all citizens should possess.

Currently, twenty-five states conduct special elections for their state legislatures, while Maryland is the only state in the Mid-Atlantic region without this provision. Special elections are not only fairer for voters but also promote more competitive races, allowing anyone to present themselves as a candidate and leaving the decision in the hands of the public. This system encourages greater participation from diverse groups within our state and ensures that our representatives accurately reflect the views and interests of their constituents.

The proposed amendment aligns with the principles of fairness, transparency, and citizen engagement. By holding a special election concurrently with the regular statewide primary and general elections, we can streamline the process, reduce the costs associated with separate special elections, and ensure that vacancies in office are filled without unnecessary delays.

It is perplexing that neighboring states like Virginia allow their citizens to vote promptly when vacancies occur, while Maryland falls behind. Our residents deserve the same level of democratic representation and responsiveness from their government.

I urge the Education, Energy, and Environment Committee to recognize the importance of this bill in enhancing our democratic process, promoting civic engagement, and upholding the values of inclusivity and representation. By supporting Senate Bill SB0002, we can empower Maryland residents to have a voice in selecting their leaders and ensure continuity in governance when vacancies arise.

Thank you for your attention to this critical issue. I respectfully ask for your favorable consideration and support for Senate Bill SB0002.

Liza Smith
Montgomery County Democratic Central Committee
District 14

2-5 SB 2 - General Assembly - Special Election.do

Uploaded by: Nikki Tyree

Position: FAV



**TESTIMONY TO THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT
COMMITTEE**

SB 2 General Assembly – Special Election to Fill a Vacancy in Office

POSITION: Favorable

BY: Linda Kohn, President

Date: February 5, 2025

The League of Women Voters of Maryland supports SB 2, which proposes an amendment to the Maryland Constitution requiring a special election to fill a vacancy in the office of Delegate or Senator in the General Assembly if the vacancy occurs more than fifty-five days prior to the filing deadline for the statewide election that is held in the second year of the term.

Legislative representatives should be elected by their constituents. Since 1985, the Maryland League of Women Voters has supported the use of special elections to fill vacancies in the office of Senator or Delegate. Recognizing the expense of special elections and the historically low voter turnout in such elections, the League supports tie-in special elections, which are held in conjunction with other regularly scheduled elections. This proposed legislation requires tie-in elections.

More than that, voter apathy is a significant issue. Maryland has one of the highest appointment records in the country. This trend can lead voters to believe that the government is decided without them and that they are, in fact, not part of the democratic process. Anyone who works in elections knows that getting voters to vote down ballot is not always successful. This leads to many voters “undervoting” and only voting for more prominent offices such as governor or president. These voters would not know who their central committee members are, leading them to feel discounted when it comes to appointments.

In a survey conducted, 85% of Marylanders agreed that special elections should be held to fill a vacancy. The League is asking for these voters to be allowed back into the process and not be locked out and silenced. If Democracy is a value of Marylanders, it is paramount that they be allowed to cast a ballot.

We are pleased that this legislation requires special elections to fill a Senator or Delegate vacancy that is uniform across jurisdictions in the state. Where appointments by the Governor rather than special elections are used to fill legislative vacancies, the League also supports additional statewide standards regulating the central committee nominating process to fill vacancies, including:

- public notice of meetings within the vacated district for public input
- the public announcement of candidates prior to that meeting
- and a publicly recorded vote of each committee member.

The LWVMD strongly urges a favorable report on SB 2.

Support of SB 2

Uploaded by: Paula Bienenfeld

Position: FAV

Testimony for SB0002, Constitutional Amendment
Dr. Paula Bienenfeld
February 5, 2025
Support

My name is Dr. Paula Bienenfeld. I am testifying in support of Bill SB0002. For too long residents in Maryland have been without the right to vote for our state legislators. In my county, Montgomery County, approximately 40 percent of our statehouse legislators were chosen by a small group of insiders. In one district, District 16, of the four legislators, three have been selected instead of voted into office. We do not have the right to vote. This is unconscionable.

Legislators are chosen in Montgomery County by the Democratic Central Committee. This has to end and residents of Maryland must get back our right to vote. According to Wikipedia, the idea of a 'central committee' here in Maryland was dreamed up by the Democratic Party so they could support their candidate for president, Andrew Jackson. And since then nothing has changed. This bill is a step toward remedying that. Marylanders demand the right to vote.

Thank you.

SB 0002 - Maryland Forward Party.pdf

Uploaded by: Philip Benenati

Position: FAV



Maryland Forward Party

January 31, 2025

Maryland Forward Party

PJ Benenati, Chair

(301) 606-3513

pjbenenatimdfwd@gmail.com

SB 0002:

General Assembly - Special Election to Fill a Vacancy in Office

Position: Favorable

Dear Committee,

I am writing on behalf of the Maryland Forward Party and our 6,000 Maryland supporters. Forward Party is among the fastest growing political organizations in the United States and in Maryland. Our organization is dedicated to promoting and enhancing our democracy in Maryland. We also believe that all Maryland taxpayers should have an opportunity to be heard. In Maryland there is need to reform the process for which vacancies in the General Assembly be filled.

SB 0002 is proposing a constitutional amendment to require that a special election be held at the same time as the regular statewide primary and general elections that are held in the second year of the term to fill a vacancy in the office of Delegate or Senator in the General Assembly, if the vacancy occurs on or before the date that is 55 days before the deadline for filing certificates of candidacy for the regular statewide election. The Maryland Forward Party views this Favorably.



Maryland Forward Party

January 31, 2025

Maryland voters should always be the deciding factors for which elected officials serve in office. In 2024 25% of the General Assembly were initially appointed to their positions, and not voted into office.

<https://bethesdamagazine.com/2024/04/09/moco-politics-in-annapolis-its-deja-vu-all-over-again-for-special-elections-legislation/>

This percentage is alarmingly high and indicates a likely gap in Maryland's democratic process. In 2024, SB 0029 was overwhelmingly supported in the State Senate (43-2) but the measure was then unable to emerge from the House Ways and Means Committee.

SB 0002 will, by constitutional amendment, ensure that this democratic loophole be closed and that we re-instill this power back to Maryland voters, with the use of mandated special elections.

Respectfully

PJ Benenati

Maryland Forward Party, Chair

E: pjbenenatimdfwd@gmail.com

P: 301-606-3513

Testimony in support of SB0002 - General Assembly

Uploaded by: Richard KAP Kaplowitz

Position: FAV

02/05/2025

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0002- POSITION: FAVORABLE

General Assembly - Special Election to Fill a Vacancy in Office

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0002, **General Assembly - Special Election to Fill a Vacancy in Office**

This bill, which is being introduced again from prior legislative sessions, is an attempt to fix a problem in our legislation with replacing delegates or senators who leave the body for another legislative or executive position, The replacement of that individual is not the choice of the voters, it is left to a small group of people who run the jurisdiction's party central committee. The voters are not given a choice to find the person they would pick to fill the opening.

This bill will change the procedures for filling these openings that occur via a constitutional amendment to be submitted for voter approval. The bill is proposing a constitutional amendment to require that a special election be held at the same time as the regular statewide primary and general elections that are held in the second year of the term to fill a vacancy in the office of Delegate or Senator in the General Assembly if the vacancy occurs on or before the date that is 55 days before the deadline for filing certificates of candidacy for the regular statewide election. This verbiage basically says hold a special election, and here is the timing and process for doing so.

This bill empowers voters to choice their representatives instead of a small group of political committee members whose view of a candidate does not match to the majority views of the electorate.

I respectfully urge this committee to return a favorable report on SB#/0002.

SB002_MDSierraClub_fav 05Feb2025.pdf

Uploaded by: Richard Norling

Position: FAV



P.O. Box 278
Riverdale, MD 20738

Committee: Education, Energy, and the Environment
Testimony on: SB 2 General Assembly – Special Election to Fill a Vacancy in Office
Position: Favorable
Hearing Date: February 5, 2025

The Maryland Chapter of the Sierra Club urges a favorable report on SB 2. The bill is a proposed constitutional amendment that provides for election of a General Assembly member to fill a vacancy that occurs early in the legislator's 4-year term of office. We believe that consistently enabling voters to elect their General Assembly members is a valuable principle underlying Maryland's system of representative government.

SB 2 will require a special election to be held along with the Presidential election to fill a General Assembly vacancy that occurs at least 55 days before the candidate filing deadline for that election. Central committees would continue to appoint temporary legislators, who would serve until the special election. The bill would not affect the process for filling vacancies that occur after that date.

If this legislation had become law in 2014, 23 vacancies since then would have been affected. Most of those vacancies resulted from legislators being appointed to other offices in the first few months after an election. Voters in the affected districts did not have an opportunity to choose their legislator for over three years.

We recognize that some of Maryland's truly outstanding legislators first began their service after being appointed through the existing process, and the State in turn has benefited greatly. We support this reduction in the time appointed legislators serve before the next election, however, because we believe that, in general, elections result in closer connections between new legislators and their constituents.

The Sierra Club and its members advocate on behalf of both the natural and human environments, including promoting racial and social equity. As a grassroots organization, we seek to foster strong relationships between voters and their representatives in government.

We believe one of the principles of democratic systems is that people should have the opportunity to elect the leaders who enact laws and run their government. SB 2 will expand the opportunity for voters to elect their leaders in a fully transparent, public process and increase confidence in government. For these reasons, we urge a favorable report on SB 2.

Rich Norling
Chair, Voting Rights Committee
Rich.Norling@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

Testimony - Special Elections 2025.pdf

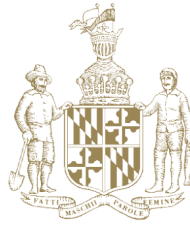
Uploaded by: Sen. Cheryl Kagan

Position: FAV

CHERYL C. KAGAN
Legislative District 17
Montgomery County

Vice Chair
Education, Energy, and
the Environment Committee

Joint Audit and Evaluation Committee
Joint Committee on Federal Relations



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Cheryl.Kagan@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB2: Special Elections

Senate Education, Energy, and Environment Committee
Wednesday, February 5, 2025 1:00 PM

In 2016, the General Assembly passed [SB554/HB260](#), a Constitutional Amendment later ratified by voters, to hold special elections for vacancies in the offices of the State Attorney General, Comptroller, or U.S. Senator that occur in the first half of a term. Every year since, legislators have attempted to similarly reform the appointment process for the General Assembly.

Nearly a quarter of our legislative colleagues were [selected by political party leaders](#)-- rather than **elected** by their constituents. There is growing discontent with the role of Party Central Committees, which do not allow voters to express their views as to who should represent them... perhaps for the balance of our four-year terms. According to a 2024 Gonzales poll, 85% of Marylanders favor filling vacancies in a special election.

[SB2](#) aims to modify the inadequately democratic Central Committee appointment process. It would require a Special Election to be held to coincide with the Presidential election schedule if a legislative vacancy occurs 55 days or more prior to the filing deadline. During the last two years of a term, Democratic and Republican Central Committees would submit nominations to the Governor, as they do now.

This bill passed the Senate in 2024 by a vote of 43-2.

SB2 would go into effect immediately following the voters' approval of the Constitutional Amendment in November 2026.

We have the ability to make our system more democratic, representative, and responsive, similar to the [29 other states](#)¹ that use Special Elections to fill legislative vacancies.

I urge a favorable report on SB2.

¹ AL, AR, CA, CT, DE, FL, GA, HI, IA, KS, KY, LA, MA, ME, MI, MN, MS, MO, NH, NJ, NY, OK, PA, RI, SC, TN, TX, VA, and WI

SB 0002 Special Election MGA vacancy.pdf

Uploaded by: SHARON CARRICK

Position: FAV



Ella Ennis, Legislative Chairman
Maryland Federation of Republican Women
PO Box 6040, Annapolis MD 21401
Email: eee437@comcast.net

February 3, 2025

The Honorable Brian Feldman, Chair
And Members of the Education,
Energy and Environment Committee
Senate of Maryland

RE: **SB0002** – Constitutional Amendment for Special Election to Fill a Vacancy -
FAVORABLE

Dear Chairman Feldman and Committee Members,

The Maryland Federation of Republican Women supports SB0002 to hold a special election at the time of the mid-term Primary and General Elections to fill vacancies for State Senator and Delegate.

Vacancies occur in every term for a number of reasons. When occurring early in a four-year term, replacements are appointed by the Governor upon the recommendation of the Central Committee of the Party of the outgoing official. This leaves voters without a voice in determining who represents them in Annapolis.

In these situations, SB0002 restores the opportunity for voters to participate in selecting their representative without incurring the additional cost of a separate special election.

Holding the special election in conjunction with a mid-term Primary or General Election makes economic sense and preserves voter participation.

We urge a **FAVORABLE** report for **SB0002**.

Sincerely,
Ella Ennis
Legislative Chairman
Maryland Federation of Republican Women

2025 SB0002 Testimony Against 2025-02-05.pdf

Uploaded by: Alan Lang

Position: UNF

Testimony Against SB0002

Honorable Senators

Please enter an unfavorable decision about SB0002.

Currently, if there is a vacancy in a Delegate or Senator position, the Governor appoints a candidate nominated by the central committee of the party of the departing person, as was done in District 31 just recently. This process worked well in Anne Arundel County and ensured that a representative from the same party would be selected. The Central Committee members were elected by the people to make decisions like this.

The process is not broken and has worked for decades. It should not be converted to a special election.

Alan Lang
45 Marys Mount Road
Harwood, Maryland 20776
410-336-9745
Alanlang1@verizon.net

February 5, 2025

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Uploaded by: Alan Lang

Position: UNF

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February 5, 2025

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Uploaded by: Alan Lang

Position: UNF

Testimony Against SB0002

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February 5, 2025

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Position: UNF

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Alan Lang
45 Marys Mount Road
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410-336-9745
Alanlang1@verizon.net

February 5, 2025

David Naimon MoCo Board of Elections on SB 2 at Se

Uploaded by: David Naimon

Position: INFO

David A. Naimon
President

Daniel A. Koroma
Vice President

Amoretta M. (Amie) Hoeber
Secretary

Keyna I. Anyiam
Member

Diane Nash Dillon
Member

Margie C. Delao
Substitute Member

Alexander C. Vincent
Substitute Member



Montgomery County Board of Elections
18753 N. Frederick Avenue, Suite 210
Gaithersburg, Maryland 20879

Boris Brajkovic
Election Director

Vacant
Deputy Election Director

Janet A. Ross
IT Manager

Sandra Prudenti
Voter Services Manager

Mindy Williams
Operations Manager

Vacant
Recruitment & Election Support Manager

Kevin Karpinski
Counsel

**TESTIMONY BY BOARD PRESIDENT DAVID A. NAIMON
ON SENATE BILL 2 REGARDING SPECIAL ELECTIONS
HOUSE WAYS AND MEANS COMMITTEE 2-5-2025**

Chair Feldman and Vice Chair Kagan, for the record, my name is David Naimon, I'm the President of the Montgomery County Board of Elections, and I'd like to thank you for the opportunity to submit this written testimony. I'm testifying today on behalf of our Board (and not on behalf of the State Board or any other local Board). While I'm sure you're quite familiar with the pros and cons of this legislation to fill some legislative vacancies in the first year of the legislative term by special election in the second year, I'm not testifying in support or opposition, but to provide information that I hope you will find helpful about how it would affect our work. In short, we think that the added responsibility for the special elections called for in the bill – which will be held in conjunction with already regularly scheduled elections in presidential election years – would only marginally increase our workload and therefore marginally affect our cost of administering the election.

As long as the filing deadline for the special elections coincides with the filing deadline for other offices on the ballot during the presidential elections, we might have a few more candidates to work with, and the sample ballot with voter information that we mail to voters might be slightly longer if we add explanations about why state legislative races are on the presidential year ballot. Our number of ballot styles would remain the same, given that we currently have separate ballot styles for each precinct and for each party affiliation in the primary.

Special elections could make the voted ballot slightly longer, especially in a district that might have two special elections at the same time – one for State Senator and one for Delegate if a Delegate is appointed to be a Senator. Such a longer ballot in a presidential election year could make it take voters marginally longer to vote (slightly lengthening lines) and could marginally affect how long it takes to process voted mail-in ballots (because of the time required to duplicate ballots at the mail-in ballot canvass when necessary). More pages in the ballot likely would take slightly longer to duplicate and scan, but the number of special elections called for under this legislation is unlikely to have that big an effect.

We might need to do some additional outreach to voters to explain why they're seeing state legislative races during the presidential years, especially for the segment of voters who only vote in presidential years. We don't think that particular message would be complicated to explain.

We have one technical suggestion for you to consider for a possible amendment to the bill, which is to tie the bill's special election provisions to a specific day or date in November, rather than to the filing deadline. As drafted, the bill provides for a constitutional amendment but ties its provisions to a statutory filing deadline for the presidential primary election (calling for special elections if a vacancy occurs before the date that is 55 days before the filing deadline), and that filing deadline is by statute 95 days before the date of the primary election. The date when a vacancy would have to occur to result in a

special election would move earlier or later if the primary election moves earlier or later, and Maryland primary elections have been moved often, especially in presidential election years, both to avoid the spring religious holidays (and early voting for the 2028 primary election as currently scheduled includes both Easter and Passover) and because of where Maryland stands in the presidential primary calendar. To avoid the confusion that may be caused by the date shifting, you might consider tying the special election provisions to a specific day or date, such as the third Friday in November (the Friday before Thanksgiving) or a specific date in November, such as November 20.

Thank you for the opportunity to provide this information to you.