

LINDA FOLEY  
Legislative District 15  
Montgomery County

Environment and Transportation  
Committee



The Maryland House of Delegates  
6 Bladen Street, Room 220  
Annapolis, Maryland 21401  
410-841-3052 · 301-858-3052  
800-492-7122 Ext. 3052  
Linda.Foley@house.state.md.us

## THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

**Testimony:** HB174 - General Assembly - Special Election to Fill a Vacancy in Office

**Committee:** Ways and Means

**Hearing Date:** January 28, 2025

**Position:** Favorable

Thank you Chair Atterbeary, Vice Chair Wilkins and members of the Ways and Means Committee.

I am Delegate Linda Foley and I am presenting HB 174 General Assembly - Special Election to Fill a Vacancy in Office which allows Marylanders to vote on a Constitutional Amendment changing the way legislative vacancies occurring during the 4-year term of office are filled.

Currently, the County Central Committee of the departing legislator's political party recommends candidates to the Governor, who then appoints a nominee to fulfill the remainder of a departing Delegate's or Senator's term, whether it be 6 months, 2 years or, in some cases, a near-complete 4-year term.

HB 174 would inject more democracy and voter engagement in the vacancy-filling process. The Amendment, if approved by voters, would make the following change: If a vacancy occurs 55 days or more prior to the candidate filing deadline for the interim two-year mark of a term, then the individual appointed by the governor will serve until, and then subject to, a special election held during the Presidential election at the midterm of the 4-year legislative term.

The special election would be held during the regular primary and general elections in the Presidential Election year. Vacancy appointments made more than 2 years into a legislative term would not be subject to a special election.

This bill is actually a compromise. The approach to hold special elections every year would require large expenditures by local election boards and would likely result in very low-turnout elections that may not accurately reflect the will of the voters. HB 174 combines the efficiency and continuity of an appointment process with the democracy of voter input at least every 2 years, during an election that's already scheduled.

Overall, 31 states have procedures to fill legislative vacancies that include special elections in at least some circumstances. Only 9 states have a process similar to Maryland where the Governor appoints. In all, 23 percent of the 188-member Maryland General Assembly first acquired their seats through appointment, including myself.

The history of the bill goes back decades. It was first proposed in 2008 by Senator Richard Madaleno and then-Senator Jamie Raskin (District 20) to advocate for more democracy and voter engagement.

This is the third year I have put this bill before you. Prior to my sponsorship, several delegates and senators have proposed it in past years. Last session, it passed the Senate 43-2.

This year, there is again a groundswell of support in Maryland for some type of special election process to fill legislative vacancies. I urge a favorable report and I'm happy to answer any questions.