

**BILL NUMBER** HB0265

**BILL TITLE:** General Assembly – Special Election to Fill a Vacancy in Office

**BILL CONTACT:** Delegate David Moon

**POSITION:** UNFAVORABLE



January 19, 2021

## **Maryland needs real special elections, not a false solution.**

Represent Maryland is an all volunteer, small donor funded group of #ProDemocracy activists and advocates who #FightForDemocracy at the local and state level. We formed in 2015 to fight against the influence of big money in politics and to ensure that everyone can participate in our democratic system of governance regardless of financial status. We are a registered PAC with the Maryland Board of Elections and consider ourselves 'Maryland's Only PAC For The People'.

### **I. What Democracy means to Represent Maryland.**

Represent Maryland is fighting to create a democratic system of law and leadership that includes all those who wish to participate, regardless of their financial status, gender, race, or social connections. Any person who wants to should reasonably be able to 1) Run for office and not be overshadowed by other candidates who have access to big and/or dark money, 2) cast their vote for the candidate of their choosing anytime a new lawmaker is selected to represent them, and 3) have a legislature that puts the interests of their constituency before any personal or career interests.

Since the founding of this country only one group of people has consistently been guaranteed these rights- wealthy (land-owning) white men. All others including non-wealthy white men, non-white men, all women, immigrants, and indigenous people have had to fight those in power and in control of government to earn the "right" to participate fully. And even now, in the year 2021, many of these rights are still under attack from those who want to lessen people's participation in democracy. Maryland lawmakers must do better to protect, expand, and secure its residents ability to participate fully in Democracy, now and for the future. Democracy means that the people make the decisions, and that is exactly what Represent Maryland fights for.

### **II. The problem that this bill is meant to address is not addressed.**

We applaud the bill sponsor for introducing this bill and creating space for public dialogue about the nature of democracy. However both Delegate Moon and Senator Lam (sponsor of the Senate bill) have gone on record admitting that the bills are a compromise. We are asking committee members to think about what this compromise accomplishes.

The problem of how legislative vacancies are filled in Maryland is that a very small number of hyper-partisan people, Party Central Committee members who are not public officials and have no public oversight, are able to choose the lawmaker for tens of thousands or even over a hundred thousand residents of Maryland, multiple times a year. The winners of central committee nominations are often those who are already connected to the central committee or our legislature, and then go on to serve for anywhere from a few months to nearly four years. After they have been in office, they have the power of incumbency and name recognition and almost always win their next election, should they choose to run. That is not democracy, it's oligarchy.

Some examples:

-Around this time last year, just five people were responsible for choosing the replacement delegate for LD-45, who won with three votes, one of which was cast by herself as the central committee chair. She has now joined her delegate father to represent over 116,000 Marylanders, almost all of which were not involved with the process.

-Also this time last year the nominee for the LD-44B house vacancy was also chosen by three people, one of which was herself. The tie breaking vote came from the wife of a member of the House of Delegates for an adjoining district. This appointee now represents the 80,000 people of their district.

-In 1997 Speaker Jones was appointed to the legislature by Governor Paris Glendening after the death of Delegate Joan Neverdonn Parker and has gone on to win every election since. We were unable to find a record of the selection process for Speaker Jones from 1997, likely because the Central Committee is not required to maintain records or make them public after their internal vote.

-And one of the most egregious examples of how central committee appointments are harmful to democracy is LD2 (A and B.) That district has had a web of appointments which has excluded voters from participating fully in choosing their lawmakers for over a decade.

Central Committees seats were never meant to be a pipeline to an unelected spot in the general assembly, but that is how they're viewed by members and that is what they've become. All politics are local. If giving voters a choice is important enough to use real, full special elections to fill federal level vacancies there is no reason to not give them a choice at the state level, other than maintaining party control of who ends up in the legislature.

### **III. How this bill must be strengthened to solve the problem.**

This bill is a first step toward making Maryland a more democratically run state but in its current form, HB0265 does not solve the root problem that it claims to solve. Maryland voters do not want our lawmakers to go through the process of passing a constitutional amendment just so they can say we use "special elections" which are not genuine. Maryland voters want the undemocratic process of central committee appointments to the legislature to be completely abolished in favor of democratic participation of all voters every time a new lawmaker is to be chosen, by holding genuine, real special elections, regardless of timing.

Represent Maryland members, volunteers, and supporters, cannot support HB0265 in its current form. We believe it must be seriously strengthened to abolish all central committee appointments, with no exceptions. We can look to our neighbors to the south for an example of how this could work. In Virginia, a special election is called for every legislative opening. The two main parties hold their own "firehouse primary" which is paid for through their private party budget and the primary winners go on to a special general election, where voters make the final decision on who will take over representing them. In 2019, a special election was held for VA Legislative District 33. Almost 4,000 people participated in the firehouse primaries and over 50,000 people cast a vote in the special general. This is over 54,000% more people than the average number of people who choose replacement lawmakers in Maryland.

Another idea is to look to the City of Rockville and copy their use of mail in ballots, preferably with instant run-off ranked choice voting. This method would be cost efficient and not taxing on local government, with no school closing and less election judges needed. There are many solutions that will solve the actual problem of how our vacancies are filled, but none are contained within this bill. If we are going to go through the process of amending our constitution to change how vacancies are filled in Maryland, let's do it right and fully the first time, not in incremental steps. There can be no delay on democracy and the people of Maryland are tired of preformative incrementalism.

### **IV. Why opposition to a stronger bill is biased and based on bad or no data.**

We've been told that holding special elections is "too expensive" but when pressed, no one in the legislature has been able to tell us specifically how much they would cost; all we've gotten are best guesses. When asked how the numbers were determined, no answer was given. We've been told a special election will cost anywhere from \$150,000 to \$1M. With an annual budget of \$46B, that is only 0.00032- 0.0021% of the state budget. Even if we hold 10 special elections a year, and each one costs \$1M, it only adds up to 0.02% of the state budget.

According to the National Conference on State Legislatures "No one knows how much it costs to run elections in the United States. For that matter, it's a rare state that knows how much election administration costs within its own borders due to the complexity of elections and the involvement of several levels of government." (Source:

<https://www.ncsl.org/research/elections-and-campaigns/election-costs-who-pays-and-with-which-funds.aspx>)

With no hard data and costing under a 10th of a percent of the annual budget, saying "it costs too much" is just not true.

Even state Comptroller Peter Franchot has gone on record saying they aren't too expensive and that the benefit to voters is priceless.

We've also heard that central committee appointments can't be abolished because that is the number one purpose of the committees themselves. As mentioned earlier, central committees were never meant to be a shortcut into the legislature. They are meant to strengthen and grow their party through GOTV, outreach, education, and even fundraising. Saying that the main purpose of the central committees is to appoint replacement lawmakers is admitting that the Maryland government is okay with parties using them to side-step democracy.

Last, some people believe that using the central committee appointment process is the best way to add diversity to the legislature. However the 2018 election resulted in the most diverse legislature in Maryland history, when the number of truly elected members is tallied. There may have been a time when this process was the best way to add diversity to the legislature,

but that is no longer the case. If Maryland were to expand other democracy reforms such as Public Election Funds, people from all backgrounds would have the opportunity to run and win using the electoral process as intended. Because even with Central Committee appointments, those appointed are still connected and often represent the same financial class of people.

**V. Proof that the voters of Maryland want full special elections, not an in-name-only bill.**

Represent Maryland does a lot of power building and organizing using social media and the internet. Over the past few weeks we've been asking Maryland voters if they want the state to abolish central committee appointments and adopt genuine special elections and the answer has resoundingly been yes. We have petition signatures from 26 legislative districts including Districts 22 and 14. When people understand the reality that over 20% of our legislature has been appointed to their seat, and that that number has grown exponentially just in the last term, they want a better, more democratic way to fill vacancies. They want central committee appointments abolished and for Maryland to use full special elections. Don't compromise on democracy. Don't pass this red herring bill.

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Represent Maryland is a grassroots anti-corruption group of citizen advocates that #FightForDemocracy in Maryland. Our democracy solutions include: Public Election Funds, Independent Redistricting, Special Elections, Ranked Choice Voting, Increased Ethics and Transparency, and Increased Voter Participation. Learn more about our work at [www.RepresentMaryland.org](http://www.RepresentMaryland.org)

Authorized by Represent Maryland PAC, T Miler, Treasurer