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Tuesday, March 23, 2021

The Senate of Maryland
Education, Health, &
Environmental Affairs Committee
11 Bladen Street
Annapolis, Maryland 21401

Re: HB 335: Election Law- Party and Public Offices- Prohibitions

Good day Senators:

I write to you today in opposition to HB 335, which seeks to prohibit individuals from simultaneously running for or holding a state central committee office and an elected public office. For the sake of transparency, I am compelled to tell you that I am an elected member of the Republican State Central Committee for Allegany County, but my comments this day are individual in nature and are not to be taken to reflect the opinion of the Allegany County Republican State Central Committee nor the Maryland Republican Party.

While I recognize the concerns of the sponsor of this legislation about a conflict of interest for a person who simultaneously holds the position of central committee member and elected official, I question the existence of such a conflict. Article 1, Section 9 of the Maryland Constitution, which outlines the oath of office that is taken by all governmental elected officials, includes the phrase “...*that I will not directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as ____.*” As central committee members are not paid officials – in fact, I spend a great deal of my own money in the exercise of my duties – it is clear that the holding of these two positions does not violate your oath.

The sponsor of this legislation testified in the House hearing that the allowance of dual office holding creates a specific conflict when the central committees are charged with filling vacancies in state elected offices. I submit that the “next in line” situation referred to therein exists independent of central committee office. That testimony implied that central committees are likely to “promote” from within their own ranks when given the opportunity. I fail to see the connection between the holding of a simultaneous office and the desire of the committee to “promote” simply because that person is also on the committee. Furthermore, this legislation does not take into account the fact that final appointment to fill any such office rests with the Governor, who chooses from a list of qualified candidates submitted by the central committee and has the ultimate authority.

Finally, this legislation does not account for municipal and non-partisan offices. Even if one were to concede – which I do not – that a conflict exists when a state or county elected official serves on the central committee, this conflict simply does not exist when a person serves in a municipal or non-partisan office over which the central committee has no jurisdiction.

While I am hopeful that this legislation does not pass, I would suggest that, if it must, it should be amended to allow a citizen to serve in a municipal or non-partisan office (mayor, town council, board of education, etc.) while simultaneously serving on a county central committee. In rural counties, it is extremely difficult to find enough qualified and interested citizens to serve our communities and run for office at all levels. As municipal elections are not held (with a handful of exceptions) in conjunction with state elections and central committees play no role in municipal government, I do not believe there is a legitimate reason to prohibit a person from serving in both capacities.

Please consider these comments when making your decision. I thank you for your time and for your service to your constituents.

Sincerely,

Todd Logsdon
Frostburg, MD