# Testimony before the Maryland General Assembly’s Joint Committee on Transparency and Open Government

# Wednesday, July 18, 2012

My name is J.H. Snider. I am the President of iSolon.org and a Fellow at the Edmond J. Safra Center for Ethics at Harvard University. I have attended the three meetings of the Joint Committee and testified at the only meeting prior to this one where public comments were allowed. In that earlier testimony, I asked the Joint Committee to set an example for the rest of the Maryland General Assembly by adopting model open government practices for its own meetings and records. Today, I want to talk about something else.

But first, I want to applaud the Joint Committee for live video webcasting its meeting today. That sends a welcome signal that the Committee is serious about improving legislative transparency. On the other hand, the nature of the proposed webcasting wasn’t clear to me. How long will the webcasts be archived? And will the webcasts include modern metadata so that, for example, the webcasts can be searched based on the Committee’s agenda? If the relatively tiny government in Takoma Park, Maryland can provide state-of-the-art webcasting of its government proceedings, Maryland’s General Assembly, including this Committee, should be able to do the same.

My comments to the Joint Committee will focus on the difference between accessible legislative interfaces and accessible legislative data. In recent years, there has been a major shift in the priorities of the open government public interest community. At one time, the priority was to seek pretty, user friendly interfaces to legislative data. In recent years, however, it has come to be understood that while such interfaces are nice, they are of secondary importance to easily accessible legislative data. And by easily accessible is meant downloadable, machine-readable information in a well-structured, preferably standardized format.

The reason why, if the open government community must choose between better interfaces and open data, the latter are preferable, is that open data can be easily combined with other data and used by non-profit legislative information services, online media, and commercial search engines, to create far more useful legislative information services. The legislative interface approach to improving transparency, as was presented by Maryland’s Department of Legislative Services at today’s Committee meeting, is a top-down, government controlled approach that, while an improvement over the status quo, cannot even begin to truly take advantage of the power of the new open government technology.

Mashups, APIs, and Apps—this is the type of vocabulary that the open government community uses when it speaks of its vision for democratized access to legislative information. In the absence of open data, government controlled interfaces, no matter how pretty or improved over their predecessors, have increasingly become associated with Putinesque democratic facades.

Consider the Maryland General Assembly’s webcasting interface. It’s hard to imagine a less user friendly interface. But even if the General Assembly chose to create a vastly improved interface, it would still be exceedingly unlikely to create the type of user friendly interface, including the integration of diverse data sources such as legislative information, campaign finance information, and relevant news, now being created by non-governmental legislative information services.

I would suggest that a key test of your success in improving legislative transparency should be the extent to which you are willing to give up control over the underlying data. There is no major open government reform that is arguably less costly and technically easy to do, so why not do it?

Now that I’ve seen the Committee’s proposed update to the General Assembly’s website, I’d like to note one area where the proposed interface is exceedingly weak. Shortly after the General Assembly’s session in 2009, I asked House Speaker Mike Busch at a large public event whether he supported providing constituents with easy access to roll call votes by legislator. I explained why in a representative democracy this was vital information for constituents to have. And I observed that in a study I had recently done while a fellow at the Harvard Kennedy School of Government concerning constituent roll call access by legislator in the 99 state legislative houses in the U.S., I found that small states such as Vermont, New Hampshire, and Maine provided such access but that large, wealthy, and technologically sophisticated states such as Maryland did not. Speaker Busch replied that he was proud of his voting record and would support efforts to make his voting record easily accessible.

Thirty months later, in December 2011, at a large public meeting of the same organization, I repeated my question to Speaker Busch and observed that no progress had been made in the intervening 30 months. He responded that this Committee was charged with addressing such questions and that he would support such roll call access. The presentation this afternoon suggests that the Speaker’s desire in this regard has not been followed. If the Committee has an explanation for this, or has not received such communication from the Speaker, please clarify for the record.

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A video of the testimony may be found [here](http://mgahouse.maryland.gov/House/SilverlightPlayer/Default.aspx?peid=5b1f4a8c73d344618475582feedb30c81d), starting at 1:06:20.