HB150
UNF
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Esteemed members of the Committee:

My name is Rob Daniels. I write in firm opposition to HB150.

I am the immediate Past-President of the LGBTQ Bar Association of Maryland, and I was a candidate for Judge of the Baltimore County Circuit Court in the May 2024 primary election. I ran for one simple reason: in Baltimore County's 367-year history, there has never been an openly LGBTQ+ person appointed to a trial court bench—despite the fact that highly qualified, fully vetted LGBTQ+ candidates have applied. I am one of them. I applied three separate times and was passed over in favor of demonstrably less-qualified candidates.

That is why I did exactly what the Maryland Constitution of 1867 allows me to do: I took my case directly to the people. HB150 would take away that constitutionally guaranteed right.

Let's be clear about what this bill does. It strips Marylanders of a voting right they have exercised continuously since 1867. Never in our state's history has the General Assembly taken away a voting right. Not once. And now—at a moment when voting rights across this country are under open and sustained attack—this legislature is considering doing exactly that. That is beyond the pale.

The justification for this bill rests on the erroneous conclusion of the Workgroup to Study Judicial Selection that the "diversity problem" has been solved in MD State trial courts. It has not. The Workgroup simply moved the goalposts by ignoring LGBTQ+ representation entirely. This bill sends a clear message: *we have enough diversity, of the kinds we prefer, and we are closing the door behind us.*

Governor Moore himself acknowledged this reality in Executive Order 01.01.2023.04, which directs judicial nominating commissions to encourage applicants of diverse sexual orientations and to consider the importance of a diverse judiciary. And yet, here we are in year four of the most progressive administration Maryland has ever had, and LGBTQ+ people are still not being appointed to circuit court judgeships in every MD county. If not now, when?

We are told this change is necessary to reduce politics in judicial selection. But concentrating appointment power in a single political figure does not eliminate politics—it intensifies it. Governors are political actors. They face pressure, electoral consequences, and political trade-offs. To pretend otherwise is fiction.

That is why the Constitution did not vest absolute appointment power in the Governor. The delegates to the 1867 Constitutional Convention understood a basic truth: even well-intentioned politicians will act in political expediency. In a democracy, the will of the people must always outrank political convenience.

Sometimes marginalized communities must take their case directly to voters because political systems will not act—or cannot act—on their behalf. That is not a flaw of democracy. That *is* democracy.

This bill says the voters cannot be trusted. It says that if voters do not choose what the political establishment prefers, their right to choose should be taken away. That is an extraordinary claim—and a dangerous one.

Arguments that voters are insufficiently informed are especially troubling. The public does not owe the legislature proof of its competence. We do not impose knowledge tests on voters—nor should we. When voters lack information, the remedy is education, not disenfranchisement. Punishing the electorate by stripping voting rights is not reform. It is regression.

The current judicial selection system is not perfect. But eliminating elections does not fix its flaws—it conceals them. It removes accountability, eliminates meaningful checks and balances, and distances the judiciary from the people it serves.

At a time when Americans are deeply concerned about democratic backsliding and the erosion of fundamental rights, this is the wrong direction. This is the moment to reaffirm the powers reserved to the people—not to take them away. Sometimes the boldest act of leadership is restraint.

I urge you to issue an unfavorable report on HB150.