

Thank you for the opportunity to submit testimony on HB 2100 – Constitutional Amendment. Between 2013 and 2021 I co-chaired three governor’s commissions on redistricting in Maryland, and in that capacity testified many times before Senate and House of Delegates committees. While I write often on election law in my capacity as a senior fellow at the Cato Institute, and am involved with many Maryland civic and nonprofit ventures., my comments here reflect only my own individual views and not those of any group.

I oppose this constitutional amendment, which would undo the progress Maryland has made since the days not that long ago when our state was known for having the nation’s worst House gerrymander. That is thanks above all to one courageous jurist, Judge Lynne Battaglia, and to Marylanders across the state who kept the faith that the state deserved a better and more democratic future.

The evils of extreme partisan gerrymandering have been rehearsed often enough, and I will not repeat them again here. I believe most of those who intend to vote for this bill know in their hearts that it is not something they will be proud of passing, especially in this form. I will only observe a couple of ways in which sacrificing principle harms the public.

Consider the events of this spring. The Maryland Senate had passed and sent to the Assembly a much-needed constitutional amendment establishing special elections for legislative vacancies, which have long been filled by county party committees, that is to say political insiders.

The General Assembly leadership then killed this salutary pro-democracy measure by grafting on a completely unrelated constitutional amendment meant to clear the tracks for a new and extreme partisan gerrymander. It didn't so much as notify Sen. Cheryl Kagan, sponsor of the Senate bill and a longtime leader on elections reform, that it was doing that. So the valuable result of years of reform efforts was rudely 86-ed even after it had reached consensus.

Constitutional reform of elections is best built on the consent of both parties and on principles that can stand the test of time. “We have the power and we intend to use it to reward our friends and vanquish our enemies” is not such a principle. The premise of today’s power grab seems to be that one-party rule in this legislature will be perpetual, yet we should not assume that. American history teaches that one-party rule does not last forever – parties split, minority parties resurge or completely new parties spring up.

Please turn back while there is time.