

POWER TO THE VOTERS, NOT THE SPECIAL INTERESTS!

THE TIME IS NOW IN MARYLAND FOR PUBLIC FUNDING OF CAMPAIGNS

Over the past decade, progressive lawmakers in the General Assembly have tried to pass legislation to ban racial profiling, the practice by which police pull over a motorist for the offense of not being white. And year after year, the legislation has died in committee. Realizing that the General Assembly would probably never pass the bill, the NAACP, ACLU, and others brought a lawsuit against the State of Maryland to ban racial profiling. Only when it became clear that the court would rule in favor of the plaintiffs did Gov. Bob Ehrlich very reluctantly agree in 2003 to finally ban racial profiling. Justice – after a long, *long* delay -- was finally served.

Lawmakers have refused to act on many other civil rights issues. Unfortunately, on these issues, civil rights advocates do not have the option of taking the matter to court.

- A moratorium on the death penalty. During the 1990s, as DNA evidence was applied retroactively to closed murder cases, a number of states were forced to free dozens of inmates from death row who had been wrongfully convicted. As prisoners on death row are disproportionately of-color, the civil rights dimension of these monstrous miscarriages of justice became clear. In Maryland, too, a striking disproportion of death row inmates is of-color. Under these circumstances, it was clearly necessary to impose a moratorium on further executions until the University of Maryland could complete a comprehensive study of the even-handedness of the law's application. Shockingly, the General Assembly refused to approve a moratorium, so outgoing Gov. Parris Glendening instituted it by Executive Order. But, in 2003, new Gov. Bob Ehrlich reversed the Executive Order -- even as the UMD study concluded that racial disparities indeed exist in how the death penalty is applied in Maryland. The General Assembly backed up Ehrlich, refusing to vote for a moratorium.
- In-State Tuition Fees for Legal Immigrants. Thousands of children of legal immigrants in Maryland grew up here and attended high school here. Their families have, in some cases, paid U.S. taxes for decades. Yet, under current law, if these students have not yet become U.S. citizens, they must pay the out-of-state tuition fee to attend a Maryland public university, which is significantly higher than in-state tuition. Del. Sheila Hixson introduced a bill in 2003 to remedy this iniquity, but Gov. Bob Ehrlich vetoed it.
- Provisional ballots in disputed cases of voter identity. Challenging the authenticity of a voter's identity card is a common tactic employed by racist election judges trying to stop minorities from voting. It was used in Florida on Election Day 2000. To stop this racist practice, Delegate Obie Paterson sponsored HB 1110 in 2003, which would require that in cases of disputed identity, a voter would be allowed to cast a provisional ballot, which would count if the voter's identity could be verified after Election Day. This commonsense bill died in committee.

Maryland is a relatively progressive state. And the General Assembly is 70% controlled by the Democrats – the self-professed party of civil rights. So why do commonsense civil rights bills like these – and many more like them – go down to defeat year after year?

If of-color Marylanders have trouble enacting a full civil rights agenda in Annapolis, it is because they face a double political challenge.

First, some white lawmakers in the General Assembly simply have a tin ear – or worse - - when it comes to issues of concern to minorities. Second, even if these white lawmakers opened their ears, it is still difficult for minorities to get access to them. Both these problems are tightly linked to the role of money in politics.

To tackle the first problem, we obviously need to elect more of-color lawmakers. Although Maryland's population is 36% non-white, of-color Marylanders occupy only 23% of the seats in the General Assembly. Why do minorities have such trouble running for and winning office?

The redistricting process does not create enough minority districts in a Maryland rapidly becoming more diverse. And we need to complete the modernization of our voting procedures so that no more Florida-style fiascos ever happen again.

But another important part of getting minorities elected involves money. Without it, a prospective candidate cannot even think of running for office. But of-color Marylanders earn on average less than other Marylanders and thus often lack connections in the business world that would help them raise money.

Another reason of-color candidates lack access to campaign cash is because so few minorities make campaign contributions. While there is no racial data kept on individual campaign contributors, one can see how the current system hurts minorities by looking at contributions by zip code. The average resident of District Heights zip code 20747, which is 90 percent black, gave \$0.14 to candidates for Maryland state office in the 1998 election. By contrast, the average resident of wealthy (and mostly white) zip code 20854 in Potomac gave \$11.10. **That's a 79:1 differential.** In 2002, Black zip codes give 5 ½ times less per capita in campaign contributions than did Maryland in general. But even among the few Black donors in 2002, they gave far less per contributor than did the average donor statewide – fully 3 ½ times less money.

Because minorities contribute so little, they lack access to politicians after the election, in turn making it difficult to enact a full civil rights agenda. During the General Assembly's frenzied 90-day session, lawmakers simply do not have enough time to return every phone call, let alone grant every request for a meeting. So, who gets the access to the politicians? Put yourself in the shoes of a busy lawmaker with a stack of phone messages on your desk. One of those messages is from an executive of an oil company who gave \$4,000 to your campaign. Would you put that message near the top of the pile? Of course, you would. And how many of-color Marylanders write \$4,000 campaign contribution checks?

Towards a Solution: Public Funding of Campaigns as Practiced in Maine, Arizona and Connecticut

Public funding of campaigns levels the playing field for of-color candidates. And it makes possible the enactment of laws to benefit all the voters, not just the HMOs, pharmaceutical companies, and other special interests that fund the campaigns of elected officials.

Public funding of campaigns is already law in Maine and Arizona, where it has worked well through three election cycles (Connecticut enacted the reform in 2005). It is a proven, sensible way to change the status quo so that voters can take back control of politics, make elected officials accountable, and level the playing field for of-color candidates.

Here's how it works:

- To participate in the voluntary, publicly funded system, a candidate must demonstrate broad community support by collecting several hundred small contributions in the district he wishes to represent.
- If successful, he receives enough money from the public Treasury to wage a competitive campaign and agrees to accept no private, special-interest donations.
- If a privately financed opponent outspends him, he receives offsetting funds to keep pace, up to a certain limit.

Advantages of Public Funding of Campaigns

- It enables citizens with community support but ordinary financial means to run for office.
- It frees candidates and lawmakers from incessant fundraising, giving them more time to listen to regular voters.
- Participation in the publicly funded system is voluntary; by leaving the private campaign finance system alone, the Act is immune to judicial challenge.
- Publicly funded candidates who win owe nothing to the insurance companies, energy companies, and other special interests that fund campaigns under the current system. In this way, public funding of campaigns reduces the undue influence of the special interests in Annapolis.
- Maryland's publicly funded system would cost about \$1.30 per resident per year – a reasonable price to pay so that voters can take back control of politics and make elected officials more accountable.
- *Public funding of campaigns has already been implemented in Maine and Arizona, where it is accomplishing all the benefits described above. Connecticut enacted the reform in 2005.*

In Arizona's 2002 election, for example, the publicly funded system enabled more of-color candidates to run for office and win. 57% of Latino candidates and 100% of African American candidates used the publicly funded system. In that same state, the first act of newly elected Gov. Janet Napolitano was to cap the skyrocketing cost of prescription drugs by ordering the state to purchase drugs in bulk. Maine became the first state in the country to enact universal health care. Can you imagine these reforms without first weaning elected officials from their financial dependence on the HMOs, pharmaceuticals, and insurance companies?

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IN 2006, PROGRESSIVES HAVE AN UNPRECEDENTED OPPORTUNITY TO ENACT PUBLIC FUNDING OF CAMPAIGNS IN MARYLAND

In 2002, the General Assembly passed a bill to create an official task force to examine public funding of campaigns and make recommendations for Maryland. This distinguished, bipartisan study commission, whose members included several former and current lawmakers, issued its report in 2004, recommending in favor of public funding of campaigns for General Assembly races. Sen. Paul Pinsky and Del. Jon Cardin will submit legislation in the 2006 session of the General Assembly based on the study commission plan. This legislation comes at the perfect time to enact major reform:

- **The Special Interests Are Pumping More and More Money into Maryland Politics.** The banking industry, energy industry, and other special interests pumped \$75 million into Maryland's 2002 election, doubling what they had spent in 1998 and making 2002 by far the most expensive election in the state's history. And the 2006 election will surely break that record. Since 1990, the gubernatorial inflation rate has skyrocketed 726%. No wonder a recent poll of Marylanders found that 75% believe that fundraising is a major source of corruption.
- **Strong Support Statewide for Public Funding of Campaigns.** An October 2005 statewide poll shows 73% of Marylanders support Arizona-style public funding of campaigns. Progressive Maryland, the League of Women Voters, Common Cause, NAACP, Sierra Club, AFL-CIO, League of Conservation Voters, NOW, and other organizations endorse the bill. The *Washington Post* and *Baltimore Sun* both support public funding of campaigns.
- **Key Lawmakers Support Public Funding of Campaigns.** More than 50 lawmakers cosponsored the bill in 2005. Speaker Mike Busch supports the reform, as does Chairwoman Sheila Hixson, whose Ways & Means committee voted for the bill 14-5 last year. Sen. Paula Hollinger and a majority of her colleagues on the Education, Health & Environmental Affairs committee – which has jurisdiction on this issue -- support the reform.
- **Public Funding of Campaigns Will Help Save the State Money.** Over the past three years, Progressive Maryland has demanded closure of hundreds of millions of dollars in corporate tax loopholes as the best way to balance the state's budget and pay for schools and health care. A focus on loopholes, in turn, has prompted the natural question: "How did they get there?" And this question, in turn, is giving advocates of public funding of campaigns one of our strongest arguments: tax loopholes are payola to corporate campaign contributors. If Maryland wants to close its long-term budget deficit and achieve more fiscal discipline in the future, the single best step we can take is to enact Maine-style public funding of campaigns.
- **Public Funding is Incumbent-Friendly.** As incumbent lawmakers learn how the system works in Maine and Arizona, they understand that this reform is in their self-interest. Already in Maine and Arizona, almost half of incumbents use the publicly funded system. And in both states 90% of incumbents still win re-election (as they do in Maryland). Why? Because incumbents enjoy plenty of other advantages over challengers besides a fundraising edge. They have superior name-recognition, more contacts among activists, better campaign skills, more experience, a proven track record, etc. Incumbents in both states like the system because it eliminates the worst aspect of their job (fundraising) and frees them after the election to vote their conscience (not as contributors and corporate lobbyists demand). That's why incumbents in Connecticut voted overwhelmingly in 2005 to enact this reform into law.