

Chair Wells and the Members of the GLE Committee:

I offer this testimony in support of HB 333. I thank Delegate Palakovich-Carr for sponsoring this bill. I am testifying on my own behalf, but I think it is important to note I serve on the Montgomery County Democratic Central Committee, where we have filled 7 vacancies in the General Assembly this term.

Maryland is one of a minority of states which have no special elections to fill state offices. Instead, county central committees of the party which holds the seat are designated with the job of forwarding a nomination to the Governor for a rubber-stamp appointment. Although Central Committee members are generally elected in party primaries, most voters probably do not even know who the Central Committee members are or that they have this role.

The General Assembly is now considering legislation to create special elections, but that would only cover those vacancies in the first year of a session. Later vacancies would continue to be filled by nominees emerging from deliberations of the central committees.

Currently, nearly half the Montgomery County delegation was first put forward for appointment by the MCDCC. Before the spate of vacancies occurring in what is my first term on the MCDCC, there was a long string of vacancies for which Central Committee members were selected to fill vacant House of Delegates seats (Senate seats usually go to sitting Delegates).

When Committee members seek to fill a vacancy, the process is probably inherently somewhat incestuous but made more so because committee members applying for vacancies are allowed to vote for themselves. Obviously, this gives them a significant additional advantage over other candidates applying from the general public, who do not get to vote. Indeed, in at least 2 instances in recent years in Baltimore, members cast decisive votes for themselves, in one case resulting in their appointment, and in the other forcing a tie that Gov. Moore had to break.

While other Central Committees around the state happily continue to fill vacant Delegate seats from within their own ranks, we took a different approach this term in Montgomery County, We had pitched discussions about the participation of members as applicants. Ultimately, we settled on trying to reform our rules with an approach like the one now proposed for the entire state in HB 333.

Unable to overcome strong opposition from the state Democratic Party leadership, we fell one vote short of enacting a local rule change. Nonetheless, the debate itself stance surely had some influence, as two committee members voluntarily recused during our vacancy deliberations and votes, when they applied for vacancies. Moreover, I believe we changed the expectations and perspectives of members, as eligible members did not even apply for most of the vacancies we have had to fill in the House.

Testimony by Edward Fischman, Montgomery County in Support of HB 333

As a result, our committee in Montgomery County broke from tradition by not appointing a single member from inside the committee to fill the first six of seven seats we were responsible for submitting a nomination to the Governor. We finally selected, on a 3rd ballot, a committee member to fill a 7th seat just over a year ago, but that member was fully recused, voluntarily, from participating as a member in the vetting and ultimately the voting on the nomination

While members of the committees can certainly benefit from the current rules allowing them to vote for themselves in a vacancy appointment, I think the majority of our committee in Montgomery County recognizes that it is undemocratic. I believe it is counter-productive to the interests of the parties themselves, helping to feed a dynamic which sees declines in registration in both major parties, and the ranks of the unaffiliated keeps growing.

Advocates for the current system earnestly maintain that prohibiting the participation of applicant members in the process would somehow deprive the candidate member of some essential right to vote. That fundamentally misunderstands how this is different from ANY other election. Rather than infringing on one person's democratic rights, this change makes for a fairer, more democratic process for all applicants.

This is not, as is sometimes argued, akin to leadership elections within the House's own caucuses. That analogy fails, because in caucus votes ALL the applicants can vote for themselves. There is not a special privilege that one member has over all the other Delegates seeking a leadership position.

Central committees are empowered to fill vacancies by the Maryland Constitution. It is also appropriate for the Legislature, and the people, to define the circumstance and rules for exercising that authority.

The change proposed in HB333 is only a small tweak to a process that does not give the decision to voters, but it would be an important reform. Passage of this bill will offer some contrary evidence to those who think legislators will always vote to maintain a system that benefits those in public positions.

I urge the committee to issue a favorable report on HB 333.