



February 4, 2026

Delegate Melissa Wells
Chair
Government, Labor, and Elections Committee

House Bill HB0044 – Election Law – Petitions and Ballot Questions – Contents, Plain Language Requirement, and Procedures

Position: **Favorable With Amendment (FWA)**

Dear Chair Melissa Wells and Members of the Committee,

HB0044 - FWA

HB0044 is an essential step to promoting concise and accurate petition and ballot language. However, the General Assembly should not be excluded from any of the requirements in Title 7. Specifically, Section 7-105 (b) (3) should be deleted. It currently reads:

- (3) The statement required under paragraph (1) of this subsection is sufficient if it is:
- (i) contained in an enactment by the General Assembly, and the enactment clearly specifies that the statement is to be used on the ballot; or
 - (ii) consistent with some other process mandated by the Maryland Constitution.

The basis is clear- the exclusions above presuppose that either General Assembly enactments or other processes in the Maryland Constitution already meet the intent of Section 7-103 (b).

“Shall” and Funding

Certain keywords, legal mechanisms, and use of public funds require more disclosure and explanation to voters than others.

In this case, “shall” is a mandate- a requirement or an order. This type of unequivocal proposal needs to be completely disclosed to voters. Think: “Thou shall not judge.” People understand this.

Further, when “shall” is inserted into our Constitution, it is an intentional legal mechanism immune to legislative redress. Any Constitutional mandate presented to voters with simplified ballot question language warrants greater scrutiny for clarity and outcome than mere legislative proposals.

Lastly, any petition or ballot question with an intent to authorize public funding, in particular large, non-lapsing amounts, needs to be disclosed as an outcome.

Concise Fiscal and Policy Analyses are provided to legislators during sessions, but none such are disclosed to voters. Instead, “non-technical summaries” as required by Title 7 are officially available, but even these fall short of the actual fiscal impact on our communities, including any planned subsidizing of certain industries or businesses.

Common voters understand taking public money and giving it to someone else.

Single Subject

Article XIV of the Maryland Constitution requires that a “Constitutional amendment embraces only a single subject”, when proposed by the General Assembly.

Public funding, taxation, criminal reform, and personal liberty do not constitute a single subject.

Likewise, one bill contingent on a second bill also does not constitute a single subject.

The single subject mentality should be foremost in crafting any ballot question language. Sweeping policy changes may not be necessarily reduced to a single question, whether on a petition or a ballot.

Independence

The certification process for all petition and ballot question language should require some form of independent concurrence and/or user testing, such as services offered by the nonprofit Center for Civic Design.

Legislative majorities and financed organizations will always initially draft language favorable to their causes. General Assembly proposals that are not unanimously approved should be scrutinized. History is written by the winners. Ballot question language should not be written by the majority alone.

Non-Partisan and Case Example

This is a non-partisan testimony.

A case example in democratic failure on all the points presented herein is available at: fixxin26.org .

Respectfully,

A handwritten signature in black ink, appearing to read 'H. Josh Jackson'.

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