



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

TESTIMONY OF GEORGE L. LEVENTHAL
VICE PRESIDENT, MONTGOMERY COUNTY COUNCIL
ON HOUSE BILL 648
TO MODIFY THE NUMBER OF SIGNATURES REQUIRED TO PLACE
A CHARTER AMENDMENT ON THE COUNTY BALLOT
February 24, 2005

Madam Chair and members of the Environmental Matters Committee, thank you for the opportunity to testify before you this afternoon in support of HB 648. This legislation will give the voters of Maryland the chance to correct an anomaly in the state Constitution.

In 1915, Article XI-A was added to the Maryland Constitution allowing citizens to petition changes to the charter of Baltimore City or any county to the ballot. The language provides that the signatures of at least 20% of the registered voters of Baltimore City or any County shall be required to qualify a charter amendment for the ballot, but that in any case 10,000 signatures shall be sufficient to complete a petition. In 1915, Baltimore City was the largest jurisdiction in the state, and 10,000 signatures were close to 20% of its voters. Most other jurisdictions in the state did not even have 10,000 registered voters. Baltimore City today has 311,501 registered voters. Twenty percent of those would amount to 62,300 voters, yet a charter amendment could qualify for the Baltimore City ballot with only 10,000 valid signatures (3.2 percent of registered voters). Montgomery County is Maryland's largest jurisdiction today, with 518,690 registered voters. Twenty percent of these would amount to 103,738 registered voters, yet charter amendments qualify for the ballot with only 10,000 valid signatures – less than two percent of registered voters in the county!

Even the state of California, which is well-known as a haven of direct democracy, does not allow propositions to qualify for the ballot with such a low threshold of signatures. In that state, statutory changes may be placed on the ballot with five percent of the total votes cast for Governor in the preceding gubernatorial election and constitutional amendments may be placed on the ballot with eight percent of the total votes cast for Governor in the preceding gubernatorial election. If California's requirements were applied to Montgomery County, 23,721 signatures (eight percent of the 296,524 Montgomery County votes cast for Governor in 2002) would be required to amend the charter, which is the county's constitution, and 14,826 signatures would be required to make a statutory change. In the famously liberal city of Berkeley, California, where I went to college, 10 percent of the total votes cast for Mayor are required to petition a question to the ballot, which would amount to 28,496 signatures in Montgomery County (10 percent of the 284,963 votes cast for Montgomery County Executive in 2002).

The reason why Montgomery County is especially interested in allowing the voters to eliminate this historic anomaly is that we have had more than our share of charter amendments petitioned to the ballot. One serial activist and perennial candidate alone, Robin Ficker, has petitioned charter amendments to the Montgomery County ballot 18 times since 1974. Fourteen of these have been rejected by county voters and three were found invalid by Maryland courts. Each of these charter referenda imposes significant costs on the county, to determine whether the signatures are valid, to determine whether the proposed charter amendment is valid, to determine the effects upon county government if the amendment is adopted, and to represent the county in the inevitable legal challenges.

HB 648 empowers the voters of this state to determine whether this historic anomaly in our state Constitution should be updated. It will utilize direct democracy — a vote first of the citizens of the state and then another vote by the citizens of each county — to address the abuse of direct democracy that Robin Ficker has foisted upon Montgomery County citizens. If the voters approve the amendment to the state Constitution, voters in each jurisdiction may then determine an appropriate threshold for qualifying amendments to their charter — not more than 20% and not less than 5% of registered voters in the county (or Baltimore City). HB 648 in no way restricts voter choices: if the voters decide they would prefer to maintain requirements for ballot questions in Maryland counties that are more permissive even than those in Berkeley, California, they will have the right to vote against this Constitutional Amendment.

Again, thank you for giving me the chance to testify today.

