

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 592
Ways and Means

(Delegate D. Barnes, *et al.*)

**Blue Ribbon Commission on Voting, Openness, Transparency, and Equality
(VOTE) in Elections**

This bill establishes a Blue Ribbon Commission on Voting, Openness, Transparency, and Equality in Elections to examine ways to encourage broader voter participation and engage new voting populations. The State Board of Elections (SBE) and the Department of Legislative Services (DLS) must provide staff for the commission.

The bill takes effect June 1, 2016, and terminates June 30, 2018.

Fiscal Summary

State Effect: The bill's staffing requirements can be handled by DLS and SBE, collectively, with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The commission must study:

- the advantages and disadvantages of (1) open and closed primary elections and (2) "top two" and "top four" primary elections in which the two candidates or four candidates with the greatest number of votes advance to the general election regardless of party affiliation;

- a system of public campaign financing for offices in the Executive, Legislative, and Judicial branches of State government;
- the use of proportional representation voting systems, such as cumulative voting, preference voting, and instant runoff voting to increase electoral competition and representativeness; and
- any other issue the commission determines is relevant to increasing voter participation.

The commission must report its findings and recommendations to the Governor and General Assembly by December 31, 2017.

Current Law/Background: The National Conference of State Legislatures (NCSL) indicates that the manner in which party primary elections are conducted varies widely from state to state, but most primaries can be categorized as open, closed, or “top two.” According to NCSL, 11 states have open primaries, 11 states have closed primaries, 4 states have top two primaries in at least certain cases, and primaries in other states fall somewhere in between “open” and “closed.” Maryland’s primary elections are generally conducted as closed primaries, though State election law indicates that if a political party chooses to permit voters not affiliated with the party to vote in the party’s primary election, SBE must be notified at least six months before the date of the primary election.

Maryland has a public campaign financing system for gubernatorial tickets, which was used by two tickets in the 2014 elections. Chapter 312 of 2015 reinstated a tax checkoff on the individual income tax return form (a previous tax checkoff was repealed in 2010) to allow individuals to contribute to the Fair Campaign Financing Fund which holds funding for the public campaign financing system. Chapter 312 also established certain other sources of revenue for the fund, including various penalties, fines, and fees imposed under State election law. The fund currently has a balance of \$1.2 million.

The Commission to Study Campaign Finance Law, formed by the General Assembly in 2011, addressed the issue of public campaign financing in its [December 2012 report](#). One of the commission’s recommendations was that counties be authorized to establish public financing programs for county offices, and such an authorization was included in the Campaign Finance Reform Act of 2013 (Chapter 419). Montgomery County became the first county to exercise the authority when it enacted a law in October 2014 that establishes a system that provides matching funds for county executive and county council candidates.

Proportional representation voting systems generally are alternatives to the “winner-take-all” system of voting and are intended to elect officials that more broadly and proportionately represent the choices and views of the electorate.

Additional Information

Prior Introductions: SB 680 of 2015 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 997, received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): State Board of Elections, National Conference of State Legislatures, FairVote, Department of Legislative Services

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md/hlb

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