

The Maryland Voter



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Constitutional Convention on November Ballot

In the 2010 legislative session the Maryland General Assembly voted to place the question of a Constitutional Convention on the November ballot.

Actually, they had no choice. Article XIV of the Maryland Constitution states it is the duty of the General Assembly to “provide by Law for taking, at the general election to be held in [1970], and every twenty years thereafter, the sense of the People in regard to calling a Convention for altering this Constitution.” If a majority of voters vote for the convention, the General Assembly must at its next session provide by law for the election of and the assembling of delegates to the convention. Despite the fact that a provision calling for the “sense of the people” on a need for a new constitution has been in the Maryland Constitution since 1851, a constitutional convention has never been called pursuant to this article. However, Maryland has held five constitutional conventions, in 1776, 1851, 1864, 1867, and 1967-1968.

In referenda on the calling of a constitutional convention held before 1930, the question was always rejected by the voters. However, in 1930, the idea of re-writing the state constitution became more attractive and a majority of the people who voted on the question voted in favor. But, the state legislature decided that the wording in the constitution could be interpreted as meaning the question must be approved by the majority

of people voting in that election. Since many fewer voters get to the referendum questions, the legislature announced that the question had failed. The same ploy was used in 1950 to defeat the question when it again appeared on the ballot. That year, the League had campaigned in favor of a convention citing the following needed reforms:

- More Home Rule for local units of government
- Fair Representation for the populous parts of the state
- Adoption of such ideas as the ballot initiative, absentee voting, and weeding out of “dead-letter articles.”

In the 1960s, it was a U.S. Supreme Court decision that moved the Maryland legislature to call for a Constitutional Convention. The Court had decreed that Maryland must take immediate steps to reapportion itself or face a court-ordered reapportionment. In 1965, the Attorney General issued an opinion that the legislature could call a constitutional convention at any time and that the Governor could appoint a commission to study the need for constitutional reform. Governor J. Millard Tawes appointed a 27-member Constitutional Convention Commission in June of 1965. The commission recommended that the question be put on the ballot at the next election in 1966. The question was put forth at a special election on September 13, 1966, concurrent with the 1966 primary election. By having this ballot measure placed on a “special

election ballot” the question of what constituted a majority was adroitly side-stepped. Following the overwhelming vote in favor of calling a Constitutional Convention, the General Assembly passed a law to provide for the apportionment and election of delegates. The League published a “TipSheet” called *How to Judge Candidates for the State Constitutional Convention* (that could be ordered for 10 cents (postage included) or 5 cents and a stamped self-addressed envelope.)

After their election, the delegates were assigned to one of eight subject committees: Personal Rights and the Preamble, Judicial Branch, The Legislative Branch, The Executive Branch, Local Government, Suffrage and Elections, State Finance and Taxation and General Provisions. They worked from September of 1967 until January of 1968. During that period the League of Women Voters of Maryland published a bulletin called the Constitution News Service. The six editions gave a play by play account of the proceedings. The proposed constitution, although widely hailed as a model by political scientists, the press, and the League, was soundly defeated in May of 1968 by a 2 to 1 margin. Because the document required an up or down vote, the votes of a wide variety of opponents added

together to voice a firm dismissal. Some were merely opposed to change; others rejected particular provisions such as giving 19-year-olds the vote and formal language making it illegal to discriminate. There was a well organized coalition of holders of “Courthouse offices” who would have lost their constitutional status in the new document.

Not surprisingly, the question of calling a Constitutional Convention was defeated when, as mandated, it was placed on the 1970 ballot. In 1990 the League did not take a position on whether to call another Constitutional Convention. By that time many of the reforms in the proposed constitution had been incorporated by amendments proposed by the General Assembly and approved by voters. Instead, the League published a booklet called *To ConCon or Not*. It outlined the history of the Maryland Constitution, changes that have been made since the last convention, and Pros and Cons for calling a new Convention. This document can be found at www.LWVMD.org

In September, the Board of the League of Women Voters of Maryland will be deciding whether to take a position on the ConCon ballot question that will be before us on November 2.

By Nancy Soreng

Major Changes to the Maryland Constitution Approved Since the Last ConCon

- Removed archaic, obsolete and duplicative language.
- Removed biased references to religion, race and sex.
- Set voting age at 18 and clarified absentee voting requirements.
- Office of Lieutenant Governor created.
- Governor was empowered to organize executive branch.
- Outlined a procedure for reapportioning General Assembly Districts after each decennial census.
- Set new qualifications for members of the General Assembly and established procedures for filling vacancies.
- Clarified matters relating to state debt and procedures to ensure balanced budget.
- Created a uniform lower court system.
- Enlarged powers of Commission on Judicial Disabilities.
- Authorized video lottery terminals (Slot Machines) to fund education.
- Allowed qualified voters to vote inside or outside their election districts up to two weeks before an election (early voting).
- Authorized the General Assembly to enact legislation to allow absentee voting by qualified voters who choose to vote by absentee ballot (no excuse absentee voting)

Remembering the 1967- 68 Constitutional Convention

On June 13, 1967, Maryland voters elected 142 delegates to the Constitutional Convention of 1967-1968. They were elected from the same districts as delegates to the General Assembly. Many of the delegates have since left the area or passed away. Two members of the LWVMD Board, Melpi Jeffries and Nancy Soreng spoke to Royce Hanson, who was a delegate from Montgomery County, about his experience.



Dr. Royce Hanson began his career as a professor of government and public administration at American University. During the 1960s, he was executive director of the **Maryland Committee for Fair Representation**. This bi-partisan committee was seeking to reform

the way representation in the General Assembly was apportioned. At the time, the apportionment of the General Assembly was fixed in the state's Constitution. Each county had one senator but Baltimore City had six. The counties had between two and six delegates but Baltimore City had 36. Despite the fact that the population had shifted dramatically to newly developed suburban communities, no attempt was made to reapportion the legislature after the 1960 census as there was no constitutional or statutory requirement to do so.

In 1965, after the Supreme Court handed down its landmark decisions in **Maryland Committee V. Tawes**, making equal population the basic requirement for apportionment, the Court applied the "one man, one vote" rule to a Maryland case and declared our legislative districts unconstitutional. In 1965, the General Assembly adopted a plan retaining a senator for each county in spite of great population variances. Only after the Maryland Court of Appeals voided this plan did the General Assembly shape a plan with districts of substantially equal population which the court accepted in 1966.

This created an atmosphere where there was finally an appetite, and the political will, to

review and rewrite the entire Maryland Constitution. The General Assembly, the governor, and the voters all took steps that led to the calling for a Constitutional Convention.

Hanson ran for a seat as delegate and won. He was appointed to the Committee on the Legislative Branch. Hanson praised the skills of H. Vernon Eney who was the President of the Convention. Eney was well regarded by all of the delegates. He was a-political, very organized and ran a tight ship. The committee chairs were well chosen and worked closely together, Hansen said. He felt that the leadership made judicious choices when appointing the delegates to the various committees. Although there was robust debate throughout the process, with the help of very capable staff support and commitment to the job on the part of the delegates, they were able to complete their assignments and do them on time.

Hanson said that the Constitution that was created has been called a model document. Some of the major improvements included stripping it of the poorly integrated, illogically organized, outdated and sometimes internally inconsistent features, empowering the governor to reorganize the Executive Branch and creating the office of lieutenant governor. It defined a means of redistricting and organized and rationalized the Court system. Although hotly debated, it did not change the power of the governor in budget making.

Hanson felt that, although the new constitution was overwhelmingly defeated, the process produced some important improvements which were eventually adopted as voter approved amendments.

When asked if he was surprised that the new document was so soundly defeated (2-1 against) by the voters, he responded, "not

particularly". Racist and anti-communist sentiments came into play over the fear that provisions in the constitution that would permit intergovernmental cooperation would lead to Metro-Governments. Metro-Governments were also referred to by some anti-constitution campaigners as "Soviets" further portraying that such cooperation was a communist goal. In addition, the loss of local control that was perceived as inevitable due to these provisions and the formal antidiscrimination language that was included was frightening to suburban residents who were witnessing increasing racial unrest.

The new Constitution also abolished all of the non-judicial court-house offices except the State's Attorney. This meant that all of the Sheriffs, Clerks of the Court, Registers of Wills and their backers were adamantly opposed to the change. They ran a well organized campaign to defeat the new document. Because this was a special election about a topic that few residents paid much attention to, it was easier to turn out opponents who felt they had something to lose than supporters who had little understanding of how the changes would impact them.

When asked if he thought another Constitutional Convention was in order, he responded that many of the improvements suggested by the 1967-68 ConCon have been implemented by amendment over the intervening years. He said there are still reforms left to be made that the General Assembly has little appetite to tackle that could be proposed by a Constitutional Convention.

These include an improved redistricting system, changing the budgetary balance of powers between the Governor and the General Assembly, and removing language about Slot Machine Gambling. However he doubts that there is much momentum to take this on given the other controversial issues that could also emerge including same gender marriage, repeal of the death penalty, and another attempt to eliminate the auxiliary court personnel. And even if they were addressed by a new Constitution, the odd of it passing aren't much greater than last time.

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By Melpi Jeffries and Nancy Soreng

Born in Oklahoma and raised in Arkansas, Royce Hanson first came to Maryland in 1959. He holds M.A. and Ph.D. degrees in Government and Public Administration and a J.D. degree from American University. In addition to various positions at higher education institutions, he has served as the Director of the Committee on National Urban Policy of the National Research Council which is part of the National Academy of Sciences. He served as Chair of the Montgomery County Planning Board from 1972-1981 and again from 2006 until June of 2010.

LWVUS Convention Wrap-up

With over 600 voting members, numerous non-voting members and scores of volunteers and staff, the 49th National Convention of the League of Women Voters of the United States was off to a rousing start on June 12, 2010. Delegates starting pouring in on Friday, June 11, and the wares market and the caucuses that evening were well-attended as was the Meet and Greet with wine and snacks. We were greeted on Saturday by a representative of the Atlanta mayor and received a robust welcome from local Congressman John Lewis.

For those early risers, workshops and caucuses started at 7:30 a.m. and went on into the late evening. Few folks saw much of Atlanta unless they were staying over.

On Saturday evening, the Atlanta/Fulton County LWV had a dessert bar and one-woman show called *Petticoats in Politics: Women Get the Vote*, starring Kate Campbell Stevenson portraying women through the years from Abigail Adams to Marian Anderson.

Then everyone really got down to business on Sunday and Monday with resolutions, new programs and concurrences. Probably the most exciting event for the 20 Maryland delegates was the convention's concurrence with the position of LWVMD and LWVME on Marriage Equality that was spearheaded by both states and Saratoga County, New York. The National Popular Vote Compact was approved as one way to elect the president. And a resolution to support lifting the travel restrictions for Americans going to Cuba was approved. Two new studies were approved: Privatization: the policy agenda to transfer government functions, services and assets to the private sector, and a study of the Federal role in Education.



Elisabeth MacNamara, newly elected LWVUS President, had this to say about the convention:

“Convention 2010 was inspirational and highly productive. Congressman John Lewis reminded us that change comes when groups like the League are not afraid to “get in the way.” A panel of our past presidents emphasized the core values of League, careful study, consensus building and speaking with one voice. Secretary of Health and Human Services Kathleen Sebelius thanked us for the League’s key role in achieving significant health care reform and reminded us that much more still needs to be done. Walter Shur joined us to celebrate the legacy of his wife, longtime League member Ruth S. Shur. We received messages of support and thanks from the President and the Speaker of the House. And throughout Convention 2010, delegates from Leagues all over the country reminded us that the League does not rest on its laurels and that there is much work still to be done to make our democracy work.”

The following are impressions of some of the Maryland attendees at Convention:

I was convinced after the many motions on Sunday, some ruled out of order, that we would never pass anything on Monday but continue debating forever. To my satisfaction and pleasure, we achieved positive votes on nearly everything in rapid succession. Two days of consideration sounds like a lot--but it surely worked in our favor to have time to consider what we were committing ourselves to do.

*Eileen Coffee
(1st time at National Convention)*

I loved hearing our former presidents describe their adventures, like the time the general in charge instructed his staff that the "ladies from the League did not need a briefing on Arms Control - they already were well informed" and how missing luggage did not stop Dot Ridings from her commitments on an international trip and a "lacy" dress purchased in the local market did "just fine."

It was about making connections: a Winchester, Mass., member meeting the first woman elected to the town Board of Selectmen - our Barbara Hankins (Montgomery) and a Broward County, Florida, member having worked with the sister of a Maryland Leaguer - Eileen Coffee (Harford). I met up with my former colleagues of Dade County, Florida, on the travel ban to Cuba resolution. It's a great place to connect to people!

Diane Hibino

I really appreciated the conversations with those who attended from all parts of the country and hearing of the approaches to problems their communities and states have.

Andrea Gruhl

I was very excited about the Young Professionals movement at Convention. Not only did they participate, they had caucuses and continued to emphasize that they were willing to do anything to help get young professionals into and active in the League. Upon returning home, I noticed they're continuing their networking by starting a list serve. I would encourage local Leagues to contact these enthusiastic members for suggestions on attracting new younger members. You may even check to see if some are in your local area and can work with them on a personal basis.

Elaine Apter

As for the convention, it was inspiring for all of our "guest" presenters, John Lewis, the former presidents, and HHS Secretary Kathleen Sebelius. I think what I found most gratifying and unnerving was the preparedness and knowledge of some of the election-related activists, pro and con, leading the seminars about NPV, transparency, audits and redistricting.

I really appreciated the friendly "motherly" way our President led us through what began to be endless sessions with a great deal of humor and kindness. She conducted one of the best conventions I have had the privilege or agony of attending.

Barbara Sanders

I very much appreciated the session with our UN Observers. I had known that when the UN was being considered, the LWVUS among other organizations was called upon to consult. I didn't know that the League distributed more than 1,000,000 pieces of promotional materials in support of the creation of a United Nations, and I also didn't know that the League of Women Voters was assigned by the new entity the women's issues efforts of the UN. Our UN Observers work many hours a week at the United Nations as volunteers, and particularly they work on improvements to the conditions and status of the girl child as well as people over 50.

Carole Conors

Carole Conors received the following award:



With appreciation
for your years of
dedicated service
to the League of
Women Voters.
*With special thanks
for your leadership
of the LWVUS
Lobby Corps.*

LWVUS
Board of Directors
June 2010

Carole first joined the Lobby Corps in 1995 and became chair in 2002.

Constitution Day 2010



"Health Care Reform and the U.S. Constitution"

Friday, September 17, 2010 ~ 12 noon – 1:00 p.m.
Ceremonial Court Room, University of Maryland School of Law
(500 W. Baltimore St., Baltimore, MD 21201)

Co-sponsors: League of Women Voters of Maryland, University of Maryland School of Law and the University of Maryland/ Baltimore.

Agenda: Welcome by the League President and a University Official, Introduction of Speakers, Panel Presentations, Q & A Session.

Panel: Stay tuned! Three constitutional law and health care experts are currently being invited. Subsequent fliers will give panelists' details.

RSVP & Costs: Requesting RSVPs to assure sufficient seats and parking spots. Free program; standard parking cost. RSVP to andragruhl@aol.com by noon, Sept. 15. Questions? Andrea at 301-596-5460.

Volunteers: Leaguers needed for welcoming and directing arriving attendees, distributing programs at hall door, and displaying League of Women Voters publications at table. Volunteer to andragruhl@aol.com by evening, Sept. 15.

Directions: From Route I-95 (North or South): Take Route 395 (downtown Baltimore) and exit onto Martin Luther King, Jr., Blvd., staying in the right lane. At the fourth traffic light, turn right onto Baltimore St.; pass law school on left side of street. Turn left at second traffic light onto N. Paca St.; turn right into entrance for Baltimore Grand Garage. Garage is on east side of law school. Parking is for UMB Hospital patients/staff & law school faculty, but our event attendees will have reserved spots if you RSVP. Carpooling is encouraged.

2010 Gubernatorial Elections

The gubernatorial elections are fast approaching: Tuesday, Sept. 14, is the primary and Tuesday, Nov. 2, is the general. We will be voting for many candidates at all levels of government -- federal, state and county. LWV members are hard at work registering voters, contacting candidates about *Voters' Guide* questions, inviting them to debates and working with the local Boards of Elections. Do your part to share the workload. Make sure friends and community members know about the impartial, nonpartisan *Voters' Guide* on the LWVMD website in mid-August. Here's some other news to share.

Voter and party registration deadline for primary election:

- Registrations must be received by your county Board of Elections by 9 p.m., **Tuesday, Aug. 24.**
- Current registered voters should report any changes of name, address or party affiliation in writing. Include date of birth, original name, address or party affiliation, signature and date. Deliver, mail or fax to your county's Board of Elections. Verify your registration data and polling place at <http://www.mdelections.org/voter-registration/status/>.
- Individuals under guardianship for mental disability are now allowed to register to vote unless a court of competent jurisdiction has ruled otherwise based on specific evidence.
- Voter registration is permitted at age 16 for individuals meeting other registration requirements. Voting is still limited to registrants 18 and older, except for a primary election when the registrant will be 18 on or before the date of the general election (e.g., Nov. 2 this year).
- Political party affiliation changes now are accepted through the Aug. 24 registration deadline. Only voters registered with the Democratic or Republican political parties are allowed to vote in these parties' September primary races. All registered voters (Green, Libertarian, Constitution, or unaffiliated) may vote for candidates in non-partisan primary races.

- The Independent Party is no longer recognized by the State Board of Elections since it did not file the necessary paperwork. Members are being contacted about a new party preference.

Choose one of three ways to vote:

- Vote at any Early Voting Center **in your county**, Friday, Sept. 3 - Thursday, Sept. 9, except Sunday, Sept. 5, when they are closed. Sites are open from 10 a.m. to 8 p.m. Find locations and directions at: http://www.elections.state.md.us/voting/early_voting_sites.html.
- Use an absentee ballot. Applications for an absentee ballot must be delivered, mailed or faxed to your county Board of Elections by Tuesday, Sept. 7, 2010, for the primary. Applications are available at: http://www.elections.state.md.us/voting/documents/2010_Absentee_Ballot_Application_English.pdf. You may request to receive your ballots at your home, an alternate address or download it from a secure web link. Completed ballots must be hand-delivered to your county Board of Elections or postmarked on or before Election Day. Ballots may not be faxed or voted on a computer. Late applications for absentee ballots are available through Election Day at the county Board of Elections office and may be picked up by a voter's designated agent, if necessary.
- Vote in your assigned precinct on Tuesday, Sept. 14, 2010.

How we will vote:

- Early voting centers and polling place precincts will have the Direct Recording Electronic (DRE) touch screen voting machines used in the recent past. The Governor did not include funds in the FY 2011 budget to procure the optical scan machines we expected to use this year.
- Absentee and provisional ballot voters will have a multiple-page paper ballot.

Barbara Sanders

Be Aware of the Debate Policies of the League of Women Voters of Maryland

Long before candidates file for office, the League of Women Voters of Maryland sets policy conducting debates. The complete LWVMD policy on debates was published in our handbook Policies, Guidelines and Procedures in January of 2010. It can be found at www.lwvmd.org. The part of our debate policy that is sometimes misunderstood relates to participation. Therefore, that portion is published below.

5. To be invited to participate in a LWVMDEF debate a candidate must:
 - a. Be legally qualified, if elected, to hold the office under federal and state law; **AND**
 - b. Have filed and met all requirements to be on the ballot according to Maryland's election laws; **AND**
 - c. Have demonstrated significant voter interest and support by
 - i. Being nominated by a recognized political party in Maryland **OR**
 - ii. Having received 10 % of public support in a recognized, nonpartisan statewide public opinion poll **OR**
 - iii. If no such poll exists, the candidate must
 - Provide examples of campaign coverage by at least two major media sources in different geographical areas of the state **AND**
 - Demonstrate that a formal campaign is being conducted by the existence of campaign headquarters and staff or an active website.

6. It is the policy of the League of Women Voters of Maryland that candidate debates and forums should be inclusive of all candidates who have qualified to be on the ballot, including all candidates of state recognized political parties, independent candidates and write-in candidates. **However, if the debate or candidates' forum is co-sponsored by a broadcasting station and the station is not able to provide coverage if all candidates are included, a candidate must meet the following criteria:**
 - a. Be legally qualified, if elected, to hold the office under federal and state law; **AND**
 - b. Have filed and met all requirements to be on the ballot according to Maryland's election laws **AND**
 - c. Demonstrated significant voter interest and support by:
 - i. Having received 15 % of public support in a recognized, nonpartisan statewide public opinion poll **OR**
 - ii. If no such poll exists,
 - Provide multiple examples of campaign coverage by at least two major media sources in different geographical areas of the state **AND**
 - Demonstrate that a formal campaign is being conducted by the existence of campaign headquarters and staff or an active website

Frederick League celebrates 50 years

On May 12, 2010, the League of Women Voters of Frederick County celebrated its 50th birthday, and earlier in the week, the Frederick County Commissioners proclaimed League of Women Voters Week

LWVMD President Nancy Soreng sent the following message to the League:

“The Board of the League of Women Voters extends our sincere congratulations to you on the 50th Anniversary of the Frederick League of Women Voters. You should all be proud of the half century of service that your League has provided to your community.

The partnership that has developed between the Frederick News-Post and your League is to be commended. Since 1974 you have worked together to provide *Voters' Guides* so that citizens will be informed about candidates and their view on important issues. This collaboration is a real service to your community.

Best wishes for another 50 years of making democracy work through providing education on important public policy issues and promoting civic engagement.”

Transparency in our state government

Last week, June 25, Governor Martin O'Malley, House Speaker Michael E. Busch and Senate President Thomas V. Mike Miller Jr. announced that they'll be adopting many of the provisions included in the Maryland Open Government Act, including:

- Committee votes online
- Webcasting video and/or audio of committee meetings
- Eliminating the \$800 up-to-the-minute fee
- Webcasting Board of Public Works meetings

Beginning next month, the meetings of the Board of Public Works will be streamed live online and the House will begin streaming standing committee meetings next year.

The Senate will also begin airing audio recordings of its committee meetings over the Internet. Audio for full House and Senate sessions is available online.

These wins wouldn't have been possible without progress made earlier this year on the Maryland Open Government Act when there was a bipartisan majority of support in both the House and the Senate, Montgomery County Democratic Del. Heather Mizeur said.

Many groups including LWVMD were involved in moving these issues forward.

“I introduced this legislation to start a conversation about how we can use 21st century technology to build on the success we've had bringing people into the decision making process,” Mizeur said.

Tour Loudoun water facility

The Water Study Committee of the League of Women Voters of the National Capital Area invites League members and guests to tour the state-of-the-art Loudoun Water Facility, 44865 Loudoun Water Way, Ashburn, Virginia 20146.

SATURDAY, JULY 10, 2010

9:30 a.m. - Light Refreshments hosted by Loudoun County League

10:00 a.m. – 11:30 a.m. - Tour of Aquary and Walking Trails

11:30 to 1:00 - Committee members meet in boardroom

Questions: Call Bonnie Franklin on 703-578-1935 or e-mail at Bfrank317@aol.com

Directions:

The Loudoun Water Facility is north of Dulles Airport between Route 7 and Dulles Greenway (Rt. 267). Rt. 267 in Fairfax County is called Dulles Access Toll Road and is accessible from the Beltway (I-495) and from I-66.

From Dulles Greenway, take Exit 7 for Loudoun County Parkway (607) and head north. Go straight through the light at Waxpool Road. Go past Beaumeade Park and the Redskins Training Facility. Turn right onto Aquary Way. Then turn right again on Loudoun Water Way. The Administration Building is on the left.

From Leesburg take Route 7 East to Loudoun County Parkway (607). Turn right onto Parkway just north of where Route 7 and Route 28 meet. Follow for about a mile and turn left onto Aquary Way. Then turn right on Loudoun Water Way. The Administration Building is on the left. <http://www.loudounwater.org/about/locations>