

Andy Ellis
Seeking the Green Party nomination for Governor
HB 101
FAV

Maryland Public Television's editorial policy says "The public interest is of the highest importance; it defines and directs all editorial decision-making". The question that this committee should ask is what best serves the public interest. Is it an editorial policy that gives a public broadcaster receiving taxpayer funds the ability to arbitrarily exclude candidates, or is it the inclusion of all the candidates on the ballot?

The only clear criterion in the MPT editorial policy currently states that a candidate must be polling at ten percent in the general election for a statewide office in order to be invited to the debate. No candidate for governor outside of the two parties has reached 10% since Reconstruction, and only one was above 4%, and that was Hyman Pressman, the sitting Comptroller of Baltimore City in 1966, who won 9.9% of the vote. There are other criteria in the MPT editorial policy, but they are entirely subjective.

In 2022 the Libertarian Party, the Green Party and the Working Class party petitioned to be included in the publicly broadcast televised debate for Governor. MPT stuck to its editorial policy. In the end, Democrat Wes Moore and Republican Dan Cox were the only two candidates invited to the debate.

It is my belief that if all five ballot-qualified candidates had been invited to the debate in 2022, the debate would have better served the public interest. More perspectives would have been more educational for voters, more people would have watched if they saw someone who represented their views on the stage, and Maryland could be a leader in pushing for inclusive democracy.

Public television stations that seek to exclude candidates from televised debates will often support this position with reference to *Arkansas Educational Television Commission v. Forbes*, the United States Supreme Court case mentioned in the fiscal note. This case mostly hinges on whether a public television station is compelled to invite a candidate, and determines that they are not. HB 101 does not compel Maryland Public Television to do anything. They can still exercise their editorial discretion to choose not to host a debate, or they can choose to host a debate with their current criteria.

Delegate Simmons has done a good job with HB 101. HB 101 requires that as a condition of state funding, any public broadcaster that hosts a general election debate for statewide office must invite every ballot-qualified candidate. It strikes a good balance between editorial discretion and public interest. The public interest is served by using existing ballot access laws to determine who is invited to the taxpayer-funded debate stage. If a public broadcaster agrees to these terms to receive state funding, then they have wide editorial control over the format, the questions, the moderators, and the number and frequency of debates.

It is my opinion that the public interest is best served by using a taxpayer-funded broadcaster to allow voters to understand the positions of each of the statewide candidates on their general election ballot. I encourage this committee to provide a favorable report on HB 101.