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## Testimony of Edward Fischman In Support of HB 50

Chair Wells and the Members of the GLE Committee:

I offer this testimony in support of HB 50. I thank Delegate Foley for sponsoring this bill, and Senator Kagan for sponsoring the companion bill. I am testifying on my own behalf, but I think it is important to note I serve on the Montgomery County Democratic Central Committee, where we have filled 7 vacancies in the General Assembly this term, 5 of which would have been impacted if this legislation had been in place when I took my office in December 2022.

I would have felt better about the process if we had this legislation in place then. My concerns with the process of filling vacancies are more than I can go into here. My greatest concern, though, is we appointees as incumbents without ever facing voters in the district. They will likely slate up with the other incumbents when they seek re-election at the term's end.

There is no perfect electoral or governing system, and no perfect reform. Every proposed reform requires a balancing of costs and benefits. Still, outside of Central Committee members, it is hard to find anyone in Maryland who likes the current system.

As a Central Committee member, I regularly hear from voters who object to having a small county-wide committee choose their "elected" representatives. I also hear from residents who offer more prosaic criticisms, unhappy with the appointees we have voted to send to Annapolis.

Either way, their frustration is felt more acutely because of the incumbency advantage we hand to appointees, who usually end up serving multiple terms.

I recently wrote in Maryland Matters that I would like to erase the incumbency problem with legislation to disqualify appointees from running for the seat in the next election.

Others argue for a special election soon after a vacancy occurs, giving the power to fill vacancies solely to the district's voters.

HB 50 takes a more measured approach than either of these proposals to address a democracy deficit and the incumbency problem inherent in the current process. It avoids incurring the significant public costs of rushed, irregular, likely low-turnout special elections. Because most vacancies occur in the first year of a term, it really is a significant reform measure.

Best of all, from my perspective, any appointees seeking election will have to stand on their own on the ballot at least the one time, without the enormous boost of slating with other incumbents. The district's voters will have the opportunity to squarely consider the appointee's merits in what would likely be a competitive primary.

So many of the people who apply for appointment would never have run for the seat in an open election. I don't think that is the most compelling argument for maintaining the current system. As a former member of our Central Committee, Delegate Foley voted to fill legislative vacancies and eventually benefited personally from the appointment process. I commend her for recognizing that the process is in dire need of reform, and I am grateful for her advocacy of this important reform

At a moment where we face great budgetary constraints, it is important to note that this reform would have no fiscal impact at all. It will also be applauded by almost all Marylanders, who, like voters everywhere, are very cynical about government. Passage of this bill will offer some contrary evidence to those who think legislators will always vote to benefit themselves.

I urge the committee to issue a favorable report on HB 50.