

Andy Ellis
Seeking the Green Party nomination for Governor
HB 1403
FAV

Democrats in Maryland have one of the longest single-party control and supermajority streaks of any state legislature in United States history. In the current session, Democrats hold 102 of 141 House seats and 34 of 47 Senate seats. A constitutional amendment requires three-fifths of both chambers. Democrats can meet that threshold without a single vote from any other party.

What this means in practice: one party decides which constitutional amendments Maryland voters get to see. Since 2010, the General Assembly has sent 16 constitutional amendments to the ballot across eight election cycles. Every one was chosen by the Democratic supermajority. The pipeline is active. The legislature sends amendments. But only the ones they choose.

The only alternative path is a constitutional convention. But Article XIV, Section 2 imposes a counting standard on the convention question that it does not impose on any other ballot question: blank ballots count as "no." In 2010, 897,239 Marylanders voted yes on calling a convention. 751,228 voted no. A clear majority of everyone who answered the question said yes. The convention was not called, because 216,817 voters left the question blank. HB 979, introduced by Delegates Hornberger and Stewart, would fix that counting method. I support that bill. But even if HB 979 passes, a convention is a one-time event. It does not create a permanent mechanism for voters to propose constitutional changes.

HB 1403 does. It creates a citizen initiative process, a third path to constitutional amendments that does not depend on the legislature's willingness to act. The bill requires that a proposal first fail in the General Assembly before it can go to petition. It sets a signature threshold of 10 percent of votes cast in the last gubernatorial election, roughly 201,000 signatures. It requires geographic distribution so that no single county or Baltimore City can supply more than half the signatures. And it requires a two-thirds supermajority of voters to approve a constitutional amendment by initiative. That is the highest passage threshold of any initiative state in the country.

This is not a radical proposal. Eighteen states allow citizen-initiated constitutional amendments. HB 1403's safeguards are among the strongest.

Why This Matters for Electoral Reform

Legislators who won under current election rules have little incentive to change them, and historically have incentives to preserve them. Ranked choice voting, independent redistricting commissions, public financing of elections: these reforms often require citizen initiative.

In Maine, ranked choice voting bills failed in the legislature repeatedly from 2001 to 2013. In 2016, voters passed it by citizen initiative. The legislature then tried to repeal it. Voters used the

People's Veto, collected 66,687 signatures, and in June 2018 voted 54 percent to preserve the reform. In Alaska, voters passed a top-four primary with ranked choice voting by citizen initiative in 2020. A legislative repeal attempt in 2024 failed at the ballot. In Arizona, voters created the Clean Elections public financing system by initiative in 1998. It would never have passed through a legislature dependent on private fundraising. In Michigan, California, Colorado, and Arizona, voters created independent redistricting commissions by citizen initiative after legislatures refused to give up gerrymandering.

Our campaign supports ranked choice voting and public financing of elections. Both require legislative action from the same body that benefits from the status quo. A citizen initiative process creates an alternative path.

The Money Problem

I will be honest about the risk. Ballot initiative campaigns are exempt from the campaign finance restrictions that apply to candidate races. A single wealthy individual or corporation can spend without limit. In California, Uber, Lyft, and DoorDash spent over \$200 million on Proposition 22 in 2020 against \$20 million from labor. In 2022, competing sports betting measures drew \$463 million in spending. This is a real problem. I have seen it in Baltimore.

In 2024, David Smith of Sinclair Media used the citizen petition process to put Question H on the ballot in Baltimore, a measure that would have slashed the City Council from fourteen members to eight. I chaired Baltimore for Democracy, one of the coalitions that organized to defeat it. We were outspent. We won anyway. Only the second charter amendment to fail in Baltimore in 25 years, out of 50 on the ballot.

This committee has a bill before it today that addresses the money problem directly. HB 1378, the Corporate Power Reset Act, redefines what powers Maryland grants to the corporations it creates, including the power to spend on ballot questions. Campaign finance reform and citizen initiative are complementary. Pass both.

But I want to make a larger argument. The defeat of Question H was the outcome, but the democratic engagement it produced was the lasting value. Voters who had never thought about council district size were suddenly debating representation, accountability, and the influence of wealthy individuals on city governance. Those conversations happened with their neighbors, at PTA meetings, with strangers at the polls, in bars, on the bus, at the farmers market. The conversation was the point.

A citizen initiative process does not just give voters the power to propose amendments. It forces public deliberation. The petitioning and the debating exercise muscles many Marylanders have never had to use. They make self-governance a practice, not just a principle.

I encourage this committee to provide a favorable report on HB 1403.