

Unfavorable HB0514/SB004

HB514 describes itself as "An emergency measure...necessary for the immediate preservation of the public health or safety."

Is someone going to die if a food pantry thanks a legislator for volunteering there and that legislator happens to be running for re-election?

Are we all in some kind of danger if an unpaid part-time volunteer at an animal rescue says positive things about the sponsor of an animal related bill?

HB514 claims to be a response to possible federal action related to the Johnson Amendment. Let's be clear about this: The Johnson Amendment has long been considered unconstitutional and has not been enforced. Even Kamala Harris while running for political office gave a public speech at a church in Georgia.

<https://www.c-span.org/program/campaign-2024/vice-president-harris-speaks-at-church-in-stone-crest-georgia/650768> and the pastor urged his congregation to vote for her. I don't believe that was ever investigated under the Johnson Act. Nor was her 2021 video which 300 Black churches said they were going to play for their congregations, endorsing Virginia Democratic gubernatorial candidate Terry McAuliffe <https://www.youtube.com/watch?v=DEQDFulxE6o>

Let's take a look at how HB514 would affect an organization (Note that I do not represent the organization)

Community Allies for Rainbow Youth (CARY) is a local 503 (c) organization. Anyone can join. Anyone can volunteer. Taking away their tax deduction and fining them thousands of dollars would really hurt them. These penalties will kick in if the inspector "has good reason to believe" that the organization has published or distributed statements opposing or supporting a candidate for public office. That is a very low standard and the penalties are high and harsh. In the past, CARY has sent questionnaires to candidates and published their responses on the CARY website. With this bill's threat of financial ruin, will CARY even continue to administer and post the surveys? Sometimes a candidate declines to answer the survey and so the website publishes only their opponent's responses. Would that now be seen as endorsing a candidate? The survey results are valuable information for the public to know when deciding which candidate to vote for. This bill would have a chilling effect on CARY's free speech. Will they have to hire a lawyer and additional personnel to train volunteers to never say the name of candidates and to spend time looking for accidental breaches of the bill so they can quickly denounce them?

Is persecuting and threatening our non-profit and religious organizations going to make Maryland a better place?

Years ago, I visited Beijing, China. While I was there, I attended a worship service. A Chinese government representative showed up to observe the service. It was unnerving. The whole time

I wondered if anyone was going to say something the representative disagreed with and get us all in trouble, even though as a group of foreigners, it wasn't against the law for us to worship together. It was hard to focus on anything else. That experience made me really appreciate living in a country where the Constitution guarantees freedom of religion. I never guessed Maryland would propose a bill that could send government officials to churches to police our speech here.

Speaking of policing speech, it would be almost impossible to enforce this law equally. Maryland has a huge number of non-profits and religious organizations. Some of them operate almost exclusively in a non-English language. Are we going to ask speakers of these languages to spy on their friends and neighbors? There will no doubt be allegations of viewpoint discrimination because there really is no realistic way to police every non-profit organization, mosque, synagogue, and church. It will hover around as an unenforced law, until the moment someone decides to enforce it on a particular organization. That's how countries like Iran operate. That's not how Maryland should operate. In the meantime, non-profit and religious organizations will feel threatened and over self-censor to avoid severe financial punishment. No one wants to go through a lawsuit, even over a bill like this that is clearly heavy handed and unconstitutional. This creates a hostile environment for Maryland residents, volunteers, nonprofits, and religious organizations.

In summary, HB514 is an "emergency" bill in response to potential changes to the Johnson Amendment. Yet even with no changes, the Johnson Amendment is regularly ignored due to its dubious constitutionality. HB514 would have a chilling effect on freedom of speech and the free exercise of religion. As Marylanders, that's not who we are. I ask you to stand against viewpoint discrimination and with freedom of speech and freedom of religion. Please give HB514 an unfavorable report.