

Testimony of Edward Fischman
(Chair – Montgomery County chapter of Our Revolution Maryland)

Testimony in Support of SB 29

Chairman Feldman and the Members of the EEE Committee:

I offer this testimony in support of the bill, SB 29, and thank Senator Kagan for bringing this question before the Senate. I am testifying on behalf of Our Revolution Maryland which has been advocating for various reforms to our election and appointment rules to democratize rules which too often work to entrench and reinforce the influence of those in positions of power. In connection with this interest, members of our organization have stood for election or appointment to the county Democratic Central Committees, as well as the General Assembly, in hopes of advancing some important reforms.

Elections are an essential piece of any democratic system. They are not in themselves necessarily very democratic, though. We see in many countries how elections are used as a fig leaf to claim public legitimacy in a process which gives the citizens little actual choice. In our country, there are many dynamics which interfere with a fully democratic system.

One aspect of our political process which seriously impacts the choices available to voters is the vacancy appointment process. The change being proposed in SB 29 is far cheaper than, say, public financing for all General Assembly races – which is a reform Our Revolution has long supported. Still, it would do much to democratize our electoral and political process.

I was raised in New York and moved to Maryland. They are perhaps the 2 states most notorious for the deeply insider process that launches the electoral careers of a significant percentage of state representatives. One of the motivations I had for getting involved in state elections and legislative issues was to reform this very process.

I was elected to the Montgomery County Committee in 2022, a role I sought to advocate for the very reform which is the subject of SB 29. I speak for myself, and not the Committee or its members, but I think my experience in the vacancy process may be instructive, so I feel it is important to state my interest.

I and other members of the committees have certainly taken our charge seriously to give our best advice to the Governor on filling vacancies. We have had a lot of experience with it, given that we filled 5 vacancies in 2023. Few, if any voters in a regular primary would have the opportunity to meet with each candidate and interview them for 30 minutes, or even an hour or more. I would like to believe our votes were in some way qualitatively better than a layperson in a regular primary, but I'm not convinced.

We struggle with balancing many factors, and we are wildly inconsistent. Some covet this power to advance minority candidates to the Legislature, yet even some of those folks have voted to nominate non-minority candidates.

I have not been consistent either. I wanted to support the candidate I felt was the most progressive, but even I didn't stay true to that in every race. Mindful of the fact that I was voting instead of voters in those districts, I tried to respect the votes for (or against) applicants who already faced the voters and especially those applicants who held public office, even when that went against my personal preference.

Ultimately, the process isn't even some Platonic ideal, and certainly doesn't engage the voters in choosing their representatives. I have advocated for a reform which would retain the vacancy appointment process in some form, but absolutely restricting the ability of those appointed to stand for election then as an incumbent.

To my mind, it is the incumbency which the committees bestow that is the most deeply problematic aspect. However, I do not expect that idea to gain any currency in the General Assembly and there is no bill currently to make that change.

The next best alternative is to have special elections. Sen Kagan's bill is the best of the bills we have seen proposing special elections. It would require a special election for any seat other than for a vacancy created in an election year. This largely eliminates the problem of creating incumbents who have never won election. That is an excellent reform which will empower the residents of Maryland to choose their representatives – and levels the playing field for candidates.

On my own behalf, and on behalf of thousands of Our Revolution members in Maryland, I urge the committee to issue a favorable report on SB29.