

SB0029- Favorable.pdf

Uploaded by: Barbara Noveau

Position: FAV



Barbara Noveau, DoTheMostGood

COMMITTEE: Education, Energy, and the Environment Committee

TESTIMONY ON: SB0099 Election Law - Affiliating with a Party and Voting - Unaffiliated Voters-

POSITION: FAVORABLE

HEARING DATE: January 30, 2024

BILL CONTACT: Senator Cheryl Kagan

DoTheMostGood (DTMG) is a progressive grass-roots organization with members in all districts in Montgomery County as well as in several nearby districts. DTMG works to protect the fundamental rights of all Maryland residents, and which promote equity across all our diverse communities.

DTMG enthusiastically supports SB0099 that extends to unaffiliated voters the right to request to affiliate with a party at an early voting center during a primary election and vote a provisional ballot for the voter's preferred political party. Not only does this allow party affiliation earlier, it also will clear up the confusion of many voters over different rules for primaries, early voting and in-person voting on election day.

For these reasons, DoTheMostGood gives a **FAVORABLE** report on SB0099

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara Noveau", is positioned above the typed name.

Barbara Noveau
Founder, DoTheMostGood
barbara@dtmg.org
240-338-3048



Barbara Noveau, DoTheMostGood

COMMITTEE: Education, Energy, and the Environment Committee

TESTIMONY ON: SB0140 General Assembly Vacancy - Political Party Central Committees - Procedures

POSITION: FAVORABLE with Reservations

HEARING DATE: January 30, 2024

BILL CONTACT: Senator Clarence Lam

DoTheMostGood (DTMG) is a progressive grass-roots organization with members in all districts in Montgomery County as well as in several nearby districts. DTMG works to protect the fundamental rights of all Maryland residents, and which promote equity across all our diverse communities.

DTMG supports with reservations SB140 that address transparency and conflicts of interest in the current procedures. We applaud the provision that a member of the central committee who has applied to fill the vacancy must recuse themselves from voting on the individual to fill the vacancy, and that the Central Committee votes will be cast by Roll Call vote will casts their votes by Roll Call vote or signed ballots. There are still problems with the entire process, from applying to campaigning and final votes not addressed here.

Overall, this bill puts small band-aids on a large wound: this process puts legislators into office without a single constituent vote. Since vacancies in the General Assembly are frequent, citizens can often end up with a delegate who would never be the choice of the people.

For these reasons, DoTheMostGood gives a **FAVORABLE with reservations** report on SB140

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara Noveau", is positioned above the typed name.

Barbara Noveau
Founder, DoTheMostGood

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240-338-3048



Barbara Noveau, DoTheMostGood

COMMITTEE: Education, Energy, and the Environment Committee

TESTIMONY ON: SB0029 - Special Elections - Procedures and General Assembly Vacancies and Ties

POSITION: FAVORABLE

HEARING DATE: January 30, 2024

BILL CONTACT: Senator Cheryl Kagan

DoTheMostGood (DTMG) is a progressive grass-roots organization with members in all districts in Montgomery County as well as in several nearby districts. DTMG works to protect the fundamental rights of all Maryland residents, and which promote equity across all our diverse communities.

DTMG enthusiastically supports legislation SB0029 that would require a special election be held to fill a vacancy or resolve a tie for election for a Delegate or Senator in the General Assembly, except when the vacancy occurs in a year when the General Assembly is elected. SB0029 bill also requires that such a special election be conducted by mail, addresses some of the concerns around cost to local boards of election while also promoting the efficiency and security of voting by mail.

We also applaud the speedy action by the Governor required if the vacancy or tie occurs in a General Assembly election year, especially provisions that untether the special election from a general election if it delays the special election beyond the stated times to announce and conduct the election. To leave constituents of the vacating Senator or delegate unrepresented beyond 30-45 days is unconscionable.

For all these reasons, DoTheMostGood strongly recommends a **FAVORABLE** report on (full bill number).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara Noveau", is written above the typed name.

Barbara Noveau
Founder, DoTheMostGood
barbara@dtmg.org
240-338-3048

SB0029_General_Assembly_Vacancies_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0029

Special Elections – Procedures and General Assembly Vacancies and Ties

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 favor of SB0029 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. If the vacancy occurs within an election year, the current appointment process would remain in effect. 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 support this bill and recommend a **FAVORABLE** report in committee.

SB29_IHOCO_Lemyze.pdf

Uploaded by: Christine Lemyze

Position: FAV

Indivisible HoCoMD

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

SB0029 - Special Elections - Procedures and General Assembly Vacancies and Ties

Position: Favorable

by: Christine Lemyze, Defend Democracy Team Lead, Indivisible Howard County

Date: January 29, 2024

On behalf of Indivisible Howard County grassroots organization of 700+ members, whose mission is to elect progressive leaders and rebuild our democracy, I am writing in support of SB0029.

Indivisible Howard County supports SB29 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, unless the vacancy occurs during the year in which the General Assembly is elected.

We strongly believe in fair elections and that voters should have the last word in determining who represents them in the legislature. Those decisions should not be left in the hands of a few Central Committee members.

For many years now, Indivisible Howard County has advocated for such a change which will bring more transparency and less cronyism to the process of filling vacancies in the General Assembly. We are encouraged by Senator Kagan's proposal and **urge a favorable report on SB0029.**

It is time to take decisive action and address this important issue.

Montgomery County Our Revolution Maryland

Uploaded by: Edward Fischman

Position: FAV

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

Testimony in Support of SB 29

Chairman Feldman and the Members of the EEE Committee:

I offer this testimony in support of the bill, SB 29, and thank Senator Kagan for bringing this question before the Senate. I am testifying on behalf of Our Revolution Maryland which has been advocating for various reforms to our election and appointment rules to democratize rules which too often work to entrench and reinforce the influence of those in positions of power. In connection with this interest, 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 29 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 to advocate for the very reform which is the subject of SB 29. I speak for myself, and not the Committee or its members, but I think my experience in the vacancy process may be instructive, so I feel it is important to state my interest.

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 5 vacancies in 2023. 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. I wanted to support the candidate I felt was the most progressive, but even I didn't stay true to that in every race. Mindful of the fact that I was voting instead 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.

Ultimately, the process isn't even some Platonic ideal, and certainly doesn't engage the voters in choosing their representatives. 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.

To my mind, it is the incumbency which the committees bestow that is the most deeply problematic aspect. However, I do not expect that idea to gain any currency in the General Assembly and there is no bill currently to make that change.

The next best alternative is to have special elections. Sen Kagan's bill is the best of the bills we have seen proposing special elections. It would require a special election for any seat other than for a vacancy created in an election year. This largely eliminates the problem of creating incumbents who have never won election. That is an excellent reform which will empower the residents of Maryland to choose their representatives – and levels the playing field for candidates.

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 SB29.

SB29_SPECIALELEX_MDPIRG_FAV .pdf

Uploaded by: Emily Scarr

Position: FAV



**SB29: Special Elections - Procedures and General Assembly Vacancies and Ties
Education, Energy, and the Environment**

January 30, 2023

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 vote-by-mail elections for vacant seats in the Maryland General Assembly if the vacancy occurs in the first three years of a term. As a result, appointed members to the General Assembly could not serve for more than a year without winning an election. This is a smart compromise to reduce the role of appointments. And because the change will happen in the Maryland Constitution, it will have the extra step of being authorized by voters before it is approved.

The numbers vary year to year, but more than one in five Maryland state legislators were initially appointed by a Democratic or Republican 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.

When the next election comes around, appointed legislators enjoy the benefit of incumbency and the increased opportunity to earn the support of their district mates. They are generally elected to a full four-year term.

Central Committee members charged with making recommendations to the Governor to make these appointments are elected by their party, but independent voters and those from the other party have no say in this process.

Emily Scarr, Maryland PIRG Director emily@marylandpirg.org

Twitter: [@emilyscarr](https://twitter.com/emilyscarr) [@marylandpirg](https://twitter.com/marylandpirg)

There are some benefits to this 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. 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 adopt the program for state 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.

SB 29 Testimony.pdf

Uploaded by: Issa Haddad

Position: FAV

SB 29: Special Elections - Procedures and General Assembly Vacancies and Ties
Senate Education, Energy, and the Environment Committee
Issa Haddad -- FAVORABLE

January 29, 2024

Chair Feldman and Committee Members,

The voters residing in Maryland's legislative districts should choose the legislative and executive officials who represent them. Individuals who reside outside a district – including people like me, a party central-committee member -- should not have a vote in this choice.

Simply put: A special election is the most democratic way to fill an elected-office vacancy that occurs during the four-year legislative term.

I respectfully communicate my support for SB 29, which would require that a special election be held, by mail, to fill a General Assembly vacancy that occurs during a four-year legislative term, prior to a General Assembly election year.

Many Maryland state legislators were initially appointed to office by the governor, after being nominated by the party central committee in the district where a between-elections vacancy occurred, in accordance with a process laid out in Maryland's Constitution.

I personally first took part in this process in January 2023, when the Montgomery County Democratic Central Committee (MCDCC) chose a nominee to fill a District 14 delegate slot vacated by the resignation of Delegate Eric Luedtke. Twenty-four MCDCC members voted in the selection process, three of whom reside in District 14, choosing a nominee to represent District 14's 100,584 (2022) registered voters. Contrast that each of the three D14 delegates elected in November, 2022, including former Delegate Luedtke, received over 30,000 votes. So in January 2023, precisely three District 14 residents, and twenty-one non-residents, chose in place of the thousands of D14 voters.

Further, candidates who seek vacancy appointment lamentably are not subject to Maryland campaign-finance rules that require disclosure of contributions and expenditures.

Special elections as the most democratic method to fill Maryland General Assembly vacancies that occur during the four-year legislative term, and voters want them. Please consider:

1. In 1998, Montgomery County voters approved a charter amendment providing for special elections for County Council vacancies, with 90% of the vote.
2. In 2004, Howard County voters approved a charter amendment providing for special elections for County Council vacancies, with 88% of the vote.
3. In 2014, Maryland voters approved a statewide constitutional amendment allowing for special elections for County Executive vacancies, with 81% of the vote.

Voters support for special elections. SB 29 – a comprehensive approach similar to Delaware's, Virginia's, and Pennsylvania's and not just a mid-term confirmation vote – is the best way to implement them.

I urge a favorable committee report and General Assembly enactment of SB 29.

Issa Haddad
9445 Holsey Road, Damascus, MD 20871, issa4md@gmail.com

Jayson Spiegel SB0029 Favorable Written Testimony.

Uploaded by: Jayson Spiegel

Position: FAV

JAYSON L. SPIEGEL
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(301) 525-1418

January 26, 2024

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

Re: **Request for Favorable Report SB 0029**, Special Elections – Procedures and General Assembly Vacancies and Ties

Dear Chair Feldman and Members of the Education, Energy and Environment Committee:

I urge the Committee to issue a favorable report on SB0029. I am providing this testimony in my personal capacity as a Maryland resident. The opinions expressed in this testimony are mine alone and do not reflect the opinions of any group to which I may belong or on whose behalf I may have provided testimony to the General Assembly.

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.

As a member of the Montgomery County Democratic Central Committee, I have 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 significant time to get to know the applicants. While the Central Committee selected outstanding public servants to fill vacancies in the General Assembly over the past year, our democratic ideals and empowering citizens dictate replacement of the appointment system with special elections.

Only a small fraction of the Central Committee lives in each legislative district. Therefore, when the Central Committee selects a replacement to fill a vacancy, the overwhelming majority of “voters” live outside the district. Those who live outside a district, Central Committee members, should not have a say in the process. The voters residing in the affected legislative district should choose their representatives. Accordingly, the best way to fill vacancies is through elections.

I acknowledge that there are costs associated with holding special elections, but cost is not a valid reason to limit democratic elections or substitute for the will of the electorate. SB0029 addresses the cost issue by requiring mail in ballots. Many Marylanders currently vote by mail, so the process is familiar. Some states, such as Oregon, conduct all elections by mail.

There are other bills pending before the General Assembly that reform the process for filling vacancies and all of them are an improvement over the current appointment process. I would also support those bills as an initial reform step because something should be done this session. I support SB0029 because it would provide the simplest and most direct means of filling future vacancies by direct election.

I want to thank Senator Kagan for her leadership on this issue and urge the Committee to favorably report SB0029.



Jayson L. Spiegel
Gaithersburg, Maryland

SB 29 - Special Elections - Procedures and General

Uploaded by: Joanne Antoine

Position: FAV

January 30, 2024

Testimony on SB 29
Special Elections – Procedures and General Assembly Vacancies and Ties
Education, Energy, and the Environment Committee

Position: Favorable

Common Cause Maryland supports SB 29. If approved by voters, this bill would amend the state Constitution to require a special election, with the option to vote by mail or in person, to fill seats vacated by members of the Maryland General Assembly in any instance where a vacancy occurs before the election year where the General Assembly is on the ballot.

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 without public input or even adequate public access to the decision-making process unless that voter is following and engaged in their local political party.

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 a recent 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 27 proposes both.

SB 27 would improve the current process by requiring that special elections be held to fill these vacated seats if the vacancy occurs during the first three years of an election cycle. 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. SB 27 also aims to ensure voters are made aware a vacancy has occurred in their district and that a special election will be held, with multiple opportunity to vote - using the convenience of mail-in voting which we expect will boost overall participation in a special election or voting in person for those in need of assistance or simply prefer this method.

Drawing on existing processes for filling vacancies for other offices (such as Comptroller, Attorney General, or United States Senator), SB 27 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 27 is a straightforward bill that helps shift the power to fill legislative vacancies from the executive to the voters of Maryland, and for that reason we urge a favorable report.

SB 29 - Special Elections – Procedures and General

Uploaded by: Morgan Drayton

Position: FAV

January 30, 2024

**Testimony on SB 29
Special Elections – Procedures and General Assembly Vacancies and Ties
Education, Energy, and the Environment**

Position: Favorable

Common Cause Maryland supports SB 29. If approved by voters, this legislation 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 outside of a year in which the General Assembly is elected.

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. While an adequate solution in some situations, in others this leads to legislators filling nearly and entire term without giving constituents the chance to choose their representative. SB 29 would correct this issue by requiring special primary and general elections conducted by mail be held to fill the vacancy unless there is already a primary and general election scheduled for that calendar year. This gives Maryland voters the opportunity to have a say in who will represent them and their interests, and would move the state towards a more democratic process for when these vacancies do occur.

SB 29 is a straightforward bill that helps shift the power to fill legislative vacancies from the executive to the voters of Maryland, and for that reason we urge a favorable report.

1-30 LH NS SB29 Special Elections - Procedures and

Uploaded by: Nikki Tyree

Position: FAV



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

SB 29 Special Elections - Procedures and General Assembly Vacancies and Ties

Position: Support

By: Linda T. Kohn, President

Date: January 30, 2024

The League of Women Voters of Maryland supports Senate Bill 29, requiring that a special election be held when there is a vacancy or tie for office within 45 days if they should occur outside of a General Assembly election year.

Since 1985, the League of Women Voters of Maryland has supported the use of special elections to fill vacancies in the office of Senator or Delegate. We strongly believe that legislative representatives should be selected by their constituents rather than potentially serve nearly a full four-year term based on appointment by the Governor. LWVMD is pleased that SB 29 would establish a uniform requirement for special elections across all state jurisdictions.

Most of the prior Special Election bills called for tie-in special elections to be held in conjunction with other regularly scheduled elections. SB 29 proposes a different approach that would result in a more expeditious way to engage voters in selecting a replacement than waiting for the next regularly scheduled statewide election. It proposes sending a mail-in ballot to each qualified voter who lives in the legislative where the vacancy has occurred. In addition, to accommodate those who prefer to vote in person, it proposes having at least one vote center open six days before the special election and on the day of the election. The bill describes appropriate requirements for locating these vote centers that ensures accessibility by the voters.

Currently, Maryland's Senate is comprised of 47 members with one-third of those being appointed and Maryland's House of 141 members with 20% appointed. LWVMD is concerned by these statistics as well as how high Maryland ranks in vacancies.

The League also supports additional actions to improve the transparency of filling legislative vacancies, including statewide standards regulating the central committee nominating process, public notice of meetings within the vacated district for constituent 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 29.

Testimony in support of SB0029.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0029_RichardKaplowitz_FAV
1/30/2024

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0029 - FAVORABLE
Special Elections – Procedures and General Assembly Vacancies and Ties

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

FROM: Richard Keith Kaplowitz

My name is Richard K. Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#0029, Special Elections – Procedures and General Assembly Vacancies and Ties

Elections are held so that the voters can pick who should represent their interest in Annapolis. However, that is not what is currently happening. Statewide, 23% of the 188-member General Assembly first acquired their seats through appointment: 20% of the 141-person House of Delegates and one-third of the 47-member state Senate, according to figures published this past October by Common Cause

This situation is the opposite of having a representative democracy in Maryland when it is only the small number of political party committee members are picking the replacements without the involvement and consent of the voters who elected the member being replaced. This bill is an attempt to correct that situation and return us to a state where the voters pick their leaders, not their leaders picking themselves or their friends to serve in the General Assembly.

I respectfully urge this committee to return a favorable report on SB#0029.

2024 Testimony Kagan SB29 Special Elections.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

SB29: Special Elections

Education, Energy, & the Environment Committee
January 30, 2024: 1:00 PM

[Nearly a quarter](#) of our legislative colleagues were **selected** by their political party— rather than **elected** by their constituents.¹ There is growing discontent with the role of Party Central Committees, which do not allow voters to express their views on who should represent them... perhaps for the balance of our four-year terms.

[SB29](#) aims to modify the inadequately democratic Central Committee appointment process. It will require that mail-in Special Elections be conducted for vacancies occurring during the first three years of a legislative term. Mail-in ballots will increase voter input in a cost-efficient manner. Limited, in-person voting will also be available.

A vacancy in the fourth year of a legislative term would still be filled using the current Central Committee process under this Constitutional Amendment.²

An amendment to this bill clarifies that:

- Any Delegate running in a mail-in Special Election would be exempt from the fundraising prohibitions on members during session within 60 days of the election; and
- Any vacancy occurring as a result of a sitting Delegate winning a mail-in Special Election for Senate will be filled using the current appointment method, avoiding a ‘domino’ scenario of repetitive Special Elections.

There is another option for your consideration: [HB412](#). Under this less democratic model for filling vacancies, one Special Election would coincide with the Presidential election if a vacancy occurs 55 days or more prior to the filing deadline. Central Committees would still make recommendations for appointments prior to the Special Election, resulting in an incumbency

¹ <https://www.washingtonpost.com/dc-md-va/2023/11/26/appointments-maryland-general-assembly/>

² SB29 also requires a report by the SBE and DLS analyzing the benefits and fiscal impact of the various methods of filling legislative vacancies. It will be due by October 1, 2028 and sent to the Governor, as well as the Senate Education, Energy, & Environment, (& Elections!) and the House Ways & Means Committees.

advantage for the Party's choice. During the last two years of a term, Central Committees would continue to submit nominations to the Governor.

This second plan has been introduced and passed by the Senate previously. While I believe that this version is better than the status quo, it clearly does not resolve the issue of unelected legislators.

Either plan would go into effect immediately following the voters' approval of the Constitutional Amendment in November 2024.

We have the ability to make our system more democratic, more representative, and more responsive, as have the [25 other States](#)³ that currently use Special Elections to fill legislative vacancies.

I urge a favorable report on SB29 as I propose to amend it.

³ According to the NCSL, "Twenty-five states fill legislative vacancies through special elections." These include: AL, AR, CA, CT, DE, FL, GA, IA, KY, LA, MA, ME, MI, MN, MS, MO, NH, NY, OK, PA, RI, SC, TX, VA, and WI. <https://www.ncsl.org/elections-and-campaigns/filling-legislative-vacancies>

2024-SB29-SpecialElections-Seth Grimes.pdf

Uploaded by: Seth Grimes

Position: FAV

SB 29: Special Elections - Procedures and General Assembly Vacancies and Ties
Senate Education, Energy, and the Environment Committee
Seth Grimes -- FAVORABLE

January 30, 2024

Chair Feldman and Committee Members,

The voters residing in Maryland's legislative districts should choose the legislative and executive officials who represent them. Individuals who reside outside a district – including people like me, a party central-committee member -- should not have a vote in this choice.

Simply put: A special election is the most democratic way to fill an elected-office vacancy that occurs during the four-year legislative term.

I respectfully communicate my support for SB 29, which would require that a special election be held, by mail, to fill a General Assembly vacancy that occurs during a four-year legislative term, prior to a General Assembly election year.

Many Maryland state legislators were initially appointed to office by the governor, after being nominated by the party central committee in the district where a between-elections vacancy occurred, in accordance with a process laid out in Maryland's Constitution.

I personally first took part in this process in January 2023, when the Montgomery County Democratic Central Committee (MCDCC) chose a nominee to fill a District 14 delegate slot vacated by the resignation of Delegate Eric Luedtke. Twenty-four MCDCC members voted in the selection process, three of whom reside in District 14, choosing a nominee to represent District 14's 100,584 (2022) registered voters. Contrast that each of the three D14 delegates elected in November, 2022, including former Delegate Luedtke, received over 30,000 votes. So in January 2023, precisely three District 14 residents, and twenty-one non-residents, chose in place of the thousands of D14 voters.

Further, candidates who seek vacancy appointment lamentably are not subject to Maryland campaign-finance rules that require disclosure of contributions and expenditures.

Special elections as the most democratic method to fill Maryland General Assembly vacancies that occur during the four-year legislative term, and voters want them. Please consider:

1. *In 1998, Montgomery County voters approved a charter amendment providing for special elections for County Council vacancies, with 90% of the vote.*
2. *In 2004, Howard County voters approved a charter amendment providing for special elections for County Council vacancies, with 88% of the vote.*
3. *In 2014, Maryland voters approved a statewide constitutional amendment allowing for special elections for County Executive vacancies, with 81% of the vote.*

Voters support for special elections. SB 29 – a comprehensive approach similar to Delaware's, Virginia's, and Pennsylvania's and not just a mid-term confirmation vote – is the best way to implement them.

I urge a favorable committee report and General Assembly enactment of SB 29.

Seth Grimes

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WDC 2024 Testimony_SB29_FINAL.pdf

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Position: FWA



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill SB0029 - Special Elections – Procedures and General Assembly Vacancies and Ties
Senate Finance Committee – January 30, 2024
FAVORABLE WITH AMENDMENT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2024 legislative session. WDC is one of the largest and most active Democratic clubs in our state with hundreds of politically active members, including many elected officials.

WDC urges the passage of SB0029 with an amendment to require special elections to fill all General Assembly vacancies and ties. WDC members live in a county in which 41% of its legislators were appointed by vote of the Democratic Central Committee. We live in a state in which 24% of the General Assembly members were appointed to their seats. This practice is undemocratic and unacceptable.

WDC opposes all appointments to fill legislative vacancies, because even in the last year of a legislator's term, an 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 the vote of 14 individuals, only two of whom are guaranteed to reside in the district. Additionally, those appointed early in the term are making decisions for their constituents for the remaining 4 years without being voted into office by their constituents. The advantages of incumbency should only be conferred by district voters whose votes have created a legitimate incumbent.

Cost and "inconvenience" 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 than might have been the case even a few years ago. In addition, if the vacancy occurs in the final year of the sitting member's term, the vacancy can be filled either at the time of the next primary election or the general election. With multi-representative districts, a relatively short vacancy will not deprive district voters of representation. Twenty-five states respect that open and fair elections are the bedrock of democracy and fill their legislative vacancies with special elections.¹ It is time for Maryland to join them.

We ask for your support for SB0029 and strongly urge a favorable Committee report with the amendment noted above.

Tazeen Ahmad
WDC President

Beth Tomasello
Co-Chair, WDC Advancing
Democracy in Maryland
Subcommittee

Cynthia Rubenstein
Co-Chair, Advocacy

¹ <https://www.ncsl.org/elections-and-campaigns/filling-legislative-vacancies>.

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Position: INFO



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

January 30, 2024

Senator Brian Feldman, Chair
Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

SB29 – Information

Chair Feldman, Vice Chair Kagan and Committee Members:

My name is John Michael Gudger, chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. To the Honorable Members of the Committee,

I am presenting this testimony on behalf of the Maryland Association of Election Officials to provide an informational perspective on Senate Bill 29, which proposes significant changes to the conduct of special elections in Maryland. Our association, representing election administrators across the state, aims to outline the practical implications and considerations of this bill for Local Boards of Elections.

Senate Bill 29 introduces a mail-in voting system as the primary method for conducting special elections, while maintaining in-person voting centers. This approach represents a shift towards accommodating contemporary voting preferences and can potentially streamline the voting process for both voters and election officials. However, the bill implies an increase in the frequency of special elections, which could lead to higher operational costs for Local Boards. Managing these additional elections requires careful budgeting and resource allocation, including staffing, materials, secure storage space and administrative overhead.

The bill maintains the provision for in-person voting centers, providing options for those who either did not receive a ballot or refuse to vote by mail. Local Boards are responsible for selecting these voting center locations, taking into consideration factors like accessibility, proximity to high-density voter areas, and public transportation access. This responsibility empowers Local Boards to make strategic decisions to serve their communities effectively, but also presents the challenge of balancing resources and accessibility needs within tight timeframes characteristic of special elections.

A notable aspect of Senate Bill 29 is the authority granted to Local Boards to adjust election-related deadlines within the context of special elections. This flexibility is important for adapting to the unique challenges and condensed timelines that special elections often present, while still upholding the integrity of the electoral process.

In conclusion, Senate Bill 29 presents a series of changes that will significantly impact the operations of Local Boards of Elections. While it offers potential efficiencies and aligns with modern voting trends, it also requires careful consideration of resource allocation, voter accessibility, and the adaptability of election administration processes, especially in the context of the increased financial implications due to more frequent special elections.

Thank you for the opportunity to present this informational perspective on behalf of the Maryland Association of Election Officials.

Sincerely,
John Michael Gudger
johnmichael.gudger@maryland.gov
Chair, MAEO Legislative Committee