

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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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB29: Special Elections**  
Ways & Means Committee  
March 19, 2024: 1:00 PM

Nearly a quarter of our legislative colleagues were **selected** by their political party— rather than **elected** by their constituents.<sup>1</sup> 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 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. Central Committees would still make recommendations for appointments prior to the Special Election, resulting in an incumbency advantage for the Party's choice. During the last two years of a term, Central Committees would continue to submit nominations to the Governor, as they do now.

This plan has been introduced and passed by the Senate previously. SB29 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<sup>2</sup> that currently use Special Elections to fill legislative vacancies.

This bill passed the Senate this year with a vote of 43-2.

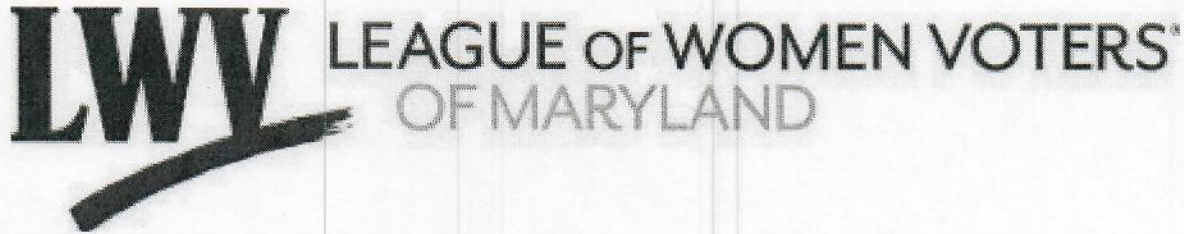
**I urge a favorable report on SB29.**

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

<sup>2</sup> 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>

SENATE



**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.

SENATE



Maryland  
*Holding Power Accountable*

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[www.commoncause.org/md](http://www.commoncause.org/md)

**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.

# SENATE



**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,

Barbara Noveau  
Founder, DoTheMostGood  
[barbara@dtmg.org](mailto:barbara@dtmg.org)  
240-338-3048

# Maryland PIRG

## **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.

SENATE



**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.

SENATE

# IndivisibleHoCoMD



**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.

# SENATE

**JAYSON L. SPIEGEL**  
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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.



# SENATE

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.**

# SENATE

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.

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

7300 Willow Avenue, Takoma Park, MD 20912; seth.grimes@gmail.com

# SENATE

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

January 29, 2024

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Issa Haddad  
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