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Environment and Transportation  
Committee

Chair, Non-Energy Utilities  
Subcommittee

THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony:** HB 50 - General Assembly - Special Election to Fill a Vacancy in Office

**Committee:** Government, Labor, and Elections

**Hearing Date:** February 4, 2026

**Position:** Favorable

Thank you Chair Wells, Vice Chair Kerr and members of the Government, Labor, and Elections Committee.

I am Delegate Linda Foley and I am presenting HB 50 General Assembly - Special Election to Fill a Vacancy in Office, which would allow Marylanders to vote on a Constitutional Amendment to change how legislative vacancies occurring during a four-year term are filled.

Under current law, when a Delegate or Senator leaves office mid-term, the County Central Committee of the departing legislator's political party recommends candidates to the Governor, who then appoints a replacement to serve the remainder of the term. That appointment can last anywhere from six months to nearly a full four-year term, without voters having any direct say.

As a result, more than a quarter of the 188-member General Assembly entered office through appointment rather than election, including myself. While appointments provide continuity, the current system limits democratic accountability for extended periods of time.

HB 50 would inject more democracy and voter engagement in the vacancy-filling process. If approved by voters, the Constitutional Amendment would allow the Governor's appointee to serve until a Special Election at the midpoint of the four-year term—held during the regularly scheduled Presidential election—if vacancy occurs 55 days or more prior to the candidate filing deadline. Vacancies occurring more than two years into a term would continue to be filled by appointment only.

This approach is a compromise. Holding stand-alone Special Elections throughout the year would impose significant costs on local election boards and likely result in low turnout that does not accurately reflect the will of the electorate. HB 50 combines the efficiency of appointments with guaranteed voter input at least every two years, during elections that are already scheduled and widely participated in.

Overall, 29 states have procedures to fill legislative vacancies that include Special Elections in at least some circumstances. Only 8 other states have a process similar to Maryland where the Governor appoints.

The history of the bill goes back years. 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 fourth year I have put this bill before you. Prior to my sponsorship, several delegates and senators have proposed similar legislation in past years. Last session, it passed the Senate 44-2.

This year, there is again a groundswell of support in Maryland for Special Elections to fill legislative vacancies. The Senate crossfire of this bill already passed the Senate Education, Energy, and the Environment Committee unanimously this session.

Without a ballot question on the appointments process this year, the change would not take effect until at least 2032, since it must be approved by voters before a Presidential election.

I urge a favorable report on HB50 and I'm happy to answer any questions.