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House Government, Labor, and Elections Committee

HB 44 Election Law - Petitions and Ballot Questions - Contents, Plain Language

Requirement, and Procedures

Bill Hearing Date February 4th, 2026

Position: Unfavorable

Dear Chair Wells, Vice Chair Kerr, and Honorable Committee Members,

My name is Michael Butkiewicz. I am an author and civic-education researcher from Montgomery County, and my work has appeared across regional outlets. I write today in opposition to HB 44, a bill that seeks to require petition and ballot-question language to be written in plain language.

I want to be clear that the intent behind this initiative is noble. Our goal should always be to ensure that those we represent are in the strongest possible position to understand the decisions before them. At the same time, we must recognize how vulnerable this framework becomes to political or partisan framing and intervention.

It is essential to examine what the bill's undefined requirement to explain the "outcome of the ballot question" would entail. This phrase can be interpreted in two very different ways:

- describing the legal effect of a "for" or "against" vote, such as whether a subsidy is implemented or repealed; or
- offering a predictive or normative argument about what might happen based on interpretation or speculation.

The former is appropriate and necessary. The latter exposes Maryland voters to the risk of being subtly persuaded or misled through one-sided framing.

The bill also requires that petition signature summaries be "fair and accurate." Yet it provides no statutory definition of "fairness," making the standard effectively unenforceable. Fairness could mean avoiding

misleading language, avoiding omissions of essential information, avoiding partisanship, or avoiding emotionally charged rhetoric. Without a definition, the term becomes subjective and impossible to apply consistently.

The same ambiguity applies to “accuracy.” A summary could technically be “accurate” while still being selective, presenting only those facts that support one side of an issue. A petition sheet designed to maximize signatures has every incentive to omit context or countervailing information. Such omissions may violate the spirit of fairness and accuracy, but the bill offers no enforceable mechanism to address them.

These gaps in definition and enforcement create structural asymmetries. Well-funded organizations, legal teams, and research operations may be held to a higher standard simply because they have more visible outputs, while others pursuing less rigorous or more partisan approaches may escape scrutiny.

Finally, the bill’s 15-day public comment period raises additional concerns. The Secretary of State, State Board of Elections, county attorneys, and municipal attorneys all operate as political or quasi-political actors. During this short window, advocacy groups, think tanks, organized campaigns, and well-resourced interests will predictably dominate the comment process, while the median voter is unlikely to participate. After receiving comments, the drafters of the ballot language are under no obligation to respond, justify revisions, disclose influence, or publish a rationale. This lack of transparency falls short of what Marylanders expect, and deserve, from a process that shapes how they understand their own ballot.

While I will not fail to recognize the noble intent behind Delegate Feldmark's legislation, it is vital that we acknowledge that this bill, as drafted, creates more interpretive risk than it resolves, and the stakes, ballot language, are too high for that level of uncertainty.

Please report unfavorably on HB 44.

Thank you.