

Testimony AGAINST

HB 655 – Local Elections – County Commissioner and County Boards of Education – District Voting

Senate Education, Health, and Environmental Affairs Committee

March 18, 2021

Without prior consultation with the Commissioners of St. Mary's County and the members of the county's delegation to the Maryland General Assembly or publicizing his proposal and seeking public support, Delegate Brian M. Crosby introduced HB 655 to arbitrarily change the election of county commissioners from at-large to by-district voting. He blindsided everyone because there is no public demand for making this change and crafted the Bill to include other counties to circumvent the role of the other St. Mary's County Delegation members. He has not acted in good faith in the legislative deliberation process.

In his earlier testimony before the House Ways and Means Committee, Delegate Crosby writes, "This bill is about fairness, equality, and diversity," which is a pretext to disguise a blatant politically motivated scheme to gain an advantage in the 2022 elections.

Delegate Crosby claims that at-large voting disenfranchises non-white voters, specifically in the Lexington Park and Great Mills area of St. Mary's County, which has a large population of ethnic minorities and a Democratic Party majority. This area is the primary reason for the proposed conversion to by-district voting in 2022. However, Delegate Crosby fails to mention that in the 2014 and 2018 elections, the voters in this area were disenfranchised by the Democratic Party's failure to present a candidate for county commissioner residing in that area.

Delegate Crosby seeks to delegitimize at-large voting by referring to the past discriminatory "Jim Crow era" that ended with the Voting Rights Act of 1965. He alleges that at-large voting is a violation of that law but offers no proof of a present-day discriminatory effect by at-large voting in St. Mary's County. A violation is established if it is shown that the political processes leading to nomination or election are not equally open to participation (52 USC 10301).

Ethnic minority election opportunity in St. Mary's County elections is evidenced by the participation of African American candidates in seven of nine county commissioner election cycles beginning in 1986. The argument that at-large elections are an election impediment to African Americans is also refuted by a member of the school board who has been elected and served for 26 years, an African American elected to the board of county commissioners (1986-94), and as the Sheriff (1977-82). Nothing in the Voting Rights Act of 1965 establishes a right to have members of an ethnic minority elected in numbers equal to their proportion in the population.

At-large voting in St. Mary's County is competitive. The registration of voters is 42% Republican, 35% Democrat, and 23% Others. Election success is a factor of voter turnout and candidates' appeal to the whole of the electorate. Notably, there were no complaints with the at-large voting system in St. Mary's County so long as the elections consistently favored Democrats.

Delegate Crosby seeks to eliminate at-large voting to facilitate a 2022 election outcome by a numerical advantage in the ethnic composition and political affiliation in a Lexington Park/Great Mills commissioner district. He would effectively institute, encourage and exploit racial bloc voting. However, in doing so, he would create on a smaller scale the same circumstances that he attributes to at-large voting.

Delegate Crosby writes, "I believe that the citizens of each county commissioner district have the right to select who represents their interests without influence from voters outside their district." This mindset would add parochial divisiveness to the existing discord in politics and is contrary to a desired post-election sense of community by the county commissioners. How many commissioner districts would he create to appease different ethnic interests and isolate each from outside influences? His argument that only through by-district voting can authentic ethnic representation be achieved indicates a deep-seated belief in hyper-multiculturalist ideology and identity politics that corrupts participatory democracy.

I recommend that the Committee disapprove HB655. If not, then I would argue that HB655 should be amended to authorize without petition a referendum to be held in St. Mary's County to allow the voters the opportunity to decide whether they want to make this change in local elections, a choice denied by Delegate Crosby.

Thank you for your consideration.

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