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February 26, 2026

To: The Honorable Kriselda Valderrama
Chair, Economic Matters Committee

From: Karen S. Straughn
Consumer Protection Division.

Re: House Bill 955 – Real Property – Condominiums and Homeowners Associations -
Elections (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony to support House Bill 955 submitted by Delegate Marvin E. Holmes, Jr. This bill would exempt a condominium or homeowner's association from the requirement to hire an independent party to run an election if the election is uncontested.

Legislation passed during the 2025 session requires an independent party to run all elections in condominiums and homeowner's associations. However, when an election is uncontested—meaning the number of candidates running is equal to or less than the number of open positions - the requirement to appoint and fund an independent party to administer the election can be unnecessary, inefficient, and burdensome. Eliminating that requirement in such circumstances does nothing to weaken democracy; it merely permits an association to avoid an expense that serves no purpose.

Elections require resources to conduct in most circumstances. When there is no contest—no alternative candidates and no competing outcome—the fundamental purpose of those expenditures disappears. If the result is predetermined because no alternative challengers exist, mandating an independently administered process can amount to spending funds on a procedural formality rather than a meaningful democratic choice.

Critics may argue that it may be difficult to know in advance if an election is uncontested because floor nominations may alter the number of persons running and result in an unplanned but contested election. While this is certainly possible, in most associations, the likelihood of someone winning an election through a floor nomination is usually extremely low. In a floor nomination, the nominee typically has not campaigned, circulated information, or communicated a platform to owners. In communities where votes are cast by proxy or absentee ballot before the meeting even begins, those votes are already locked in. That makes it very difficult—often mathematically impossible—for a floor nominee to secure enough support to win. In addition, voter participation in association meetings is often limited. Indeed, if the number of nominees does not exceed the number of positions, many owners may not see a need to attend to cast a vote.

Because the probability of a successful floor nomination is so small, requiring associations to plan and pay for a fully administered, independently run election every time—just in case one might occur—creates unnecessary costs for associations and their members.

For the reasons set forth, the Consumer Protection Division requests that the Economic Matters Committee issue a favorable report on this bill.

cc: The Honorable Marvin E. Holmes, Jr.
Members, Economic Matters Committee