



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB152

Public Advocate Act of 2022

Testimony by Delegate Vaughn Stewart

January 25, 2022 • Health and Government Operations Committee

**What the Bill Does:**

The Public Advocate Act of 2022 (HB152) would put a measure on the November ballot to amend Maryland’s constitution to create the office of a publicly elected, statewide Public Advocate.

Should the voters support it, the Public Advocate would be elected every four years alongside other state offices. They would be tasked with three mandates: to monitor state government in the spirit of the public interest; to facilitate democratic engagement; and to advocate for systemic solutions to patterns seen in citizen complaints. The Public Advocate would be part ombudsperson (a trusted authority to process complaints), part watchdog (shining a spotlight on government failures), part innovator (bringing cutting-edge technology and practices to state bureaucracy), and part organizer (gathering forces to advocate for systemic improvements).

The position would follow the tradition, seen in many places around the country, of electing or appointing a public official to empower ordinary citizens. Several states have so-called “ombudsmen,” and both New Jersey and New York City have called these officials “public advocates.” Former NYC public advocates have tackled a wide range of issues, including the gender pay gap, government transparency, police accountability, and affordable housing. The city’s current Public Advocate has gained national recognition for his use of the office to issue dozens of policy and oversight reports. For example, a November 2020 report analyzed how the city government responded to the first COVID wave and proposed recommendations for how the city could better counter future waves.<sup>1</sup>

This bill uses the elected, rather than appointed, model to ensure that the Public Advocate is not beholden to the people they will be scrutinizing, and is able to work with their own mandate from the people. Appointed officials have too often come under attack from those who put them in power. An illuminating example is in New Jersey, where the appointed Public Advocate came under constant

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<sup>1</sup> <https://www.pubadvocate.nyc.gov/reports/white-paper-in-the-event-of-a-second-wave/>

fire from the governor's office until Governor Christie ultimately eliminated the position.<sup>2</sup> The elected model, which has been used in New York City, is sustainable and has allowed the Public Advocate freedom to investigate and scrutinize government operations.

### **Why the Bill Is Important:**

If the pandemic has taught us anything, it's that government effectiveness is a life-or-death issue. "COVID-19" may be written on hundreds of thousands of death certificates over these past years, but "public negligence and incompetence" should be listed as co-morbidities. Bureaucratic embarrassments have plagued Maryland since the onset of the pandemic. If we do not invest in public oversight, civic engagement, and government modernization, we will not only fail to confront today's crisis—we will also repeat the same mistakes the next time a crisis arises.

Just this past month, two more scandals roiled Maryland state government. First, the *Baltimore Sun* reported that the administration punished a whistleblower who revealed that hundreds of residents received spoiled vaccines from a state contractor.<sup>3</sup> Second, the *Washington Post* discovered that Gov. Hogan communicates with state employees using an electronic messaging application that automatically destroys messages in 24 hours, allowing his inner circle to shield their conversations from the public and state archivists.<sup>4</sup> The Governor even used the app to coach his team to hide the defective nature of the nearly \$10 million in COVID tests from South Korea.

When responding to future scandals, we have a choice. We could play "whack-a-mole," responding to each episode in an ad hoc, haphazard fashion. Or we could establish an office that would not only respond to, but also prevent future impropriety with oversight and action. That's the promise of an independent advocate for the people embedded within state government. While government executives must focus on immediately reacting to crises, a Public Advocate can take a step back, provide oversight, and propose long-term adjustments. Think: How much more effectively might the Maryland government have responded to the Omicron wave if an independent government authority with direct access to citizen complaints and administrative data had assessed how we performed during previous waves and proposed thoughtful improvements? This position would supercharge our state government's agility, competence, transparency, and fairness.

A Public Advocate would benefit Marylanders across the political spectrum. Care about civic engagement? A Public Advocate would not just be a technocratic insider—their mandate would include opening up government to the democratic participation of more Marylanders in more ways.

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<sup>2</sup> <https://www.njspotlightnews.org/2010/05/10-0507-1647/>

<sup>3</sup> <https://www.baltimoresun.com/coronavirus/bs-md-truecare-whistleblower-20211229-5sof2rxtnvfpji4lks3pumiqd4-story.html>

<sup>4</sup> <https://www.washingtonpost.com/dc-md-va/2021/12/30/hogan-wickr-messages-disappear/>

Worried about waste, fraud, and abuse? A Public Advocate would be on the front lines of fighting it, regardless of the partisan affiliation of the perpetrators. Part of Maryland's startup community? A Public Advocate Office would have the independence and farsightedness to push government bureaucracy toward innovation. Concerned about racial injustice? A Public Advocate would have the platform and mandate to rectify bias and inequity in state agencies and programs.

**Why the Committee Should Vote Favorably:**

No state can have too many watchdogs. Let's install an advocate dedicated to fighting corruption, reinvigorating democracy, restoring public trust, and giving regular folks more power over the forces that shape their lives. I urge a favorable report on HB152.