



February 4, 2022

Delegate Vanessa E. Atterbeary
Chair, Ways and Means Committee
Room 131
House Office Building
Annapolis, Maryland 21401

Re: Opposition to House Bill 313, Election Law – Recall Elections

Dear Madam Chair and Members of the House Ways and Means Committee:

The Mayor and City Council of the City of Gaithersburg oppose House Bill 313 and respectfully request the Ways and Means Committee grant it an unfavorable report.

House Bill 313 proposes an amendment to the Maryland Constitution that subjects duly elected officials to state, county, municipal, and local boards of education positions to recall votes. The bill outlines a process for holding recall elections that lacks the requisite checks and balances necessary for all bona fide election procedures.

First, the bill requires a recall vote to take place even if only a very small minority of qualified voters request it. House Bill 313 only requires 25% of the voters who actually cast ballots in the election under scrutiny to trigger a recall vote. Under the City of Gaithersburg's charter and code, 20% of the qualified voters in the City must file for a recall vote to proceed. For illustration purposes, the City had 36,592 registered voters at the time of its city elections last November, so its current law would require 7,318 signatures on a successful recall petition. In that election, 4,836 votes were cast. House Bill 313 would only require 1,209 signatures on a recall petition, or three percent of the City's registered voters.

The bill's proposed process for selecting alternative candidates in a recall election is especially overbroad and problematic. House Bill 313 authorizes voters to write in any person they choose for election in a recalled vote, regardless of that write-in candidate's place of residency, age, or other qualifications. Given that traditionally, special elections have a much lower voter turnout than general elections, a very small minority of the City's full voting population could theoretically select the City's next Mayor or City Council. That new, duly elected Mayor, subject to no qualifications whatsoever, could be a ten year-old child who has never even heard of Gaithersburg. Theoretically, if 3,000 people vote in a Mayoral recall election and 1,501 votes to recall the Mayor, and those 1,501 voters write down four different candidates, then only 390 voters, or one percent of the City's registered voters, would be needed to select our City's next Mayor.

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MAYOR
Jud Ashman

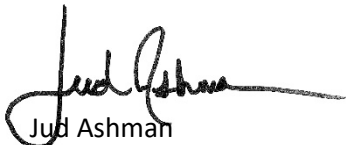
COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Jim McNulty
Ryan Spiegel
Robert T. Wu

CITY MANAGER
Tanisha R. Briley

The bill poses many other problems which put the integrity of the election process at risk. Current city law requires petitioners to state a specific reason for requesting a recall election, which is not required by the subject bill. The bill requires the petition to be filed with and certified by the Secretary of State, while our current code requires certification by our own Board of Supervisors of Elections. The bill grants petitioners nearly four months to file a petition asserting a recall vote, while our current law closes the window after a reasonable 45 days.

House Bill 313 would enable a very small minority of eligible voters to elect new officials in recall elections, for little or no articulable reason, months after any duly held election took place. For all of the reasons stated herein, we respectfully request this committee grant House Bill 313 an unfavorable report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jud Ashman", with a long horizontal flourish extending to the right.

Jud Ashman
Mayor
City of Gaithersburg