



Rick Hubbard 3/29/23 Testimony on H.429 to Vermont Senate Government Operations Committee

Intro:

- Thank you. Excuse my mask.
- If acceptable - Speak for 7 min, Questions for 8 min.
- Why I'm motivated. (*See Appendix A for how bad it is*)
- Urgent need for legislative leaders to fix our representative democracy. Must work for us all.
- Benefit - America properly serving its people and nation - an example for world.

1. Reform our political system to better serve *all* of us

- a. **Kill provision that prohibits losing primary candidates from running in the general election.**
 - i. Goes in exactly the wrong direction.
 - ii. Address cause, not fiddle with a symptom. (*See Appendix B for studies*)
 - iii. Following criticisms apply:
 1. The two major parties prioritize their candidates' re-election interests, and the interests of their party and biggest campaign money contributors, ahead of our public interests and common good.
 2. They rig the system and set the rules to stifle competition from independent and third-party candidates.
 - iv. Remember Independents - 35-40% of all eligible voters. (*See Appendix C*)
 - v. Make primary process more equitable, inclusive, competitive & representative, not the opposite.
- b. **Amend H.429 to study needed reforms. (*See Appendix D*) Big impact from:**
 - i. Transition to blanket, open primary. 1 ballot - all candidates. 100% vote.**
 1. Stop dividing us. Bring us together.
 - ii. Change incentives. Finance via \$ voucher contributions from 100% of voters.**

2. Remind colleagues to remember your oath! (*See appendix E*)

- a. To support Vermont's Constitution & act on behalf of *all* its people.
- b. When necessary - reform - to serve our common good. Leadership urgently needed.



APPENDIX A

Why I'm walking across America to help rally us to fix our broken democracy.

- Our federal political system isn't working right today.
- It isn't properly serving our common good.
- We must fix our democracy to avoid autocracy.

Here's how bad it is:

- Most of us have lost our trust in Washington.
- We urgently need candidates and representatives who will fix our democracy to properly serve our common good.
- The system has been hijacked, to ensure those with power keep it.
- Unscrupulous politicians are willing to corrupt and shatter the very institutions that brought them to power
- There's little correlation between getting elected and serving the will of the people.
- The two major parties prioritize their candidates' re-election interests, those of their party and biggest campaign money contributors ahead of our public interests and common good.
- They rig the system and set the rules to stifle competition from independent and third-party candidates.
- They control the money, the debates, and the primaries. They even draw their own voting districts.
- Congress is so regularly gridlocked there's little progress on issues important to most of us.
- Small percentages of our representatives can block actions that benefit the greatest percentage of us.
- Meanwhile, almost half of US families can't earn enough to afford basics like rent and food.
- We see the very rich becoming much richer, while many of us see the collapse of the middle class,
- And the working class face low wages, dead end jobs, debt, homelessness, lack of health care and too little educational opportunity.
- For the first time since the great depression, life expectancy in the US is headed down as drug overdoses and suicides rise.
- Once a leader for healthcare and education within the world's advanced economies, we are now in the bottom quarter for healthcare and bottom half for education.
- Unaffordable lifesaving prescriptions and medical bills are the reason most Americans file for bankruptcy.
- Our country is getting poorer, sicker, more divided, and our families are paying the price.
- There's an urgent need for a properly functioning government to serve our common good.

The good news is that we can fix it:

- States create rules that run elections, even federal ones.
- So passing laws in your state to improve things makes the federal election work better.

Here's what we can do:

- We can make our political system fairer, more inclusive, more competitive, and more representative.
 - We can have independent commissions draw voting districts.

- We can make it illegal for lobbyists to donate to politicians, so representatives better serve our interests.
- Have campaigns publicly funded, not by only 2% of us as now, rather by 100% of all registered voters with a small rebate or credit they can use to support the candidates of their choice.
- That will dramatically change who candidates have to pay attention to.
- We can reform our political process to get more competition, more turnover, and better representation for our common good, or if this can't be accomplished, set reasonable term limits on elected officials.
- We can implement ranked choice voting to allow independents and third parties to run without spoiling elections.
- We enact automatic and secure voter registration and vote from home ballots.
- We can have more people voting, and make it easier to vote.

Millions of us are already involved and have already racked up more than 100 victories in cities and states across America:

- But millions more of us need to join in, and that's why I'm talking with you.
- People near you are fighting for these improvements and need your help.
- So please sign up and be part of the next victory in your state.
- And organize and join nonpartisan citizen walks to Fix Our Democracy in your community, at dates and times in concert with others across America in their communities.
- And only vote for politicians who will fix our democracy.
- If enough of us act together, we can fix the system so government can work for you, your family, and the rest of us.
- Not just for a handful of special interests and insiders.

We can do it! We can fix our democracy, avoid autocracy, and unlock progress toward our common good. Join us!

APPENDIX B

- [Affluence and Influence: Economic Inequality and Political Power in America](#) - Martin Gilens
 - In recent decades, whenever U.S. government policy preferences held by the top 10% of U.S. income earners DIFFER from the preferences of the remaining 90% of us, (i.e. middle and lower classes) government policy outcomes bear essentially ZERO (statistically insignificant) correlation with the preferences of the 90% of us. (*Research conclusion of Princeton political Scientist Martin Gilens, as presented in his recent book - "Affluence and Influence."*)
- [The Politics Industry: How Political Innovation Can Break Partisan Gridlock and Save Our Democracy](#) - Katherine Gehl and Michael E. Porter
 - “Our political system in America is broken, right? Wrong. The truth is, the American political system is working exactly how it is designed to work, and it isn't designed or optimized today to work for us--for ordinary citizens.’
 - ‘Most people believe that our political system is a public institution with high-minded principles and impartial rules derived from the Constitution.’
 - ‘In reality, it has become a private industry dominated by a textbook duopoly--the Democrats and the Republicans--and plagued and perverted by unhealthy competition between the players.’
 - ‘Tragically, it has therefore become incapable of delivering solutions to America's key economic and social challenges. In fact, there's virtually no connection between our political leaders solving problems and getting reelected.’”
- [The American Anti-Corruption Act](#)
 - The American Anti-Corruption Act is model policy that sets a framework for city, state and federal laws to fix our broken political system. It fundamentally reshapes the rules of American politics and restores the people as the most important stakeholders in our political system. An Anti-Corruption Act has three primary goals:
 - Stop political bribery so special interests can't use job offers and donations to influence politicians.
 - End secret money so people know who's buying political power.
 - Fix our broken elections so the people, not the political establishment, are the ones in control.
- [Reinventing American Democracy for the 21st Century.pdf](#) - The American Academy of Arts and Sciences
 - “The public’s approval rate for Congress—our national legislature and the first branch of government established in the Constitution, charged with articulating the will of the people—hit a historic low of 9 percent in 2013.1 Now rates hover around a still-meager 25 percent. Income and wealth inequality levels have exceeded those on the eve of the Great Depression. Social mobility has stagnated. Inequities continue to track lines of race, gender, and ethnicity, revealing deep structural unfairness in our society.”
- [Voter Anger with Government in 2016 Election](#) - U Maryland School of Public Policy 2.pdf
 - This poll shows deep anger and frustration across all ideological lines.

APPENDIX C

Vermont's Independent voters

Nov 20, 2021 — Survey of 883 Vermont voters by Public Policy polling (linked to VT ACLU website)

Q24 If you are a Democrat, press 1. If a Republican, press 2. If an independent or member of another party, press 3.

Democrat 37%
Republican 22%
Independent / Member of another party 41%

Link: https://www.acluvt.org/sites/default/files/vermontresultsqi_poll.pdf

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U.S. Independent Voters -As polled by Gallup - Trend since 2004

Question: In politics, as of today, do you consider yourself a Republican, a Democrat or an independent?

	Republicans	Independents	Democrats
	%	%	%
2023 Feb 1-23	27	44	28
2023 Jan 2-22	27	40	30
2022 Nov 9-Dec 2	30	42	26
2022 Oct 3-20	33	35	29
2022 Sep 1-16	30	43	24
2004 Jan 2-5	32	40	28

Link: <https://news.gallup.com/poll/15370/party-affiliation.aspx>

PART I - CHANGE OUR PRESENT UNFAIR PRIMARY STRUCTURE THAT INCREASES PARTISANSHIP AND DIVISION TO A SINGLE BLANKET PRIMARY, OPEN TO ALL, THAT WILL INSTEAD UNITE US

For too long, politicians and political parties have used plurality voting, coupled with our existing system of open and/or closed party primaries, to divide voters and exclude potential competitors in order to win elections without a majority of voter support.

This often leads to subsequent legislation that serves narrower private interests rather than broader public interests.

Here's an example showing both how our present primary system divides us, and how an open, blanket primary coupled with Ranked Choice Voting in the general election can instead unite us.

Firearms Rights and Responsibilities

Our United States Constitution provides us with many rights. Among these is our 2nd Amendment right to keep and bear arms. However, each of these rights is not absolute. Each right is balanced by a measure of responsibility.

We have a right to bear arms and we also have a responsibility to use these arms safely in ways that do not endanger the rights of others. We must safeguard our firearms, so they do not mistakenly become available to young children who may unintentionally harm themselves or others. And we must exercise our right to bear arms responsibly in other ways as well.

A majority of Americans are upset by the many mass shootings at schools and other public gathering places. Polls show that some two-thirds of us, across ideologies, agree with both our right to bear arms as well as the need for them to be kept and used responsibly, and for there to be reasonable restrictions placed on those who fail to meet their responsibilities.

Yet not a single Republican Senator will support meaningful measures in Congress that reflect the preferences held by about two-thirds of all Americans. Instead, they only support innocuous measures that allow them to claim "incremental progress" and thereby kick the can down the road for more years without effective legislation.

Why? The answer is directly related to the way our primary and general election process is currently structured.

Of all eligible voters in primary states, what percentage do you think, on average, will vote in the Republican and Democratic primaries?

Answer:

In the Republican primaries – about 10-15 percent.

And in the Democratic primaries – about 15-25 percent.

Note: See further below for source data and link.

Assume you are a Republican US Senator and wish to qualify for the general election ballot. Also assume gun rights and restrictions is the only issue on the ballot. To be elected in the primary, your position on

this issues must match views held by only a plurality of those 10-15 percent of all voters - even though the views of those 10-15% may be at odds with the views of two-thirds of all those you will represent if elected in the general election.

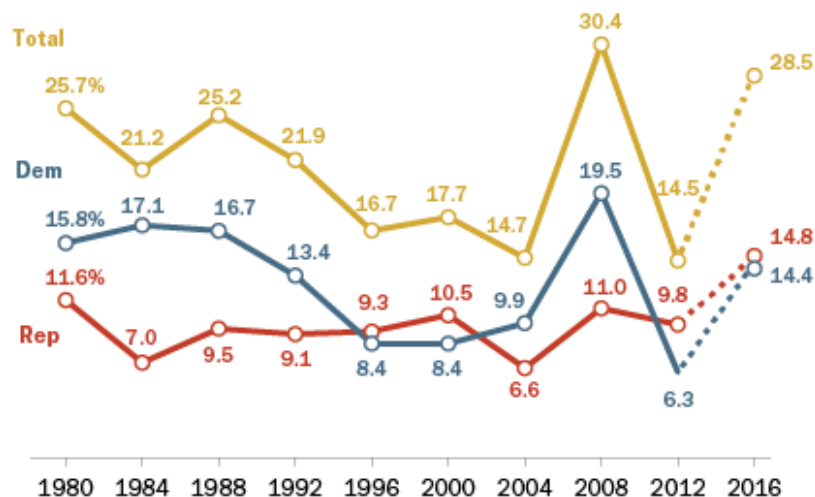
This is how the present primary process divides us, produces ever more extreme candidates for both parties, and does not reflect views of the majority of all voters.

While primary systems vary among different states, both open and closed primaries increase the division and partisanship that is rapidly destroying Americans ability to live, work and govern together. It also denies or limits opportunities for the 35 to 40 percent of eligible voters in Vermont and across America to vote for the independent and/or smaller party candidates they might prefer. None of this serves our broad national interests and public good.

Votes cast in Democratic and Republican primaries as a share of eligible voters in primary states
<https://www.pewresearch.org/fact-tank/2016/06/10/turnout-was-high-in-the-2016-primary-season-but-just-short-of-2008-record/>

After a long decline, primary turnout rebounds

Votes cast in Democratic and Republican primaries as a share of eligible voters in primary states



Note: Total turnout does not equal the sum of turnout in Democratic and Republican primaries because some states only held primaries for one or the other party. Data from U.S. territories not included. 2016 figures exclude D.C. Democratic primary, to be held June 14. Eligible voters are defined as U.S. citizens ages 18 and older.

Source: Pew Research Center analysis of 1980-2012 November and January 2016 Current Population Survey data for the share of eligible voters. 1980-2004 and 2013 voting data from "America Votes" (CQ Press); 2008 data from "Vital Statistics on American Politics, 2011-2012" (CQ Press). 2016 data are from state election offices, when available, or as reported by The New York Times.

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Part II -DEMOCRACY VOUCHERS To Finance Campaigns

Note: As introduced in Congress in January of 2021, the original For The People Act included a trial Voucher financing proposal to be tried in 3 states, one of them a small state. Vermont would be a perfect candidate. The legislation passed the House but was unable to pass in the Senate.

Link: <https://www.congress.gov/bill/117th-congress/house-bill/1/text>

Here's an explanation of how such vouchers could work at a local level – mostly based on Seattle.

Link: <https://democracypolicy.network/agenda/open-country/open-government/democracy-vouchers>

Excerpt of Policy Elements

1. Establish a democracy voucher system

States can establish democracy voucher systems for state elections, such as those to elect state legislators, statewide officers (like Governor or Attorney General), and even federal offices for the state (like House and Senate seats). Below is a sketch of how a state-wide voucher system could be designed, though all variables — such as the value of each voucher, the date vouchers are sent out, and program qualification thresholds — can be changed depending on local needs.

Nine months before Election Day, every eligible resident is sent four vouchers via mail and e-mail, worth \$25 each in public campaign funds. Vouchers go to any adult who can legally donate to campaigns—not solely to registered voters. Currently, all US citizens, nationals, and lawful permanent residents can donate. In Seattle, citizens and permanent residents get vouchers, as long as they are 18 by Election Day and reside in the city. In federal elections and in most states, minors can contribute to campaigns as well, so it would be reasonable for states to give vouchers to every resident 16 and older.

Residents can make use of their vouchers by:

1. Assigning them to a candidate and returning them to the state through the mail (Seattle's vouchers come with a prepaid return envelope);
2. Assigning them to a candidate and submitting them to the state through an online portal; or
3. Giving them to a candidate directly for that candidate to redeem. (Many candidates carry “voucher replacement forms” when canvassing, in case someone wants to contribute but doesn't know where their physical vouchers are. The city crosschecks to make sure that no one uses more than four vouchers.)

To begin soliciting, receiving, and redeeming vouchers, candidates need to qualify for and register with the voucher program. First, candidates must demonstrate viability by receiving a certain number of donations of a certain size from a certain number of people (e.g. “at least \$5 from at least 0.1% of registered voters in the area they are running to represent”). Next, candidates must formally opt-in to the program, by signing a contract with the relevant governmental body (e.g. the [Seattle Ethics and Elections Commission](#)), binding them to program rules.

After qualifying, candidates can begin redeeming vouchers they collect for public money. To reduce administrative costs, money should be given to candidates every two weeks, though the process could be quickened with a more robust digital transfers system (such as a [public payments platform](#)). Some reformers have suggested giving candidates a small grant upon qualification to help cover short-term costs

before they've had time to raise money through vouchers (though Seattle's program does not include this).

One concern among those newly introduced to vouchers is fraud. In reality, however, voucher fraud is no more likely than voter fraud, posing a negligible risk for future cities and states implementing vouchers. In Seattle, it is a [gross misdemeanor](#) to "buy, sell, trade, forge, steal, or otherwise misuse vouchers." Campaigns found to have benefited from voucher fraud must return public money and may no longer be eligible for the program. Additionally, voucher assignments are transparent: Seattle provides an online portal where anyone can check who has assigned their vouchers, to which candidates, and when. These steps have made voucher fraud essentially unheard of in Seattle.

Another concern is cost. Fortunately, there are three built-in limitations on the costs of voucher systems. First, not every eligible resident will use their vouchers. In 2017 and 2019, participation rates in Seattle were [3.8%](#) and [8.5%](#) respectively, an increase in donor participation from before vouchers, but not a significant burden on the city's ability to pay. Conservatively assuming 20% participation and an additional 25% overhead, [our estimates](#) suggest program costs would be less than a quarter of a percent of total state operating funds in all 50 states. Second, candidates face a cap on their total spending (as explained below), meaning there is a limit to how many vouchers any one candidate can redeem. Third, as a final stop-gap, democracy voucher programs can impose reasonable limits on total public spending. For example, before each election cycle, the Seattle Ethics & Elections Commission [announces](#) the maximum they will spend on redeemed vouchers and alerts candidates and the public if that limit is reached. The limit was not reached in 2017 or 2019.

Possible funding sources for a democracy voucher program include an allocation from the state general fund or a new levy directed specifically to the program. Seattle voters, for example, passed a 10-year property tax levy of \$3 million per year to fund the program. A 2016 statewide Washington ballot initiative which would have implemented vouchers involved funding the program by repealing the non-resident sales tax exemption, which would have raised [\\$173.2 million over 6 years](#).

Note: For the following parts, click on this link: <https://democracypolicy.network/agenda/open-country/open-government/democracy-vouchers>

2. Require candidates to opt-in to additional rules before receiving public money
3. Increase public awareness of the program to ensure adequate participation
4. Empower local governments to implement their own democracy voucher systems
5. Mitigate the impact of political action committees

APPENDIX E

VERMONT LEGISLATORS' OATH and RELEVANT PARTS OF CONSTITUTION

The Oath of Allegiance; Oath of Office section of the [Vermont Constitution](#).
Text of Section 56:

Oaths of Allegiance and Office

Every officer, whether judicial, executive, or military, in authority under this State, before entering upon the execution of office, shall take and subscribe the following oath or affirmation of allegiance to this State, (unless the officer shall produce evidence that the officer has before taken the same) and also the following oath or affirmation of office, except military officers, and such as shall be exempted by the Legislature.

The Oath or Affirmation of Allegiance

You do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof. (If an affirmation) Under the pains and penalties of perjury.

The Oath or Affirmation of Office

You do solemnly swear (or affirm) that you will faithfully execute the office of ____ for the ____ of ____ and **will therein do equal right and justice to all persons**, to the best of your judgment and ability, according to law.

Pertinent parts of Vermont's Constitution

Article 6. [Officers servants of the people]

That all power being originally inherent in and co[n]sequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants; and at all times, in a legal way, accountable to them.

Article 7. [Government for the people; they may change it]

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

Article 8. [Elections to be free and pure; rights of voters therein]

That all elections ought to be free and without corruption, and that all voters, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.