

HB0800 Comments by Michael Fletcher, Derwood, MD

This bill should be shelved. It is unnecessary and wasteful of state and county, and therefore, taxpayer, resources. It also would infringe on the voting rights of protected classes of persons.

This bill is unnecessary. There is no need to protect the voting rights of members of a protected class in Maryland. Maryland law already protects the rights of minorities and outlaws voter discrimination. Maryland law does not prevent the redress of grievances by protected classes in the event that racially polarized voting should occur.

This bill is wasteful because it would require expenditures of boards of elections (and therefore taxpayer) funds unnecessarily. The bill establishes a language assistance requirement that the state and local boards of election will have to implement. The boards already provide assistance in many languages. And eligible voters, according to the principles established in the Maryland Constitution, must be citizens and, therefore, have a working knowledge of English, so the requirement in the proposed bill is unnecessary and wasteful.

The bill would create a permanent structure of analyses for identifying disparities that are based on non-deterministic methods. It is known from Federal case law, that, at best, only inferences of racially polarized voting may be established. This will lead to endless court challenges. In fact, this bill seems to anticipate court challenges and includes provisions to render the challenges moot. Litigation expenses will consume government funds unnecessarily. Codifying the analytical methods to identify racially polarized voting in Maryland law is not necessary, as the methods have been established in Federal law and can be referred to from that source.

The inclusion of "Alternative Method of Election" requirements, such as, ranked choice voting, cumulative voting, and limited voting as proposed in the bill would actually infringe on the voting rights of protected classes. Ranked choice voting, cumulative voting, and limited voting which are not defined in the proposed legislation; however, these methods violate the principle of one voter, one candidate, one vote in the US Constitution by forcing voters to rank all candidates, even candidates they never heard of or candidates that are anathema to them. The results of elections are determined by another computer algorithm that generates a faux majority. These methods infringe on the voting rights of minorities because, during each round of ballot counting, some voters' choices will fall by the wayside, discarded, and those political voices, silenced. Despite spending millions to educate voters on ranked choice voting, New York City in its 2021 mayoral race, experienced massive chaos and confusion. So many minority voters' ballots were discarded that the head of the New York State NAACP said, "Ranked choice voting is not beneficial to minorities. It's voter suppression."

<https://thefga.org/research/ranked-choice-voting-a-disaster-in-disguise/>

For these reasons, HB0800 should be voted down.