

GO Item 1
October 13, 2014
Worksession

MEMORANDUM

October 9, 2014

TO: Government Operations and Fiscal Policy Committee
FROM: Amanda Mihill, Legislative Attorney *A. Mihill*
SUBJECT: **Worksession:** Report and recommendations of the Right to Vote Task Force

Those expected to attend this worksession include:

Mary Anne Keeffe, President, Board of Elections
Mike Subin, County Executive staff

Today, the Government Operations and Fiscal Policy Committee is scheduled to hold a worksession on the Right to Vote Task Force's Report, which was presented to the Council on July 22. A public hearing on the Report was held on September 23 (see select correspondence beginning at ©25-79).¹ Attached on ©4-13 is a Summary of Recommendations from the Report. The full Report is at:
<http://www.montgomerycountymd.gov/COUNCIL/Workgroups/WKgrpTskForceHome.html>.

At this worksession, Committee members should indicate which recommendations the Committee would like Council staff and/or the Board of Elections to further explore. The Report contains 59 recommendations and includes recommendations that must be implemented by State agencies or by legislation through the General Assembly as well as recommendations that can be implemented at the County level without state action. The focus of this worksession will be on those recommendations that can be implemented without state action. For those recommendations that require state action, Council staff suggests that the Council President and Committee chair send a letter to the General Assembly and State Board of Elections, urging those entities to review and consider the Report and Recommendations.

The remainder of this memorandum will focus on recommendations raised in the Report, the Task Force's transmittal letter, and other suggestions raised at the public hearing. Board of Elections Deputy Election Director Alysoun McLaughlin, who was also an ex officio member of the Task Force, provided a memorandum to the Board with comments on certain Task Force recommendations (see ©14-24). Relevant comments will appear below appropriate Task Force recommendations after which any comments Council staff has are included.

¹ Correspondence is attached from people who addressed issues that are presented in this packet. The Council heard from many residents regarding voting age, non-citizen voting, and general concerns with voting rights for people with felony convictions among other important issues. As these issues are not addressed in this packet, testimony related to these issues is not attached. Councilmembers received copies of written testimony at the public hearing; copies are available from Council staff as well.

Task Force Report Recommendations

Recommendation: Automatic Registration Options (Report page 15)

#7. The Task Force recommends that the State and/or County Boards of Election conduct voter-registration outreach by building a list of all eligible non-registrants, regardless of whether these citizens are contemporaneously interacting with government. (Voting record: 9-1-1)

Public hearing testimony: Beth Tomasello, on behalf of the Woman’s Democratic Club of Montgomery County, supported the Task Force’s recommendations related to automatic registration options. Tanzi Strafford, on behalf of the County Republican Central Committee, opposed the recommendations related to automatic registration options. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, expressed concerns about this recommendation.

Election staff comments: Election staff note that many recommendations in the automatic registration options would require state action. However, Recommendation #7 urging voter registration outreach could be implemented at the County level. Election staff believe the best way to accomplish this would be to work with the State Board of Elections to expand the datasets submitted to the Electronic Registration Information Center.

Recommendation: Friendlier Ballot Design (Report page 18)

#10. The Task Force recommends that the County Council request all agencies involved in ballot design - local and state - to take into consideration the body of research, including the Presidential Commission, that strongly recommends that future ballots follow the suggestions and guidelines as created by the Center for Civic Design and described in detail in their Field Guide: Vol. 1 – “Designing Usable Ballots” (2013). (Voting record: 10-0-1)

Public hearing testimony: Beth Tomasello, on behalf of the Woman’s Democratic Club of Montgomery County, supported the Task Force’s recommendations related to friendlier ballot design. Without endorsing the specific suggestions, Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported this recommendation. Kathryn George generally supported this recommendation, but questioned some of the detailed guidance. Jerome Klobukowski supported this recommendation.

Election staff comments: Election staff note that they are familiar with the best practices cited and are taking steps to incorporate the recommendations into material the Board produces; however, ballots are designed to be used on a single statewide voting system and the County does not currently have a role in designing the ballot.

Recommendation: Clearer Language for Referendums (Report page 21)

#11. The Task Force recommends to the General Assembly and County Council that all ballot referendums and ballot questions be stated in plain, clear language, as described by the federal Plain Language legislation. (Voting record: unanimous)

#12. The Task Force recommends that the General Assembly and County Council evaluate best practices of other jurisdictions (local, state, and federal). (Voting record: unanimous)

#13. The Task Force recommends to the General Assembly and County Council that ballot language be reviewed by the Charter Review Commission or other nonpartisan citizen review commission, and/or provide for judicial review of ballot language. This language review should ensure that the ballot language is consistent with the intent of the petitioner. (Voting record: unanimous)

Public hearing testimony: Jud Ashman, on behalf of the Gaithersburg City Council, supported the recommendations that would ensure concise, accurate language. Beth Tomasello, on behalf of the Woman's Democratic Club of Montgomery County, supported the Task Force's recommendations related to clearer ballot language. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported these recommendations. Kathryn George generally supported these recommendation.

Council staff comments: County Code §16-9 requires the form of the referendum question read as follows:

"Shall the [insert brief informative description of Act] Act become law?" If the referendum relates only to a part of an act then the question shall appear as follows: "Shall the provisions [identifying them briefly] of the [insert brief informative description of act] Act becomes law?"

Part of the challenge of crafting ballot language is that the Council strives to craft the language such that it is not biased. Council staff agrees that this can sometimes be confusing to the public because often the substance of the bill in question is not readily apparent from the question posed. Upon direction from the Committee, Council staff will review options to address this and make ballot language less confusing.

Recommendation: Understanding Long Lines (Report page 23)

#14. The Task Force recommends that the County Council request the County Board of Elections and the State Board of Elections to prepare a Report Card comparing the best practices highlighted in the reports listed below and the current practices followed by BOE.

- "Voting and the Administration of Elections in Maryland"
- "The American Voting Experience"
- "How to Fix Long Lines" (Voting record: 10-0-1)

Public hearing testimony: Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported this recommendation.

Election staff comments: Election staff noted that the majority of the best practices and recommendations of the Presidential Commission on Election Administration are current law and practice in Maryland, but that the state ranks high in length of lines in presidential elections (though Montgomery County voters have the shortest lines among the five most populous jurisdictions in Maryland). Election staff attribute line lengths to the growth of the County, which has outstripped the Board's capacity to manage high turnout.

Recommendation: U.S. Military and Overseas Citizens Voting (Report page 25)

#16: Since overseas voters are still eligible to vote in local elections, the Task Force recommends that the County also provide overseas voters with information on municipal elections in the County, including the timing of municipal elections and contact information for municipal election staff. (Voting record: unanimous)

Public hearing testimony: Beth Tomasello, on behalf of the Woman's Democratic Club of Montgomery County, supported the Task Force's recommendations related to military and overseas voting. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, noted that the League supports improved information for these voters, but questions whether providing municipal election dates in this recommendation would be sufficient to enable them to be informed voters. Kathryn George generally supported this recommendation, but urged that absentee ballots be mailed early enough so that they can be filled out and returned in time and clearly specify the return deadline. Jerome Klobukowski supported this recommendation. Sandy Tuttle supported this recommendation.

Election staff comments: Election staff noted that the County Board cannot compel municipal governments to provide this information. Election staff also noted that military and overseas voters are being served by the State Board and that the State Board should provide additional information.

Council staff comments: This Task Force recommendation does not require that the County compel municipalities to provide the information. Although Council staff is not sure of the cost that this recommendation would entail, it does not seem prohibited for the County to provide this information to these voters.

Recommendation: Supplementing Information on the Sample Ballot (Report page 27)

#17: The Task Force recommends that the County Board of Elections develop additional educational/outreach efforts focused on the three ways voters can vote in Montgomery County as stated in the Sample Ballot. (Voting record: unanimous)

Public hearing testimony: Beth Tomasello, on behalf of the Woman's Democratic Club of Montgomery County, supported the Task Force's recommendations related to supplementing

information on the Sample Ballot. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported this recommendation.

Election staff comments: Election staff notes that the recommendation is consistent with feedback from Board members and staff views.

Recommendation: A Voter Application for Mobile Devices (Report page 29)

#18. The Task Force recommends that the Maryland and County Boards of Election provide an app with information regarding poll locations, and other voting information normally found on the BOE website. (Voting record: 11-1)

#19. The Task Force recommends that the Maryland and County BOE provide an app that will allow users to register online through the State online voter registration system and to download a registration form that can be printed, signed and later mailed. (Voting record: 11-1)

#20. The Task Force recommends that the Maryland and County BOE provide an app that allow users to view sample ballots for their jurisdiction. (Voting record: 11-1)

#21. The Task Force recommends that the BOE voting app provide updates on the election. (Voting record: 11-1)

Public hearing testimony: Jud Ashman, on behalf of the Gaithersburg City Council, expressed support for establishing a mobile app for election information and that the City would be interested in working with the County to use the same app. Beth Tomasello, on behalf of the Woman's Democratic Club of Montgomery County, supported the Task Force's recommendations related to voter apps. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported these recommendations. Kathryn George generally supported these recommendations, but raised concerns that the updates could be hacked.

Election staff comments: The Board was in the process of developing a mobile web app when the Task Force voted on this recommendation. Election staff note that the Board is striving to expand the content provided in the app.

Recommendation: Get Out the Vote (Report page 31)

#22. The Task Force recommends that the County Council direct the County Board of Elections to put together a plan to make the list of early voters and absentee applicants publicly available before Election Day. (Voting record: 9-1)

#23. The Task Force recommends that the County Council direct the County Board of Elections to evaluate the feasibility of providing regular updates on who has voted throughout Election Day. (Voting record: 9-1)

#24. The Task Force recommends that, if feasible, the Board of Elections implement regular updates on who has voted throughout Election Day. (Voting record: 9-1)

Public hearing testimony: Jud Ashman, on behalf of the Gaithersburg City Council, raised concerns that this proposal would be difficult and burdensome on staff and raised potential privacy concerns. Beth Tomasello, on behalf of the Woman's Democratic Club of Montgomery County, supported the Task Force's recommendations related to get out the vote. Linna Barnes,

on behalf of the League of Women Voters of Montgomery County, expressed concerns about these recommendations. Kathryn George did not support these recommendations and raised privacy concerns as well as the potential for misinformation.

Election staff comments: Election staff noted that this information on early and absentee voters is available through a paid subscription and asserts that under state law, the dataset can only be requested by a registered voter. Election staff commit to evaluating, under the new procurement system, what information will be available, and when, on Election Day.

Recommendation: Off-Year Elections (Report page 33)

#26. The Task Force recommends that Montgomery County assist municipalities that would like to consolidate their off-year elections with even-year ones, by supporting requests for assistance with voting equipment, helping facilitate administration of a shift to consolidated elections, and on a pilot basis, providing one-time financial support for the administration of elections for any municipality making such a change. (Voting record: unanimous)

Public hearing testimony: Jud Ashman, on behalf of the Gaithersburg City Council, expressed strong opposition to any steps to extend State or County control over municipal elections. Tom Moore supported this recommendation. Kathryn George noted that some municipalities prefer off-year elections.

Recommendation: Primary Elections (Report page 37)

#31. The Task Force recommends that Maryland maintain its system of closed primaries with the opportunity for each party to determine open access to its own primary election, but recommends that the County Council urge the political parties to open their primaries to third parties and unaffiliated voters. (Voting record: 8-4).

Public hearing testimony: Jud Ashman, on behalf of the Gaithersburg City Council, supported open primaries. Mary Rooker, on behalf of the County Green Party, opposed open primaries. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported this recommendation, but raised concerns about the related recommendation that does not appear in this packet. Kathryn George raised concerns about whether an opposition party would sabotage the primary if it were open. Common Cause Maryland encouraged the Task Force to reconsider its position on maintaining closed primaries.

Recommendation: County Redistricting (Report page 44)

#40. The Task Force recommends that the County Council establish a neutral County redistricting commission to determine the boundaries of County Council districts every 10 years after the decennial census. (Voting record: 7-2-1)

#41. The Task Force further recommends that the County redistricting commission be governed by the following specific principles:

1. The neutral redistricting criteria recommended for congressional and state legislative redistricting should equally apply to redistricting County Council districts. (Voting record 7-4)
2. A separate County redistricting commission should be established to redistrict the County Council districts. The commission should be structurally and functionally identical to the state redistricting commission, *except*:
 - a. the membership threshold for political parties should be 1,000 registered voters in Montgomery County; and
 - b. appointments should be made by the County Executive, with candidate lists submitted by the County central committees, or equivalent bodies, of the political parties represented on the commission. (Voting record: 7-3-1)
3. The enforcement mechanism and transparency requirements recommended for congressional and state legislative redistricting should equally apply to redistricting of the County Council districts.

Public hearing testimony: Jud Ashman, on behalf of the Gaithersburg City Council, supported the fair redistricting recommendations. Gary Featheringham supported the fair redistricting recommendations. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported these recommendations, though suggested that there be representation on the commission for non-affiliated voters. Common Cause Maryland urged the Task Force to review the independent commission model created in California. Jerome Klobukowski supported this recommendation.

Council staff comments: Redistricting has been a topic of interest to some Councilmembers and previous Charter Review Commissions. Since the redistricting process is laid out in Charter Section 104, Council staff suggests that if Councilmembers are interested in pursuing this issue, they refer this question to the next Charter Review Commission, which will be appointed early next year.

Recommendation: “Minor” or “Non-Principal” Party Ballot Access (Report page 51)

#45. The Task Force recommends that the County Council request the County Board of Elections to provide information to residents explaining the signature-gathering requirements for non-principal parties and independent candidates. (Voting record: unanimous)

Public hearing testimony: Mary Rooker, on behalf of the County Green Party, supported the recommendations for minor party ballot access. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported this recommendation. Tim Willard supported this recommendation.

Election staff comments: Election staff note that this information can be provided on the Board’s website and that information on ballot access is typically provided on the State Board’s website.

Recommendation: Candidate Debate Access (Report page 53)

#49. The Task Force recommends that Montgomery County provide free and equal radio and television time, by elected position, for all general election eligible candidates and parties on Montgomery County local access media and other county-controlled media (Voting record: 9-1-2)

Public hearing testimony: Mary Rooker, on behalf of the County Green Party, supported the recommendations for candidate debate access. Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported this recommendation. Tim Willard supported this recommendation.

Recommendation: Voting Rights for Residents with Felony Convictions (Report page 59)

#54. The Task Force recommends that Montgomery County develop and administer an active voter registration and civic education program as part of re-entry services provided in prison for people being released from the Montgomery County Correctional Facility. The County should create opportunities for voter registration for all prisoners awaiting trial for felony or misdemeanor charges or serving time for misdemeanor offenses. (Voting record: 10-2-1)

Public hearing testimony: Alan Banov, on behalf of the County Democratic Central Committee supports this recommendation. Kathryn George did not support this recommendation.

Election staff comments: Election staff assert that the Board does not have the resources to send personnel to any facility on a regular basis. Rather, the Board equips interested individuals to perform voter registration drives on their own after receiving training.

Recommendation: Financial Support of the Board of Elections (Report page 65)

#59. The Task Force would like to remind the County Council that increased financial resources may be needed by the Board of Elections to meet the Council's goal of maximizing voter participation in the election process. (Voting record: 7-4)

Public hearing testimony: Linna Barnes, on behalf of the League of Women Voters of Montgomery County, supported this recommendation.

Council staff comments: Some of the Task Force's recommendations may require additional resources, though Council staff is unsure at the amount that would be required. After receiving input from Committee members as to which recommendations the Committee is interested in following up on, Council staff will work with the Board of Elections and Office of Management and Budget to provide fiscal analysis of the recommendations.

Task Force Letter

Final Report In Resolution 17-896, the Council established the Task Force and directed the Task Force to issue a Final Report on February 28, 2015. It would include a review of strengths and weaknesses of the election practices and regulations as they relate to the 2014 General Election. In its transmittal letter to the Report, Chair Male and Vice-Chair Featheringham urged that the Council allow the Task Force until March 31, 2015 so that adequate time can be spent reviewing election reports during the winter months. Council staff notes that an amendment to Resolution 17-896 is not necessary to allow this slight deviation.

New Task Force In addition, the Task Force urges the Council to create a new Task Force, or extending the term of the current Task Force, to oversee the implementation of the recommendations in the Report and review and comment on any issues that may arise as the State transitions to new voting equipment for the 2016 General Elections. If the Council concurs with this recommendation, the Council should adopt a new resolution incorporating this recommendation.

Other Issues

At the public hearing, constituents raised several ideas related to the electoral process that were not included in the Report:

- Jud Ashman, on behalf of the Gaithersburg City Council, recommended that notices of polling place changes should be emphasized and not be in small print and that when new polling places are made, consideration should be given to access via public transportation and proximity to the previous polling place.
- Beth Tomasello, on behalf of the Woman's Democratic Club of Montgomery County, urged the County to reconsider its use of schools on Election Day and suggested looking into alternative sites like fire houses and libraries so that schools could remain open on Election Day.
- Paul Bessel raised the following issues: voting by mail, internet voting, educating young people and everyone about voting, revising the check-in process as it is his view that this process is the main reason for long lines, confusing ballots because of ballot questions and election of judges, confusing ballot questions without background information, flood of mail from candidates and candidate mailings that are more specific about issues, untruthful campaign advertising, candidate representatives at polling place locations, transportation to the polls.
- Austin Plier, on behalf of FairVote, recommended several options to reach out to communities that are less likely to vote, including: coordinating countywide events around Election Day, supplying voting information packets for new residents of the County, and putting on debates in areas with low voter turnout to inform and engage voters.
- Kathryn George recommended that polling places should be open later unless it would be difficult for poll workers or would interfere with tallying votes after.
- Sandy Tuttle urged that the voter rolls be cleaned up.

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MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

June 4, 2014

Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850

Dear Councilmembers:

On behalf of the Montgomery County Task Force on Voting Rights, we have the honor of delivering to you the *Report and Recommendations of the Right to Vote Task Force*.

The Council established the Task Force to:

- Review all local laws and practices that may affect the right to vote;
- Review and recommend changes at the local level to uphold voting rights and increase voter participation;
- Develop plans and take action to promote early voting and same-day registration and make recommendations to the Council on any policies or actions needed to strengthen these efforts;
- Develop plans for a voter registration program designed to register eligible high school students and support voter education programs to increase citizenship knowledge and participation in the democratic process;
- Review Maryland election laws and regulations and recommend legislation that would strengthen the right to vote in Montgomery County, including whether the General Assembly should adopt automatic voter registration, allowing eligible voters to “opt-out” of the voter registration database instead of “opt-in”; and
- Review with the Montgomery County Board of Elections the strengths and weaknesses of our election practices and regulations after the 2014 general election.

To tackle this expansive mandate, the Task Force divided itself into three subcommittees which focused on voter registration, access and ease of casting a ballot, and broader voter rights concerns.

It has been our privilege to serve as chair and vice chair of the Task Force and to work with residents who hold such deep commitment to our democracy and election system. Their expertise and dedication have been evident throughout more than 80 hours of Task Force and subcommittee meetings and more than 1,000 emails exchanged by Task Force members and County staff. It has also been a pleasure to work with Amanda Mihill, Alysoun McLaughlin, and Karen Pecoraro, whose support for the Task Force has been extraordinary.

STELLA B. WERNER COUNCIL OFFICE BUILDING • 100 MARYLAND AVENUE • ROCKVILLE, MARYLAND 20850
240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989
WWW.MONTGOMERYCOUNTYMD.GOV

The Task Force commends the Council for creating this Task Force and being open to new ideas – big and small – that could make our local, state and federal elections work better and attract even greater participation. The Task Force hopes that our efforts to produce this report will result in subsequent actions by the Council, County staff, and the County Board of Elections to implement many of the recommendations provided herein.

This report contains the 59 recommendations that we endorsed, accompanied by their narrative sections and minority views, if any. Full-version original issue papers containing additional background, extra research, sources, and the recommendations as produced by members of the subcommittees are contained in an appendix. This report does not include two recommendations that the Task Force previously submitted to the Council in a February 2014 letter, although that letter is included in an appendix of this report.

The aggressive schedule in the resolution establishing the Task Force and its broad mandate precluded the Task Force from addressing several unfinished issue papers that had been identified as priorities by some members (and were listed in the interim report to the Council). Late in the deliberations, the Task Force overwhelmingly approved continuing on with these issue papers and voted for their completion, future consideration, and inclusion of eventual recommendations. The Task Force expects to present these issue papers in its final report delivered to the Council in 2015.

We believe that public input on the election process is important, and we therefore request that the Council hold a public hearing and solicit feedback both on this report, the recommendations contained therein, and information on voter experiences during the 2014 Primary Election.

In addition, the Council charged the Task Force, in collaboration with the Board of Elections, with review of the strengths and weaknesses of election practices and regulations as they affect the 2014 General Election and a date to complete this review of February 28, 2015. We do not expect comprehensive reports from the Board of Elections to be available on the General Election until late in the winter. Thus, unless the Council should provide a longer mandate for the Task Force, any review we can provide is likely to be only cursory and anecdotal. Therefore, the Task Force recommends extending the Task Force's term until March 31, 2015.

Finally, the Task Force also urges creating a new task force, or extending the term of the current Task Force, to oversee the implementation of the recommendations in this report and review and comment on any issues that may arise as the State transitions to new voting equipment leading up to the 2016 General Election. The Task Force would also be able to provide additional assistance with implementation of any of the recommendations contained herein that the Council or staff chose to pursue. Two members of the Task Force resigned during the course of our work, one because of work-related scheduling conflicts and the other because of conflict over a set of the recommendations in the report. If the Council extends the term of the Task Force, you might consider seeking replacements to fill these two vacancies.

Again, thank you for your leadership and for giving us and the members of the Task Force this opportunity to serve.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'T. Male', written in a cursive style.

Timothy Male
Chair

A handwritten signature in black ink, appearing to be 'G. Featheringham', written in a cursive style.

Gary Featheringham
Vice-Chair

SUMMARY OF RECOMMENDATIONS

Improvements to Online Voter Registration

1. The Task Force recommends that Maryland modify the online voter registration system to allow individuals without IDs from the Motor Vehicle Administration to register online by providing a signature through an electronically captured image.
10 members supported this recommendation; 1 member did not support this recommendation; 1 member abstained from voting.
2. The Task Force recommends that Maryland revise the laws regarding its online registration system so that individuals who have neither a driver's license, state ID, nor touchscreen/signature capture technology are sent a postcard to provide a signature to mail back and complete their applications.
10 members supported this recommendation; 2 members did not support this recommendation.
3. If Recommendation #2 is not implemented, the Task Force recommends that Maryland add the capability to accept online registration information from applicants who must then print, sign, and mail their completed applications, so that when the application is eventually mailed in, the information is already in the system waiting to be reviewed. The information could be kept for a set number of days, such as 45 (this is the current practice in Virginia).
10 members supported this recommendation; 1 member did not support this recommendation; 1 member abstained from voting.
4. The Task Force recommends that Maryland integrate the electronic registration system with the MVA and online voter registration system so that information can be electronically and automatically transferred between systems.
11 members supported this recommendation; 1 member did not support this recommendation.

Same Day Voter Registration

5. The Task Force recommends that the County Council encourage the Maryland General Assembly to pass a state constitutional amendment to establish Election Day registration.
9 members supported this recommendation; 1 member did not support this recommendation.

Automatic Registration Options

6. The Task Force recommends that the State and/or County Boards of Election enroll all eligible non-registrants as "pending" (just short of registration) in the SBE database. Notification would be sent to those pending registrants (on forms containing the required qualifying information language regarding citizenship and non-felon status), allowing them to opt-in to become registered voters and declare a party affiliation should they choose one. Sources for the list of all eligible non-registrants would include the MVA, State Department of Assessments & Taxation, and public assistance offices. For example, once these data were compared with the existing voter rolls, postcards or forms containing notice that the person has been added as a pending registrant would be sent to the potential voters, and they would simply activate their registration by replying or by appearing at early voting to confirm their information. Potential methods for the government to seek a response from pending registrants might include in person at the Board of Elections, by mail, online, or at the polls.
10 members supported this recommendation; 1 member did not support this recommendation.
7. The Task Force recommends that the State and/or County Boards of Election conduct voter-registration outreach by building a list of all eligible non-registrants, regardless of whether these

citizens are contemporaneously interacting with government. For example, once agency data were compared with the existing voter rolls, postcards or forms containing the required qualifying information language would be sent by the SBE to potential voters, and they would simply register by replying. This would be similar to the Electronic Registration Information Center outreach process, but would incorporate a broader base of data. Sources for all eligible non-registrants would include state-level departments, tax agencies, public assistance offices, U.S. Postal Service address change updates, and schools and colleges. Additional data sources could include county and municipal agencies and departments.

9 members supported this recommendation; 1 member did not support this recommendation; 1 member abstained from voting.

8. The Task Force recommends that the Maryland General Assembly and/or the SBE encourage most state, county, and municipal agencies/departments not already subject to National Voter Registration Act requirements to suggest voter registration during each service encounter (face-to-face, websites, or other online portals) with Maryland citizens. Agency personnel could offer paper SBE registration forms during a transaction with a citizen. During an electronic transaction, registration could also be offered; if affirmative, selecting the SBE link would continue the transaction to the online registration website. To the extent practicable, most county, state, or municipal government agency paper forms should contain a checkbox 'footer' inquiring if the citizen wishes to register; if yes, when the agency receives the form back, it would send a registration form back to the citizen. As with MVA, electronic transfer of information would be recommended if available.

10 members supported this recommendation; 1 member abstained from voting.

9. The Task Force recommends that all state and county online forms (e.g., tax) should link to the SBE voter registration system, with the capability to receive pre-filed data completed by citizens online. There could be a registration text box at the end of the e-form (pre-signature line) with the requisite check boxes and required qualifying information language, and an activation 'button' that extracts the just-entered data to the SBE system.

10 members supported this recommendation; 1 member did not support this recommendation.

Friendlier Ballot Design

10. The Task Force recommends that the County Council request all agencies involved in ballot design - local and state - to take into consideration the body of research, including the Presidential Commission, that strongly recommends that future ballots follow the suggestions and guidelines as created by the Center for Civic Design and described in detail in their Field Guide: Vol. 1 – “Designing Usable Ballots” (2013), including:

- Use lowercase letters
- Avoid centered case
- Use big enough type
- Pick one sans serif font: Arial, Helvetica, Universe, Verdana
- Support process and navigation
- Use simpler, clear language
- Use accurate instructional illustrations
- Use informational icons (only)
- Use contrast and color to support meaning
- Show what's most important

10 members supported this recommendation; 1 member abstained from voting.

Clearer Language for Referendums

- The Task Force recommends to the General Assembly and County Council that all ballot referendums and ballot questions be stated in plain, clear language, as described by the federal Plain Language legislation.
Unanimous among members present.
- The Task Force recommends that the General Assembly and County Council evaluate best practices of other jurisdictions (local, state, and federal).
Unanimous among members present.
- The Task Force recommends to the General Assembly and County Council that ballot language be reviewed by the Charter Review Commission or other nonpartisan citizen review commission, and/or provide for judicial review of ballot language. This language review should ensure that the ballot language is consistent with the intent of the petitioner.
Unanimous among members present.

Understanding Long Lines

- The Task Force recommends that the County Council request the County Board of Elections and the State Board of Elections to prepare a Report Card comparing the best practices highlighted in the reports listed below and the current practices followed by BOE.
 - “Voting and the Administration of Elections in Maryland”
 - “The American Voting Experience”
 - “How to Fix Long Lines”*10 members supported this recommendation; 1 member abstained from voting.*

Improving Voter Registration, Ballot Access and Voting for U.S. Military and Overseas Citizens

15. The Task Force recommends that the State Board of Elections improve its website by providing more information to military and overseas voters through a dedicated Q&A page. In particular, it should describe the active period for voter registrations based on the Federal Post Card Application or other overseas registration options. The page should describe whether registered voters will receive absentee ballots for one election, one election year, or two years.
Unanimous among members present.
16. Since overseas voters are still eligible to vote in local elections, the Task Force recommends that the county also provide overseas voters with information on municipal elections in the county, including the timing of municipal elections and contact information for municipal election staff.
Unanimous among members present.

Supplementing Information in the Sample Ballot

17. The Task Force recommends that the County Board of Elections develop additional educational/outreach efforts focused on the three ways voters can vote in Montgomery County as stated in the Sample Ballot.
Unanimous among members present.

A Voter Application for Mobile Devices

18. The Task Force recommends that the Maryland and County Boards of Election provide an app with information regarding poll locations, and other voting information normally found on the BOE website.

11 members supported this recommendation; 1 member did not support this recommendation.

19. The Task Force recommends that the Maryland and County BOE provide an app that will allow users to register online through the State online voter registration system and to download a registration form that can be printed, signed and later mailed.

11 members supported this recommendation; 1 member did not support this recommendation.

20. The Task Force recommends that the Maryland and County BOE provide an app that allows users to view sample ballots for their jurisdiction.

11 members supported this recommendation; 1 member did not support this recommendation.

21. The Task Force recommends that the BOE voting app provide updates on the election.

11 members supported this recommendation; 1 member did not support this recommendation.

Get Out the Vote

22. The Task Force recommends that the County Council direct the County Board of Elections to put together a plan to make the list of early voters and absentee applicants publicly available before Election Day.

9 members supported this recommendation; 1 member did not support the recommendation.

23. The Task Force recommends that the County Council direct the County Board of Elections to evaluate the feasibility of providing regular updates on who has voted throughout Election Day.

9 members supported this recommendation; 1 member did not support the recommendation.

24. The Task Force recommends that, if feasible, the Board of Elections implement regular updates on who has voted throughout Election Day.

9 members supported this recommendation; 1 member did not support the recommendation.

Off-Year Elections

25. The Task Force recommends that the County Council request the State Board of Elections to conduct a study to review whether municipal voters would be better served by consolidated, even-year elections rather than off-year elections.

Unanimous among members present.

26. The Task Force recommends that Montgomery County assist municipalities that would like to consolidate their off-year elections with even-year ones, by supporting requests for assistance with voting equipment, helping facilitate administration of a shift to consolidated elections, and on a pilot basis, providing one-time financial support for the administration of elections for any municipality making such a change.

Unanimous among members present.

Special Elections for Legislative and Executive Vacancies

27. The Task Force recommends that vacancies for U.S. Senators in Maryland, Maryland General Assembly members, and the County Executive should generally be filled by a single special election, not an appointment process.

12 members supported this recommendation; 1 member did not support this recommendation; 1 member abstained from voting.

28. The Task Force recommends that the governor for congressional and state-level offices, or the County Council for county-level offices, as the case may be, should have the discretion to conduct special elections entirely by mail ballot.

Unanimous among members present.

29. If a vacancy occurs after December 1 of a year before the year when the office is regularly scheduled to be on the general election ballot, the Task Force recommends that the vacancy be filled by an appointment process.

13 members supported this recommendation; 1 member did not support the recommendation.

30. Concerning the appointment process proposed in Recommendation 29, the Task Force recommends that:

- the appointee must be from the same political party as the vacating member; and
8 members supported this recommendation; 5 members did not support this recommendation; 1 member abstained from voting.
- the appointing authority does not have to select a replacement from a list submitted by the political party organization of the vacating member.
10 members supported this recommendation; 4 members did not support this recommendation.

Primary Elections

31. The Task Force recommends that Maryland maintain its system of closed primaries with the opportunity for each party to determine open access to its own primary election, but recommends that the County Council urge the political parties to open their primaries to third parties and unaffiliated voters.

8 members supported this recommendation; 4 members did not support this recommendation.

32. The Task Force recommends that, in the event of an uncontested general election, the primary election must be open to all who are entitled to vote in the general election.

7 members supported this recommendation; 4 members did not support this recommendation; 1 member abstained from voting.

Ranked Choice Voting/Instant Runoff Voting

33. The Task Force recommends that the County Council adopt ranked choice voting for county elections. The Council can phase in ranked choice voting, starting with the Council's at-large seats, school board elections, or primary elections.

11 members supported this recommendation; 1 member did not support this recommendation.

34. The Task Force recommends that the County Council encourage the Maryland General Assembly to adopt ranked choice voting for state elections.

11 members supported this recommendation; 1 member did not support this recommendation.

35. The Task Force recommends that the County Council encourage the state to purchase voting equipment that can tabulate ranked-choice ballots without requiring exports to spreadsheet software.

11 members supported this recommendation; 1 member did not support this recommendation.

Fair Redistricting

State-level Recommendations:

36. Neutral Redistricting Criteria.

The Task Force recommends that the County Council advocate for the Maryland General Assembly to establish the following neutral redistricting criteria for congressional redistricting and state legislative redistricting:

1. No redistricting plan or district may be drawn with the intent to favor or disfavor a political party or incumbent.
2. Notwithstanding Recommendation #36.1, districts may not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.
3. Congressional districts* must consist of adjoining territory, be compact in form, and of substantially equal population. Due regard must be given to natural boundaries and the boundaries of political subdivisions.

*Criteria in #36.3 currently apply to the redistricting of Maryland General Assembly districts under the Maryland Constitution, art. III, sec. 4, but not to the redistricting of congressional districts.

8 members supported this recommendation; 3 members did not support this recommendation.

37. Neutral Redistricting Commission.

The Task Force recommends that the County Council advocate for the Maryland General Assembly to establish a neutral state redistricting commission that will determine the boundaries of congressional and Maryland General Assembly districts.

8 members supported this recommendation; 2 members did not support this recommendation.

The Task Force further recommends that the state redistricting commission be governed by the following specific principles:

1. Powers and duties: The commission's redistricting plans should be final and binding upon the state, subject only to judicial review for compliance with the neutral redistricting criteria and the obligations placed on the commission.
2. Composition:
 - a. The commission must consist of three members each from every political party recognized in Maryland that has had at least 5,000 registered members over the preceding five years, and three unaffiliated members not registered with any political party.
 - b. No person who holds any elected office is eligible for appointment to the commission.
 - c. No commissioner may hold any elective office in Maryland during the two-year period following their tenure on the commission.

6 members supported this recommendation; 4 members did not support this recommendation; 1 member abstained from voting.

3. Member selection: The governor must appoint the commission members. The state central committee, or equivalent body, of each political party that is eligible for representation on the commission must submit to the governor a list of commission candidates from that political party. The governor must appoint three members from each list submitted. The governor must also appoint the three unaffiliated members.
4. Officers: The chair and vice chair of the commission may not both be members of the same political party or both be unaffiliated with any political party.
5. Data restrictions: In establishing districts, the commission may not use any of the following data:
 - a. addresses of incumbents; or
 - b. political affiliations of registered voters.

6. Transparency and public participation: The commission must:
 - a. make all of its meetings, deliberations, and proceedings open to the public, and make all records used in its deliberations and proceedings open to public inspection and copying; and
 - b. accept and consider testimony and proposed redistricting plans from members of the public.
7. Voting: Passage of a redistricting plan requires the support of at least two-thirds of the commission's members.

6 members supported this recommendation; 5 members did not support this recommendation.

38. Enforcement.

The Task Force recommends that the County Council advocate for the Maryland General Assembly to establish private right of action for any Maryland resident, municipality, or county to sue the state for declaratory and equitable relief to enforce compliance with the neutral redistricting criteria or the obligations imposed on the state redistricting commission.

6 members supported this recommendation; 4 members did not support this recommendation; 1 member abstained from voting.

39. Transparency.

The Task Force recommends that the County Council advocate that any redistricting process adopted by the state provide maximum opportunity for public scrutiny and any include public hearings and a recorded vote by members.

Unanimous among members present.

County-level Recommendations:

40. The Task Force recommends that the County Council establish a neutral county redistricting commission to determine the boundaries of County Council districts every 10 years after the decennial census.

7 members supported this recommendation; 2 members did not support this recommendation; 1 member abstained from voting.

41. The Task Force further recommends that the county redistricting commission be governed by the following specific principles:

1. The neutral redistricting criteria recommended for congressional and state legislative redistricting should equally apply to redistricting County Council districts.

7 members supported this recommendation; 4 members did not support this recommendation.

2. A separate county redistricting commission should be established to redistrict the County Council districts. The commission should be structurally and functionally identical to the state redistricting commission, *except*:

- a. the membership threshold for political parties should be 1,000 registered voters in Montgomery County; and
- b. appointments should be made by the County Executive, with candidate lists submitted by the county central committees, or equivalent bodies, of the political parties represented on the commission.

7 members supported this recommendation; 3 members did not support this recommendation; 1 member abstained from voting.

3. The enforcement mechanism and transparency requirements recommended for congressional and state legislative redistricting should equally apply to redistricting of the County Council districts.

Initiative and Referendum

42. General:

- Enact signature-gathering standards that empower volunteer collection efforts and financial disclosure requirements that identify the sources of funding behind paid signature efforts.
9 members supported this recommendation; 4 members did not support this recommendation; 1 member abstained from voting.
- The state and county should implement measures to require geographic distribution of petition signers.
7 members supported this recommendation; 5 members did not support this recommendation; 2 members abstained from voting.
- For initiative and referendum ballot questions, a process should be established to ensure that ballot questions are written so that they can be understood by the average voter.
13 members supported this recommendation; 1 member did not support this recommendation.

43. Initiative: The Task Force recommends state and county legislation allowing indirect initiatives with a recommended petition signature requirement of 3% of the number of votes cast for governor in the last election. (This is the method currently used for referendum petitions. In 2010, the total number of votes cast for governor was 1,857,880; 3% is 55,736.)
(Indirect Initiatives: 10 members supported indirect initiatives; 4 members did not support indirect initiatives.)
(Direct Initiatives: 5 members supported direct initiatives; 8 members did not support direct initiatives; 1 member abstained from voting.)

44. Referendum: At the state and county levels, the Task Force recommends expanding the current online printout with mail-in to a fully online system with secure, built-in verifications so that signers do not need to mail in a paper copy.
13 members supported this recommendation; 1 member abstained from voting.

“Minor” or “Non-Principal” Party Ballot Access

45. The Task Force recommends that the County Council request the County Board of Elections to provide information to residents explaining the signature-gathering requirements for non-principal parties and independent candidates.
Unanimous among members present.
46. The Task Force recommends that the County Council request the Maryland General Assembly to support measures granting non-principal parties status if 10,000 registered voters are affiliated with that party, for as long as that level is retained. In the 2014 session, this was SB 1032 (Ferguson).
Unanimous among members present.
47. The Task Force recommends that the County Council request the State Board of Elections to return to “reasonable certainty” ballot access petition signature standards instead of the “strict, to-the-letter” standards in place since March 2009. (Local election boards have long requested more lenient standards.)

Unanimous among members present.

48. The Task Force recommends that the County Council request that the Maryland General Assembly to support measures reducing ballot access petitions for independent candidates from 1% of the number of registered voters to 10,000 registered voters.

Unanimous among members present.

Candidate Debate Access

49. County: The Task Force recommends that the county provide free and equal radio and television time, by elected position, for all general election eligible candidates and parties on Montgomery County local access media and other county-controlled media.

9 members supported this recommendation; 1 member did not support this recommendation; 2 members abstained from voting.

50. State: The Task Force recommends that the County Council encourage the State to adopt free and equal debate and media access programs, by elected position, at the state level.

8 members supported this recommendation; 1 member did not support this recommendation; 3 members abstained from voting.

51. National: The Task Force recommends that the County Council write to federal legislators to encourage equal debate and media access. Possible examples that the Council may engage with others on include returning control over national debates to the League of Women Voters or creating a new publicly funded Citizen's Commission on Presidential Debates.

7 members supported this recommendation; 5 members did not support this recommendation.

Voting Access for Noncitizens With a Permanent Resident Visa

52. The Task Force recommends that Montgomery County request the State of Maryland to allow each county to determine its own public policy with respect to the voting rights of noncitizens with permanent resident visas in county elections.

7 members supported this recommendation; 4 members did not support this recommendation; 1 member abstained from voting.

53. The Task Force recommends that Montgomery County allow noncitizens with permanent resident visas to vote in county elections if state law is changed to allow noncitizens to vote.

7 members supported this recommendation; 4 members did not support this recommendation; 1 member abstained from voting.

Voting Rights for Residents With Felony Convictions

54. The Task Force recommends that Montgomery County develop and administer an active voter registration and civic education program as part of re-entry services provided in prison for people being released from the Montgomery County Correctional Facility. The County should create opportunities for voter registration for all prisoners awaiting trial for felony or misdemeanor charges or serving time for misdemeanor offenses.

10 members supported this recommendation; 2 members did not support this recommendation; 1 member abstained from voting.

55. The Task Force recommends that the County Council encourage the Maryland General Assembly to change state law to allow incarcerated felons who are Maryland residents the option to register to vote during the pre-release phase before any parole and probation. That 'pending' registration should become active automatically on the date the person becomes eligible.

10 members supported this recommendation; 3 members did not support this recommendation.

56. The Task Force recommends that the county encourage the Maryland General Assembly to change state law to restore voting rights to residents with felony convictions who have served their time in prison and pre-release programs but who are still serving a term of probation or parole.

10 members supported this recommendation; 3 members did not support this recommendation.

57. The Task Force recommends that the County not support the full restoration of voting rights to all felons, including those still incarcerated or under house arrest or home-based detention (i.e. pre-release programs).

10 members supported this recommendation; 3 members did not support this recommendation.

Voting Rights for Residents Who Are 16 and 17 Years of Age

58. The Task Force recommends that the County Council and Executive propose to the Maryland General Assembly reducing the voting age from 18 to 16 years old for county elections.

8 members supported this recommendation; 4 members did not support this recommendation.

Financial Support of the Board of Elections to Uphold Voting Rights and Increase Voter Participation

59. The Task Force would like to remind the County Council that increased financial resources may be needed by the Board of Elections to meet the Council's goal of maximizing voter participation in the election process.

7 members supported this recommendation; 4 members did not support this recommendation.

Issues Requiring No Further Action

Election Day Holiday

The Task Force considered but did not support a recommendation that the county create an Election Day holiday. (The State of Maryland already grants Election Day holiday status for the general elections for State employees.)

7 members supported this recommendation; 3 members did not support this recommendation; 1 member abstained

Online Voting

In view of the technical issues and concerns associated with online voting, the Task Force recommends that the county not promote online voting at this time.

Unanimous among members present.

Voter Photo Identification

Since all of the credible evidence indicates that requiring photo IDs would decrease rather than increase voter turnout, the Task Force recommends that the issue of requiring photo IDs to vote get no further consideration from the County Council.

11 members supported this recommendation; 1 member did not support this recommendation.

MEMORANDUM

To: Members of the Montgomery County Board of Elections
From: Alysoun McLaughlin, Deputy Election Director
Subject: Report and Recommendations of the Right to Vote Task Force
Date: September 4, 2014

Introduction

This memorandum summarizes the Report and Recommendations of the Right to Vote Task Force, established by the Montgomery County Council by Resolution No. 17-867. The Task Force was established to review election laws and regulations and recommend legislation and administrative practices and regulations to uphold voting rights and increase voter participation.

This is the first of two reports to be delivered by the Task Force. A second report due by February 2015 will expand on these recommendations and deliver an assessment of the strengths and weaknesses of election laws and practices in the 2014 election.

I was appointed by the Council to serve on the Task Force in an ex officio capacity. While I did not vote on the recommendations nor attend many of the subcommittee meetings that occurred during preparations for the primary election, I provided staff support to Task Force meetings including a preliminary briefing and responses to inquiries and requested data, and I offered comments throughout on the administrative context of the policies they were discussing.

Now that the Task Force has completed its report, I offer this summary for review. For the most part, recommendations of the Task Force relate to state laws and practices and are directed to the General Assembly and/or the State Board of Elections. However, there are eight areas of the report, summarized beginning on page 4 of this memo, where the Task Force has specifically recommended action by the Board.

I encourage the Board to review and consider the report in its entirety. However, as we can expect the Task Force's post-election review to include an assessment of the eight items highlighted on page 4, I draw your attention to those recommendations in particular. I have also provided staff comment on each and seek your guidance on any actions that should be taken in these areas.

Preliminary Recommendations

The Task Force was appointed on September 24, 2013 and made two preliminary recommendations on February 28, 2014:

- 1) Recommending that the Council and Executive Branch agencies to more prominently advertise voter registration on county websites and
- 2) Recommending edits to the countywide Sample Ballot mailing to emphasize voters' three different choices for how to cast their ballot (early, by mail, and at the polls on Election Day).

Consistent with direction received from members of the Board of Elections, staff subsequently worked with the Department of Technology Services to add a link to the State of Maryland's online voter registration portal, along with the preexisting polling place locator link, to the drop-down menu for online services on the county website.

The second Task Force recommendation, proposing changes to the Sample Ballot mailing, was also consistent with direction provided by members of the Board of Elections. Staff found the discussions of the Task Force timely as staff was, at that time, making comprehensive edits to the Sample Ballot and was able to discuss those changes with members of the Task Force.

Final Report

In contrast to these preliminary recommendations, the June report does not confine itself to short-term recommendations. Many of its 59 recommendations, divided into 22 categories, would require significant changes to state law.

As most of these recommendations are matters of state law and policy, not county administrative practice, most of the recommendations are directed toward the State Board of Elections and/or the Governor and General Assembly. The chart below reviews the 22 policy areas in the report and identifies the entity and/or branch of government that is requested to act in each area. The recommendations seeking action by the Montgomery County Board of Elections are listed on page 4 of this memorandum; the rest of the recommendations are summarized beginning on page 7.

Breakdown of Task Force Recommendations: Who Would Implement

Task Force Recommendation	Action Proposed by...				
	Montgomery County Board of Elections	County Council and Executive	State Board of Elections	General Assembly or State Agencies	Federal Government
Improvements to Online Voter Registration			✓	✓	
Same Day Voter Registration		✓		✓	

Automatic Registration Options	✓	✓	✓	✓	
Friendlier Ballot Design	*	✓	✓	✓	
Clearer Language for Referendums		✓		✓	
Understanding Long Lines	✓	✓	✓		
Improving Voter Registration, Ballot Access and Voting for U.S. Military and Overseas Citizens	✓		✓		
Supplementing Information in the Sample Ballot	✓				
Voter Application for Mobile Devices	✓		✓		
Get Out the Vote	✓	✓			
Off-Year Elections		✓	✓	✓	
Special Elections for Legislative and Executive Vacancies		✓		✓	
Primary Elections		✓		✓	
Ranked Choice Voting/Instant Runoff Voting		✓		✓	
Fair Redistricting		✓		✓	
Initiative and Referendum		✓		✓	

* Indicates that the recommendation is phrased, in part, toward the Montgomery County Board of Elections but decisionmaking on the request is not within the Board's jurisdiction.

"Minor" or "Non-Principal" Party Ballot Access	✓	✓	✓	✓	
Candidate Debate Access		✓		✓	✓
Voting Access for Noncitizens With a Permanent Resident Visa		✓		✓	
Voting Rights for Residents With Felony Convictions	✓	✓		✓	
Voting Rights for Residents Who Are 16 and 17 Years of Age		✓		✓	
Financial Support of the Board of Elections to Uphold Voting Rights and Increase Voter Participation		✓			

Recommendations to the Montgomery County Board of Elections

The Task Force recommendations below seek action by the Montgomery County Board of Elections. This list does not include recommendations that only describe a role for the county in administering a shift in state policy. Requests made of others - i.e., the State Board of Elections or the General Assembly - are summarized in a separate section of this memo beginning on page 5.

1. **Automatic Registration Options.** Most of the recommendations in this section would require action by the General Assembly and/or the State Board of Elections. However, the Task Force includes among its recommendations that "the State and/or County Boards of Election conduct voter registration outreach by building a list of all eligible non-registrants", which it envisions "would be similar to the Electronic Registration Information Center outreach process, but would incorporate a broader base of data" (i.e., "state-level departments, tax agencies, public assistance offices, U.S. Postal Service address change updates, and schools and colleges"). This group of voters would then be targeted for outreach via a postcard or preprinted form.

Staff comment: Staff believes that the best way to accomplish this goal would be to work with the State Board of Elections to expand, over time, the list of datasets submitted to the Electronic Registration Information Center.

The "Electronic Registration Information Center outreach process" described in the Task Force report is a submittal of state records to the nonprofit Electronic Registration Information Center

(ERIC), which employs full-time staff to perform data matching and analysis, to identify voters who appear to have moved, who appear to be deceased, or appear to be eligible but not registered. ERIC's initial data analysis uses motor vehicle and Social Security data, but U.S. Postal Service data will be added in the near future and the interstate agreement anticipates using additional sources of data such as those listed by the Task Force.

Through this process, more than 1 million postcards were sent to apparently eligible non-registrants in Maryland in 2012, and it was clear from the telephone calls received by the Board at the time that many who received postcards were, in fact, already registered to vote (and received a postcard because of differences between how their name appears on motor vehicle records and how it appears on their voter record). This year's data match will result in fewer postcards, with approximately 100,000 being sent to Maryland residents in September. This experience demonstrates the value of coordinating any list of potentially eligible voters we contact with the state's efforts through ERIC, rather than trying to build a separate list.

2. **Understanding Long Lines.** The Task Force asks for a report from the Montgomery County Board of Elections comparing the recommendations and best practices in recent highly-cited reports to reduce lines with current practices. The Task Force asks that this report be prepared in coordination with the State Board of Elections.

Staff comment: Staff is familiar with the reports cited by the Task Force and notes that one of the three studies found that Montgomery County voters had the *shortest* lines among the five most populous jurisdictions in Montgomery County.

Staff also notes that the vast majority of the best practices and recommendations of the Presidential Commission on Election Administration are current law and practice in Maryland, yet the state consistently ranks among the highest in the length of lines in presidential elections.

While staff time can be allocated to preparing a Report Card as described by the Task Force, staff feels that the core issue is that the growth of the county and the region has outstripped our capacity to manage high turnout. Our election system has not kept pace with growth. The number of voters per polling place has grown by more than 40 percent in the last thirty years. Even with many voters casting their ballot early or by mail, the average polling place in Montgomery County is accommodating significantly more voters than it did a few decades ago. States without lines for presidential general elections either have fewer voters per polling place, a much higher rate of early voting and voting by mail, or both.

Staff is also worried that implementing a new paper ballot voting system, depending on how many scanners will be purchased by the state per polling place, may exacerbate the issue in the 2016 presidential election.

3. **Improving Voter Registration, Ballot Access and Voting for U.S. Military and Overseas Citizens.** Although the Task Force recognized that military and overseas voters are served by the State Board of Elections, it asks that the county provide overseas voters with information on the

timing of municipal elections and contact information for municipal election staff. The Task Force was silent on the frequency with which this information should be sent and in what form.

Staff comment: Staff notes that municipal elections are governed under a separate section of the Maryland Code. The Montgomery County Board of Elections has no authority to compel municipal governments to provide this information.

Also, now that military and overseas voters are being exclusively served by the State Board of Elections, it may make more practical sense for the State Board of Elections to provide any additional information that overseas voters require.

- 4. Supplementing Information in the Sample Ballot.** The Task Force notes in its report that the county has incorporated recommendations discussed by the Task Force, highlighting the three choices that voters have to cast their ballot (early, by mail or on Election Day), in a recent overhaul of the sample ballot. The Task Force asks that these choices be emphasized throughout the Board's other means of communicating with voters, i.e., paid advertising, media outreach, distribution of fliers and other volunteer efforts.

Staff comment: Staff appreciates the input provided by Task Force members and points out that the input of Task Force members is consistent with feedback received from Board members and the views of staff. Staff also notes that the recommended emphasis is similar to the approach the Board took in 2010 for the introduction of early and no-excuse absentee voting.

- 5. A Voter Application for Mobile Devices.** The Task Force notes in its report that the county was in the process of developing a mobile web app when the vote was taken on this recommendation, which urges developing a mobile app to make it easier for voters to find their polling place and other information normally found on the Board's website. The Task Force further asks that the county make greater use of the app to provide updates on the election, provide an online sample ballot through the app, and work with the State Board of Elections to make it easier to register through an online app.

Staff comment: Staff appreciates the input provided by Task Force members and is striving to expand the content provided on the mobile web app.

- 6. Get Out the Vote.** The Task Force asks the County Council to direct the Board to develop a plan for public release before Election Day of state data on early voters and voters who have applied for an absentee ballot. The Task Force also asks that the Council direct the Board to evaluate the feasibility of providing more information, during the day on Election Day, on who has voted at polling places. If feasible, the Task Force asks that the Board provide regular updates on who has voted throughout Election Day.

Staff comment: Staff notes that this information on early and absentee voters is currently available from the state through a paid subscription. The data, including such fields as voter ID number, date of birth, party, mailing address, precinct, district information, absentee type,

absentee request status, early voting location and voting date, is available for a subscription fee of \$125 and is updated for download on a daily basis.

The most significant impediment to public release of this data by the county is that according to Maryland law, the dataset can only be requested by a registered voter who must sign a statement, under penalty of perjury, that the list is not intended to be used for commercial solicitation or any other purpose not related to the electoral process.

Upon procurement of a new voting system, staff will evaluate what information will be available, and when, on Election Day. However, staff notes that the primary responsibility of Election Judges is to serve the voters and that candidates and/or political parties must assign watchers at the polls if they would like detailed information on who is voting.

7. **“Minor” or “Non-Principal” Party Ballot Access.** While most of the recommendations in this section are aimed at changing state requirements for ballot access, the Task Force specifically recommends that the Montgomery County Board of Elections provide information explaining the current signature-gathering requirements for non-principal parties and independent candidates.

Staff comment: Staff can provide such information on its website if that is the desire of the Board. However, funds for a full-time employee to handle candidate and campaign services lapsed several years ago. Information on ballot access is typically provided on the website of the State Board of Elections.

8. **Voting Rights for Residents With Felony Convictions.** While most of the recommendations in this section are directed toward changing state eligibility requirements, the Task Force specifically asks that Montgomery County develop a voter registration and civic education program as part of re-entry services for prisoners being released from the Montgomery County Correctional Facility.

Staff comment: This recommendation is included here although the phrasing of the recommendation requests that the county provide expanded services at the correctional facility, not the Board of Elections. The Board does not have the resources to send personnel to any facility on a regular, year-round basis. We equip interested individuals to perform voter registration drives on their own, after receiving “voter registrar” training from the Board of Elections.

Recommendations to the State Board of Elections, the General Assembly and/or the County Council

While members of the Montgomery County Board of Elections may choose to agree or disagree with these policy recommendations, the Board was not asked to take specific action on any of the following:

1. **Improvements to Online Voter Registration.** The four recommendations in this section propose means for prospective voters to register through the state’s online voter registration system even if they do not have a Maryland driver’s license or identification card.

One option would involve the use of an electronically captured signature and the other options would involve the use of a supplemental postcard or paper form to capture a paper signature to complete the registration. With the current process, a voter who does not have a Maryland identification number can print and sign a form, but they cannot create a pending record.

The fourth recommendation is to improve the cost-effectiveness of online voter registration by providing for automatic transfer of data. In Maryland, every online registration is manually reviewed before any record is updated, while in some other states, records with exact matches in certain fields are updated without the same amount of review by staff.

2. **Same Day Voter Registration.** The Task Force report recommends Election Day registration. Under current law, same-day registration will be available during early voting, but not on Election Day, beginning in 2016. Because same-day registration on Election Day would require a constitutional amendment, this recommendation is directed to the General Assembly. It also urges the County Council to encourage passage of a constitutional amendment.
3. **Automatic Registration Options.** The four recommendations in this section propose means for making voter registration more automatic. One option would build upon the status quo, whereby potentially eligible voters are identified by the State Board of Elections and a postcard is mailed periodically, but it envisions using additional data sources to create the list. A second option would prepopulate the statewide voter registration database with the names of these potentially eligible voters, creating 'pending' voter records that would require a signature to activate. A memorandum was circulated in the General Assembly during consideration of the new law establishing voter registration at early voting sites in which State Board of Elections personnel described potentially implementing the legislation in this manner.

The third and fourth options focus on expanding voter registration by state, county and municipal agencies by integrating checkboxes on their own paperwork and online forms and by electronically transferring information rather than using paper forms.

4. **Friendlier Ballot Design.** The Task Force recommends that ballots used in the State of Maryland be redesigned taking best practices into account, such as avoiding centered case, using larger sans serif fonts, using simpler clear language, and using illustrations, icons, contrast and color to support meaning and show what's important.

The Task Force uses language - "local and State" – suggesting that their recommendation is aimed, in part, at the Montgomery County Board of Elections. County personnel are familiar with the best practices cited and are taking steps to incorporate the recommendations into materials designed by the county. However, ballots are designed in the State of Maryland to be used on a single statewide voting system and at the present time, the county does not have a role in designing the ballot. As a result, it is marked with an asterisk in the chart above.

5. **Clearer Language for Referendums.** The Task Force cites federal plain language legislation as a model for the phrasing of questions on the ballot and urges the General Assembly and the

County Council to evaluate best practices of other jurisdictions in developing questions to be placed on the ballot. It also urges review by a citizen commission and/or judicial review of ballot language.

6. **Improving Voter Registration for U.S. Military and Overseas Citizens.** The Task Force recommends that the state provide more Q&A information on its website for overseas voters and recommends specific information to be included.
7. **A Voter Application for Mobile Devices.** The Task Force recommends that the state develop a mobile application to make it easier for voters to register to vote, find their polling place, and view sample ballots and other election information.
8. **Off-Year Elections.** The Task Force recommends that the state conduct a study of whether municipal voters would be better served by municipal elections occurring in even years and appearing on the same ballot with federal, state and county offices. The Task Force also seeks one-time county funding for municipalities making such a change.
9. **Special Elections for Legislative and Executive Vacancies.** The four recommendations in this section generally propose that vacancies in the offices of U.S. Senator, seats in the General Assembly, and the County Executive be filled in a manner similar to those of the County Council. The Task Force proposes a single special election that may be held entirely by mail, unless the vacancy occurs after December 1 of the year before an office is scheduled to appear on the ballot, in which case appointments could be made but only from the same political party as the incumbent, but not necessarily from a list submitted by that political party. It notes that legislation to fill a vacancy in the office of County Executive by special election has passed the General Assembly but is subject to a constitutional referendum.
10. **Primary Elections.** The Task Force asks the County Council to urge political parties to open their primaries but does not ask that it be mandated. The second recommendation contains a partial exception that would increase the complexity of the ballot; it urges that a determination be made prior to finalizing the ballot as to whether each office is uncontested in the general election, and if there are only candidates in one party then that contest would be open to all who are entitled to vote in the general election.
11. **Ranked Choice Voting/Instant Runoff Voting.** The first two recommendations in this section of the report endorse ranked choice voting for county and state offices, in which voters rank candidates in order of preference. Ballots may then be counted multiple times, with the candidate receiving the fewest votes eliminated until one candidate receives a majority. The third recommendation encourages the state to purchase voting equipment designed to tabulate ranked choice ballots.
12. **Fair Redistricting.** The six recommendations in this section propose changes in the rules and processes for redistricting. Specifically, the Task Force would establish a state redistricting commission and change the rules that apply to the existing county redistricting commission to

add unaffiliated and minor party members, to bar its members from seeking elected office for two years after their tenure, to bar the use of incumbent data in establishing districts, to impose limitations on drawing district lines with the intent to favor or disfavor a political party or incumbent, and to make a number of additional requirements including that Congressional districts consist of adjoining territory, be compact in form, and have substantially equal population.

- 13. Initiative and Referendum.** The three recommendations in this section include a proposal that Maryland voters be permitted to place indirect initiatives, which would require action by the General Assembly, on the ballot. Currently, referenda are permitted but not initiatives. The Task Force also proposes financial disclosure for signature gathering efforts, requirements for geographic distribution of petition signers, and a process to ensure that ballot questions are written so that they can be understood by the average voter. The recommendations also include allowing referenda to be signed completely online, without a requirement for a paper signature.
- 14. "Minor" or "Non-Principal" Party Ballot Access.** The four recommendations in this section would grant ballot access to any party with at least 10,000 registered voters and would reduce the number of signatures required for an unaffiliated candidate to appear on the ballot to 10,000. In addition, the recommendations would ask the State Board of Elections to relax the standard for accepting a petition signature to "reasonable certainty".
- 15. Candidate Debate Access.** The three recommendations in this section seek to have Montgomery County Cable provide free and equal radio and television time to all candidates slated to appear on the general election ballot, encourage the state to adopt similar programming, and ask the County Council to write to federal lawmakers. The Task Force also seeks to have the League of Women Voters manage presidential debates or create a new publicly funded Citizen's Commission on Presidential Debates.
- 16. Voting Access for Noncitizens With a Permanent Resident Visa.** The Task Force asks that the State of Maryland provide, at county option, for counties to create a separate ballot for voters who are only eligible to participate in county offices, and that noncitizens with permanent resident visas be permitted to register to vote and cast ballots in those contests. The Task Force recommends that Montgomery County exercise this option if the law is changed to allow it.
- 17. Voting Rights for Residents With Felony Convictions.** The four recommendations in this section seek to permit felons who have been released from prison to register to vote, even if they are still serving a term of probation or parole; to allow felons participating in pre-release programs to register to vote pending their release; and to include a voter registration and civic education program as part of re-entry services provided prior to release from the Montgomery County Correctional Facility. The Task Force specifically rejects restoration of voting rights to felons who are still incarcerated or under house arrest or home-based detention.
- 18. Voting Rights for Residents Who Are 16 and 17 Years of Age.** The Task Force asks that the State of Maryland provide for a separate Montgomery County ballot for voters who are only

eligible to participate in county offices, and that residents who are 16 years old and 17 years old be permitted to register to vote and cast ballots in those contests.

- 19. Financial Support of the Board of Elections to Uphold Voting Rights and Increase Voter Participation.** The Task Force voted as a part of its recommendations to “remind the County Council that increased financial resources may be needed by the Board of Elections to meet the Council’s goal of maximizing voter participation in the election process.”

In addition, the Task Force included three position statements for which it did not recommend action:

- 17. Election Day Holiday.** The Task Force did not support a recommendation to establish Election Day as a county holiday.
- 18. Online Voting.** The Task Force recommended that the county not promote online voting at this time.
- 9. Voter Photo Identification.** The Task Force recommended against consideration of requiring photo identification in order to vote.

**Remarks of Mary Ann Keeffe, President
Montgomery County Board of Elections**

**Public Hearing on the Report and Recommendations of the
Right to Vote Task Force
September 23, 2014
7:30 p.m.**

Good evening, Council President Rice and members of the Montgomery County Council.

I am Mary Ann Keeffe, President of the Montgomery County Board of Elections. I am delighted to be here this evening to discuss the report of the Council's Right to Vote Task Force.

I would like to commend the members of the Task Force for committing so much time to discussing these important issues. It was clearly not an easy task to structure and lead those discussions, so I especially want to commend the chairman of the Task Force, Takoma Park City Councilmember Tim Male, for bringing the questions to a vote and getting 14 people with different views to work together in writing a 200-page report.

I would also like to applaud the Council for selecting such a thoughtful and dedicated group of people to serve on this Task Force and for including our staff in the discussions.

Of course, any idea to reform the voting process has got to work. While many of the Task Force's most sweeping recommendations would be very expensive and require changes in the law and funding for implementation, I think the Task Force benefitted from having our staff at the table, to bounce their ideas off of and to gain insight on our current laws, norms and business practices.

The majority of the Task Force's recommendations seek changes in state law, and it is up to the Council to decide whether to endorse those ideas and recommend them to the General Assembly and the Governor. I pledge our cooperation to you in exploring these ideas and look forward to participating in the Government Operations Committee's worksession next month.

I also urge the Council to consider how the Task Force's recommendations interrelate with recent changes that have been enacted in state law, and what they will mean for Montgomery County.

Most importantly, I want to draw your attention to the emphasis in the Task Force's report on voter education.

We will need a strong voter education effort to prepare for the 2016 presidential election because we will be replacing our voting equipment with paper ballots and, at the same time, will be implementing "one stop" registration and early voting.

I also want to draw your attention to the State of Maryland's work to improve the voter registration rolls through a partnership with other states referred to as the Electronic Registration Information Center, or ERIC. Through ERIC, we are building better data about voters and improving the accuracy of our voter registration lists. In particular, we are better able to identify and reach out to those who have moved and to county residents who are not registered to vote.

While I am on the subject of voter registration, I do want to take a moment to recognize that today is National Voter Registration Day. You may have seen our staff and volunteers from our Future Vote Program at Metro stations today distributing literature or heard us on the radio or TV today discussing the importance of registering to vote and keeping your voter record up to date. I want to thank the Council for its proclamation, which helps us get the word out that voters have just three weeks before the deadline to register or change their address for the general election.

On behalf of the Board of Elections for Montgomery County, I want to again commend the Task Force on its thoughtful report. I think the overall focus of the report on improving access to voter registration and making the election process easier for voters to understand is very much in line with the priorities of the Board of Elections.

Thank you for the opportunity to speak tonight.

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COMMUNITY ACTION BOARD

September 9, 2014

RECEIVED
MONTGOMERY COUNTY

Montgomery County Council
Council Office Building
100 Maryland Avenue, 5th Floor
Rockville, Maryland 20850

Dear Councilmembers:

On behalf of the Community Action Board, thank you for establishing the Montgomery County Task Force on Voting Rights and for providing this opportunity to comment on the Task Force's recent report. The Community Action Board is the County's federally designated advisory group established to address the needs of people living in poverty. The Board serves as a voice for low-income residents and strives to advocate for policies which will best address their needs.

Currently, 6.4% of County residents, or 64,037 people, live below the Federal Poverty Line.¹ Community Action recognizes that voting rights are of the utmost importance for the County's low-income residents, and all members of our community. Participation in the democratic process allows low-income residents the opportunity to determine who can best represent their needs. Electing officials who understand the particular needs of the low-income community leads to policies that improve lives and promote self-sufficiency.

On behalf of the Montgomery County Community Action Board, I submit this letter of support for the recent *Report and Recommendations of the Right to Vote Task Force*. Our Board strongly believes that for low-income residents, voting for elected officials who recognize poverty as a significant social problem, is a key step in establishing policies that can bring about change. We support the recommendations of Task Force and encourage the County Council to incorporate these recommendations into County policy.

The Community Action Board thanks the County Council for its ongoing support of all Montgomery residents, and especially our struggling families.

Sincerely,

Matthew J. Green, Jr.
Chairman

¹ Due to the high cost of living in Montgomery County, the 2012 Family Self-Sufficiency Standard, commissioned by the Maryland Community Action Partnership, provides a more accurate picture of how many of our residents are struggling to make ends meet. According to the 2012 Self-Sufficiency Standard, it costs about \$83,000 for a four-person family with two working parents, a preschooler and a school-age child, to afford the basic necessities here, four times the Federal Poverty Level.

Department of Health and Human Services • Office of Community Affairs • Community Action Agency

2424 Reedie Drive, 2nd Floor, Suite 238 • Wheaton, Maryland 20902
240-777-1697 (Voice or via MD Relay @ 711) • 240-777-3295 FAX
www.montgomerycountymd.gov/hhs



montgomerycountymd.gov/311

301-251-4850 TTY

**Testimony from City Council of Gaithersburg
Before the Montgomery County Council
on the Report and Recommendations
of the Right to Vote Task Force**

September 23, 2014

Good evening President Rice and members of the Council. My name is Jud Ashman and I am a Council Member for the City of Gaithersburg. I am here today to provide the City Council's comments on the report and recommendations which we reviewed at a Work Session on September 8, 2014.

We first want to thank the Montgomery County Council for its foresight in establishing this task force, and then each of the fourteen task force members for their work in producing the report. They've put forth a number of common sense, well thought out suggestions that we hope will be considered.

We are pleased to support a number of specific task force recommendations; however, the Council have a serious concern with the recommendations concerning off-year and municipal elections, and we strongly oppose several of the proposals. Municipalities operate their own election systems and select their own separate election dates pursuant to their home rule authority under state law. Thus, we would oppose steps to extend State or County control over municipal elections, including any mandate that our City elections be held as directed by the State or County, such as at the same time as the general national election. Municipalities provide the staff and oversight to operate their own elections, and the independence of the municipalities should be acknowledged and respected, such that municipalities should continue to be able to set their own election schedule. These concepts were discussed in the minority view on this issue in the report and we concur with this view.

We support the ideas for expanding and simplifying voter registration, such as by allowing online registration and registration by mobile application. This could help encourage more registration, and we note the City would also benefit from these efforts as we use the same registration for our citizens. In implementing these registration enhancements we believe that the focus should not only be on making registration easier and more accessible, but that there also needs to be attention on ensuring that both new and existing voter registration information is accurate. In addition, since Montgomery County has relatively high voter registration rates and we anticipate that there may be limited funding to implement the task force recommendation, we believe that it is more important to target resources on voter turnout versus voter registration.

The City Council supports establishing a mobile application for election information. Such an application could provide residents with their polling location, election updates, and even sample ballots. We understand several programs are already available and have been independently looking at election apps. The City would be interested in working with the County in order to use the same application so to avoid having residents use two applications between the City and County elections.

With regard to the expansion of access to voting, we support the task force recommendation to broaden voter registration in several ways. First, we strongly agree that persons who have been convicted of a felony but served their sentences and returned to society should not be barred from voting. We take no position on the recommendation to allow certain permanent residents to vote. But the City Council of Gaithersburg does have concern with lowering the voting age to 16 or 17 without further study, as we believe the age of 18 is an appropriate level for such a serious endeavor as voting.

Of the voter registration ideas, one of our main concerns is with the idea of same-day voter registration if same-day voter registration would also be required for City elections. For our elections, the election judges and City staff need the ability to verify registration accuracy, which would place additional workload on and coordination with the County Board of Elections. It's possible that provisional ballots could be used given the demand for a quick turnaround, but that could result in a delay of a close election.

The recommendations for increasing turnout once voters have registered seem to be directed more at providing information to candidates than assisting potential voters. But our main concern is with the proposal to provide contemporaneous information on the progress of voting on Election Day. While we have no objection to providing updated information to candidates before the election, it would be very difficult and burdensome on staff on Election Day itself to provide information to candidates on the progress of voting. We also have some privacy concerns with disclosing information about the voters, such as when and how they vote.

We support many of the task force recommendations on referendums, including ensuring concise, accurate language is used and that the language used actually reflects the intent of the petitioner. We must express some concern with recommendations to make referendums much easier at both the state and local level. Again, we would ask that the independence of municipal elections and municipalities in general be respected. And we have overall concern with making referendums so easy that they interfere with the representative form of government in which all of us serve.

The task force also included a number of recommendations on issues that may not directly impact the Gaithersburg municipal elections, but the City Council support many of them as good ideas for our community and implementing best practices, such as the ideas for friendly ballot design and addressing long lines at the polls. Thus, we support the task force proposal to have special elections for county executive and General Assembly vacancies. We agree with opening primaries, especially if the goal is to increase turnout, and but do not believe that ranked choice voting is the best option. We also strongly support the task force's proposals for a fair redistricting process, including the requirement that voting districts in the future should be contiguous rather than gerrymandered.

We close with two suggestions not included in the report related to registered voters who receive notice of polling place changes. First, we believe any notice of a change in the polling place should be emphasized on the notice, rather than in small print or otherwise hard to read. This created much confusion for our residents in the last election and we received a number of reports

of individuals who reported to old polling sites. Second, when changes to polling places are made, we would ask that consideration be given to access to the new site via public transportation as well as proximity to the previous location. In one recent situation, a polling place was moved in the City that was approximately three miles from the previous location and was not accessible by bus. Voters in that precinct, which included a senior housing complex, complained as they did not have cars and mobility issues hindered them from voting.

Again, we thank the Task Force for its work in studying these election issues and the County Council for allowing the opportunity to provide input on these important issues that impact the election process. We ask that you consider the City's recommendations as you look to implement the Task Force's recommendations, particularly our concern with mandating that City elections be held in conjunction with County elections. The Council appreciates your consideration of our support as well as our concerns on behalf of the residents and businesses of the City of Gaithersburg.

**Testimony of Beth Tomasello
President, Woman’s Democratic Club of Montgomery County Maryland
Montgomery County Council
Right to Vote Task Force
September 23, 2014**

I am Beth Tomasello, President of the Woman’s Democratic Club of Montgomery County, Maryland. Woman’s Democratic Club, or WDC, is the largest political club in Montgomery County, with a membership of 425 politically active women and men. I would like to thank the County Council and the Right to Vote Task Force for your hard work in preparing the Right to Vote Task Force recommendations to encourage better voter participation among Montgomery County residents.

While WDC members are all Democrats with a big-D, we are also democrats with a small-d. WDC is first and foremost dedicated to ensuring a vital democracy and a fair political process and we oppose all efforts to suppress voting and support all efforts to increase voter participation, regardless of the voter’s political affiliation. As our members are primarily women, we are well aware that today’s women are busy. We are busy with families, work, activities that support our communities and schools, and our most precious commodity is time. The WDC Board reviewed the recommendations of the Task Force through the lens of the working mother, sometimes a single parent, sometimes holding down more than one job to support her family, to evaluate whether the recommendations of the Task Force make it easier or harder for that woman to vote. The WDC Board found that many of the recommendations of the Right to Vote Task Force will make it easier for women to vote, and the Board is therefore pleased to offer its specific endorsement of the following recommendations of the Right to Vote Task Force.

- Recommendations 1-4: Improvements to Online Voter Registration: Any process that allows women to register to vote from their homes or by mail makes it more likely that they will register to vote.

- Recommendation 6-9: Automatic Voter Registration Options: Any voter registration outreach that targets non-registrants and reaches women voters where they are already doing business, such as service encounters with Maryland State agencies, is a positive. To reach busy women, it is often necessary to go where they already are, and if they are already interacting with the state, that is the time to register them.
- Recommendations 10-14: Friendlier Ballot Design. Any measures that can make voting take less time will help the woman who is juggling work and children be able to vote.
- Recommendations 15-16: Improving Voter Registration, Ballot Access and Voting for US Military and Overseas Citizens: WDC endorses any measure that makes voting easier for the women and men who are serving their country.
- Recommendation 17: Supplementing Information in the Sample Ballot: Informing the busy woman about the options for voting that may be easier than in-person voting on Election Day are bound to increase the likelihood that she will vote.
- Recommendations 18-21: Develop smartphone apps with voter information, sample ballots, election updates: Many modern women live on their smartphones. This recommendation meets a women where she already is and provides the information she needs to prepare to vote.
- Recommendations 22-24: Get out the Vote: WDC supports this measure to better target non-voters on Election Day.
- Recommendation 5: While this is a long-term process that cannot be implemented immediately as can some of the other recommendations, WDC supports asking the Maryland General Assembly to pass a state constitutional amendment to establish Election Day registration. This will eliminate the need for a busy woman to take two-steps to vote.

One issue that WDC would like to raise that is not addressed in the report is the closing of schools to use as polling places on Election Day. Closing schools adds to the burden placed on women who rely on schools as their primary form of child care, and many of those women will not have the day off from work. Therefore, working women have to juggle child care, work and voting on Election Day, and I think we can all guess which would be the lowest priority. We urge the Council to consider alternative sites like fire houses and libraries as polling places that would allow schools to stay open.

WDC appreciates the opportunity to testify this evening and we again thank the members of the County Council and the Right to Vote Task Force for its thoughtful and thorough examination of ways to increase voter participation in Montgomery County.

4

Good evening. My name is Tanzi Strafford, I am testifying on behalf of the Montgomery County Republican Central Committee. I would like to thank the Council for holding this important hearing and allowing me to testify.

I was born and raised in the former Soviet Union and witnessed firsthand how one-party rule and fraudulent elections caused its collapse. Voters were automatically registered by the government, but people were not interested in voting because there was no integrity to the process.

I have serious concerns that some of the recommendations of the Right to Vote Task Force, even if well-intentioned, would undermine our election process. Currently, people with a State ID or Driver's Licenses without a Social Security Number can register to vote. People can also register with only the last 4 digits of a social security number. Moreover, Maryland even registers people to vote without any IDs or Social Security Number. For over two years, Maryland has been taking the word of a person that he or she does not have any ID and Social Security Number and register them to vote. Low voter turnout may be in part attributable to people losing their trust in lawfulness and integrity of the process of voter registration.

For this reason, the recommendations 1 through 4 should not be implemented, yet, without proper safeguards in place. Similarly, we oppose recommendations 5 through 9 because they all decrease the ability to verify the eligibility of the person registering to vote.

Recommendations 33 through 35 would make the election process more complicated by voters taking the ranking "quiz."

The recommendations related to "fair redistricting" should be also applied to gerrymandered Congressional Districts 3 and 6. Maryland's District 3 is the most gerrymandered Congressional district in the entire country.

We oppose to recommendations 52 and 53, allowing Noncitizens With a Permanent Resident Visa to vote. I know first- hand the many benefits that immigrants bring to our community. U.S. Citizenship means to share the rights and responsibilities of citizenship and foremost have the right to vote. Moreover, such a change could violate the 14th Amendment of the U.S. Constitution.

It is important to stress that we are in favor of recommendation 57 that is consistent with the Maryland Law.

We oppose recommendation 58, Voting Rights for Residents Who are 16 and 17 Years of Age. Such a change could have unintended consequences, like opening the door to the treatment of 16 years as adults in other contexts, such as criminal law.

Thank you for allowing me to testify and considering these important issues.



Green Party of Montgomery County, MD

P. O. Box 217, Kensington, MD 20895-0217

Right to Vote Task Force (in support of Task Force Report)

September 23, 2014, Public Hearing

Testimony of Montgomery County Green Party, Mary Rooker, Co-Chair

(301) 891-1288 greentyrtle@gmail.com

I'm Mary Rooker of Takoma Park, speaking on behalf of the Montgomery County Green Party.

We applaud the Council, especially Councilmember Navarro for initiating the Task Force. We are grateful to the Task Force members and Council staff.

The biggest threat to our democracy is our 18th century, winner-take-all electoral system, so the Council is right to be concerned. We need a 21st century system or at least a 20th century upgrade. Many voters do not realize that we lag behind other democracies, which provide greater choice and voter access to a broader range of parties, candidates, and views. Alternative voices are necessary for everyone, including the many independent, unaffiliated, and unregistered citizens.

Grassroots democracy is one of four Green Party principles, along with social justice, non-violence, and ecology. Policies that benefit the most voters and nurture democracy also happen to benefit the Green Party. And so we concur with most of the Task Force's recommendations and differ only on a few conclusions that limit democracy.

We want to give honorable mention to several issues we support that affect us most directly, starting with the four recommendations for minor party ballot access, which received unanimous Task Force approval. We also endorse the near-unanimous recommendations for ranked choice or instant runoff voting. IRV broadens voter choice, making it more compatible with democracy than our current winner-take-all system.

We also endorse voting rights for 16- and 17-year-olds, for those with permanent resident visas, and for residents with felony convictions. The democracy benefits of these reforms have been established in Montgomery County municipalities that have already enacted them.

We disagree with only 4 of the Task Force's 59 recommendations. We oppose open primaries and geographic distribution requirements, and we favor direct initiatives and an election day holiday.

The Task Force did not consider fusion voting, but Councilmember Elrich did so when the Task Force presented its report. We agree with you, Marc, and thank you for raising this issue.

We have submitted additional written analysis for your review, and we thank all of you for your time and attention.

Oral Testimony Supplement: Additional Written Analysis

Detailed Comments on Issues in Task Force Report (alphabetical order, by topic)

Debates: National Citizen's Commission on Presidential Debates

(Recommendation 51, pp. 53-55, A84-A87)

We recommend that the Council encourage federal legislators to create a new publicly funded Citizen's Commission on Presidential Debates and open its presidential debates to all candidates who appear on at least as many ballots as would represent a majority of the Electoral College and who raise enough funds to otherwise qualify for general election public financing. Any candidate who refuses to participate in such debates would lose general election public financing for their candidacy. We also press for amending federal law to remove the non-profit tax exemption status that allows corporations to fund the existing Commission on Presidential Debates and other such exclusive privately controlled debate entities.

Election Day Holiday (No Recommendation #, pp. 10, A102-A105)

We respectfully disagree with the Task Force's position on an Election day holiday. It stands to reason that if it's appropriate as a holiday for state employees, why not for everyone? Businesses would still have choice and not be forced into holiday status, and a holiday might increase turnout and much-needed pollworker volunteers. More importantly, holiday status would draw clear attention to the election and emphasize the importance of voting.

Initiative & Referendum, Direct Initiatives (Recommendation 43, pp. 49-50, A74-A77)

We support the indirect initiative recommendation and are disappointed that the Task Force did not include direct initiatives. In states where direct initiatives are the norm, participatory democracy flourishes and voters are more engaged, not less.

Initiative and Referendum, Geographic Distribution Requirements for Petitions

(Recommendation 42, second bullet, pp. 58, A75)

We strongly advise against geographic distribution requirements as barriers to democracy. County distribution requirements for statewide petitions were ruled unconstitutional by the U.S. Supreme Court in 1969 and have been overturned for decades since then. Only one state, Pennsylvania, still has such requirements.¹ Montgomery County would be going against the national trend and opening itself to potential lawsuits. The Task Force vote on this issue was split; it did not receive majority support.

Media: Free & Equal Airwaves (Recommendations 49-51, pp. 53-55, A84-A87)

We advocate steps to ensure free and equal radio and television time on the public airwaves for all ballot-qualified candidates and parties.

Open Primaries (Recommendation 31, pp. 37-39, A59-A62)

Just as gerrymandering lets politicians pick their voters instead of letting voters pick their politicians, open primaries force more voters into existing choices instead of giving voters more and different candidates and parties. The needed solution is not open primaries but more choice.

¹ The Supreme Court cited widely differing populations. See "Arizona Concedes that One Ballot Access Law Is Void," *Ballot Access News*, vol. 30, no. 3, Aug. 1, 2014, p. 1; <<http://www.ballot-access.org/2014/08/august-2014-ballot-access-news-print-edition/>>.

Top Two (No Recommendation #, P. 37)

We strongly advise against top two primaries, which result in a much smaller group of primary election voters limiting choices for the larger pool of voters in the general election. Although the Task Force makes no recommendation on top two, it is mentioned on page 37 of the *Report's* section on "Primary Elections." The most commonly offered reason proponents cite is increased voter participation, but studies do not support that theory. The Connecticut League of Women Voters concluded "that it doesn't seem to matter whether it's an open, top-two, or closed primary. They're all pretty comparable in the rates of voter turnout."² Researchers from the Public Policy Institute of California reached similar conclusions, noting that "primary turnout is driven far more by the dynamics of individual candidate races and the presence or absence of initiatives on the ballot."³

Another commonly offered reason favoring Top Two presumes that it puts more moderate candidates in office; this false narrative has been rebutted by political scientists who have studied it since 1975 in Louisiana, since 2008 in Washington, and since 2011 in California.⁴ Ironically, an often-cited, recent case in point is the June 2012 Virginia Republican primary in which Eric Cantor was defeated, yet Virginia has open primaries. California's Top Two primary recently kept Independent candidate Marianne Williamson from appearing on November's general election ballot.

"Polarization" only occurs in the U.S. in legislative bodies where one-party rule is absent, so what is called "polarization" often means some democracy exists but is limited to two factions. The solution is more parties, not compressing voters into fewer parties. We also are concerned about the impact on third parties. The State of California now faces a minor party lawsuit emphasizing that the issue is about voting rights, not party rights.⁵ Montgomery County businessman Blair Lee "complains that Anthony Brown won only 11.7% of registered Democrats. One can only wonder what the turnout (and results) would have been if Democrats were allowed to vote for more than one candidate using Instant Runoff Voting (IRV). After all, 48.6% of those voting wanted someone other than the winner, while 77.2% didn't even bother to vote."⁶

² "Study: No Specific Remedy for Low Voter Turnout in CT Primary," *Public News Service - CT*, July 2014, <<http://www.publicnewsservice.org/2014-07-07/civic-engagement/study-no-specific-remedy-for-low-voter-turnout-in-ct-primary/a40299-1>>. Note: in Connecticut, 42 percent of voters say they are unaffiliated.

³ "California's 'Top Two' Primary Election System Does Not Stimulate Voter Turnout, Study Says," by Brian Sumers, *Daily Breeze*, May 2, 2014, <<http://www.dailybreeze.com/government-and-politics/20140502/californias-top-two-primary-election-system-does-not-stimulate-voter-turnout-study-says>>.

⁴ See "The Top Two Primary: What Can California Learn from Washington?" *The California Journal of Politics and Policy*, vol. 4, issue 1 (2012), doi:10.1515/1944-4370.1196, <<http://www.degruyter.com/view/j/cjpp.2012.4.issue-1/1944-4370.1196/1944-4370.1196.xml>>. The abstract states "Whatever the cause of the changes, the partisan structure of Washington's legislature appears unaltered by the new primary system." The article concludes that when Washington state started using a top two system in 2008, the change did not create a legislature that "looked different or functioned differently from the legislature elected under a partisan primary." See also "Senator Schumer's Op-Ed for Top-Two," *Ballot Access News*, vol. 30, no. 3, Aug. 1, 2014, p. 3; <<http://www.ballot-access.org/2014/08/august-2014-ballot-access-news-print-edition/>>.

⁵ The case is *Rubin v Bowen*, District One, A 140387. See "Other Lawsuit News," *Ballot Access News*, vol. 30, no. 3, Aug. 1, 2014, p. 3; <<http://www.ballot-access.org/2014/08/august-2014-ballot-access-news-print-edition/>>.

⁶ George Gluck, 2014 Green Party Candidate for U.S. House of Representatives, 6th District, Comment submitted in response to Blair Lee's original article, Aug. 4, 2014, <<http://www.gazette.net/article/20140709/OPINION/140709506&template=gazette>>. Originally submitted as a Letter-to-the-Editor by George Gluck, sent to The Gazette July 9, 2014, but unpublished.

Comments on Issues Not Mentioned in the Task Force Report

ALL LEVELS: COUNTY, STATE, AND NATIONAL

Campaign Finance Reform: Public Financing

We strongly recommend full public financing of federal, state, and local elections, crafted so as to be inclusive and not limited to candidates of the two principal parties.

County, State, and National: Abolish Corporate Personhood

We encourage the county to consider amending the charter to abolish corporate personhood. A non-profit called Community and Environmental Legal Defense Fund (CELDF)⁷ helps local governments accomplish this. Nationally, we recommend that the Council encourage Congress to prohibit corporations from spending to influence elections, preferably by constitutional amendment abolishing corporate personhood, or as a condition of receipt of a corporate charter by federal chartering of corporations.

Fusion Voting

We strongly support fusion voting, which fosters cooperation and majority-building among candidates and parties.

None of the Above Option

We recommend including the option to vote for a binding None of the Above (NOTA) on all party primary and general election ballots.

Voting Equipment at All Levels: Publicly Owned, Open-Source Voting Equipment

We applaud the many steps that the county and state are already taking in this direction. We encourage the state and nation to develop publicly owned, open-source voting equipment and deploy it across the country to ensure high national standards, performance, transparency and accountability, and use verifiable paper ballots.

NATIONAL LEVEL ONLY

FEC: New Federal Election Commission Watchdog

We recommend replacing the Federal Election Commission with a vigorous watchdog empowered to enforce federal campaign finance laws.

Matching Funds for Candidates

We recommend amending the Federal Election Campaign Act to change the percentage of the presidential popular vote required for a new party's candidate to receive first time General Election public funding from 5% in the previous General Election to 1%; and change the percentage of the presidential popular vote required for a new party to receive public presidential convention funding from 5% for its candidate in the previous general election to 1%.

⁷ The Community and Environmental Legal Defense Fund's sample ordinances can be viewed at <<http://celdf.org/resources-ordinances>>.

September 23, 2014

Council President Rice and Members of the Montgomery County Council:

Thank you for the opportunity to provide testimony regarding the Right to Vote Task Force Report. My name is Alan Banov, and I am the Chair of the Voter Protection Committee of the Montgomery County Democratic Central Committee (MCDCC).

The Task Force carefully analyzed local laws and practices that may affect the right to vote and recommended changes at the local level to uphold voting rights and increase voter participation. As the Democratic Party has the missions of promoting democratic government and social justice and encouraging the meaningful participation of all citizens, MCDCC generally supports changes in state and county laws which meet those objectives.

The Task Force made recommendations on about sixty election issues, too many for MCDCC to discuss in tonight's testimony. We did conduct our own analysis of many of these sixty issues, but tonight I want to present the local Democratic Party's views on nine very important measures which may improve voter turnout and engagement in future elections.

Election Day Registration

Taskforce Recommendation #5: The Task Force recommends that the County Council encourage the Maryland General Assembly to pass a state constitutional amendment to establish Election Day registration.

The MCDCC **supports** this recommendation. An important mission of the Democratic Party is to reduce all barriers to voting. If a voter is eligible to vote and interested in participating, same-day registration will allow greater participation in elections.

Ten states and the District of Columbia currently offer same-day registration. Several others have enacted the law, but have not yet implemented it.¹ In each jurisdiction that allows it, those who wish to partake must prove their residency and provide documentation verifying their identity. In many jurisdictions, additional steps are taken to prevent fraud, including requiring the individual to vote via provisional ballot until the identity of the individual can be verified.

States which have enacted same-day voter registration have seen a significant increase in voter engagement. Minnesota, the first state to enact same-day registration in 1976, has an average voter turnout that is nearly twenty points higher than the national average.² In addition, a study conducted by Nonprofit VOTE in 2010, which reviewed voter turnout across the country, noted that the ten states with the highest turnout in that year's election had implemented voting practices that facilitate higher voter participation, like Election Day Registration, while the states

¹ Same Day Voter Registration. (2014, May 6). Retrieved September 19, 2014.

² FairVote.org | Minnesota's same-day registration success pushed for federal elections. (2008, May 7). Retrieved September 19, 2014.

that had the lowest turnout “placed a heavy burden on voters by requiring that they register to vote far in advance of Election Day.”³ Due to the great success that same-day registration has had across the country, the MCDCC strongly recommends that the state adopt this practice.

Holding Special Elections by Mail

Taskforce Recommendation #28: The Task Force unanimously recommends that the Governor for congressional and state-level offices, or the County Council for county-level offices, as the case may be, should have the discretion to conduct special elections entirely by mail ballot. Currently, only the County Council fills vacancies by special election. The Task Force recommends that they have the discretion to conduct these special elections entirely by mail ballot.

The MCDCC **supports** this Task Force Recommendation, since election by mail is considerably less expensive than voting in person. Several local jurisdictions have begun testing this model for elections and have found that implementing an all-mail voting procedure resulted in a 43% cost savings.⁴

At least 22 states have provisions allowing select elections to be conducted by mail; three of them hold all elections entirely by mail. Switching to an all-mail system should result in greater voter engagement in special elections, by providing voters a convenient way to participate.⁵

Ranked Choice Voting

Taskforce Recommendation #33: The Task Force recommends that the County Council adopt ranked choice voting for county elections. The Council can phase in ranked choice voting, starting with the Council's at-large seats, school board elections, or primary elections.

Taskforce Recommendation #34: The Task Force recommends that the County Council encourage the Maryland General Assembly to adopt ranked choice voting for state elections.

Taskforce Recommendation #35: The Task Force recommends that the County Council encourage the state to purchase voting equipment that can tabulate ranked-choice ballots without requiring exports to spreadsheet software.

The MCDCC **opposes** ranked choice voting as this method could result in an election of a candidate without a clear plurality or majority of votes. It is too complicated for large elections

³ Pillsbury, G., & Johannesen, J. (2011, April 13). America Goes to the Polls 2010. Retrieved September 19, 2014.

⁴ Lehman, Sophie. "States Tinker with Elections - Nonprofit Vote." *Nonprofit Vote States Tinker with Elections Comments*. Nonprofit VOTE, 26 Aug. 2014. Web. 19 Sept. 2014.

⁵ Underhill, Wendy. "All-Mail Elections (aka Vote-By-Mail)." *All-Mail Elections (aka Vote-By-Mail)*. National Conference of State Legislators, 7 July 2014. Web. 19 Sept. 2014.

such as these. Furthermore, there is no evidence to suggest that our current system of voting does not work well.

In a recent election in a local jurisdiction that has adopted rank-choice voting, a significant percentage of ballots were invalidated due to over-voting, while 21% of voters opted to not use all three of their choices, which limited their participation in the instant runoff. When surveyed after the election, 70 percent of voters were confused about whether the system had accurately tallied their votes.⁶ Due to the complexity of this proposal, and the lack of a clear benefit, MCDCC opposes this recommendation.

Voting Access for Non-citizens with a Permanent Resident Visa

Taskforce Recommendation #52: The Task Force recommends that Montgomery County request the State of Maryland to allow each county to determine its own public policy with respect to the voting rights of non-citizens with permanent resident visas in county elections.

Taskforce Recommendation #53: The Task Force recommends that Montgomery County allow non-citizens with permanent resident visas to vote in county elections if state law is changed to allow non-citizens to vote.

MCDCC **supports** these recommendations. Allowing non-citizens with permanent resident visas to vote would make voting more inclusive and promote civic participation by immigrants who already assume all other responsibilities of local citizenship, including working, paying taxes, contributing to and being a part of civic and community activities, and being subject to U.S. military draft. Allowing permanent residents to vote in county elections would thus provide more members of the local community a stake in the decision-making that affects their community.

There is historical precedent for voting by non-citizen immigrants in many states, including Maryland. However, Maryland ended non-citizen voting rights in federal and state elections in 1851, and Article I, Section I of the Maryland Constitution requires U.S. citizenship and Maryland residency as prerequisites for voting eligibility. If progressive counties like Montgomery are allowed to provide voting rights to non-citizens with permanent resident visas in county elections, it could encourage other counties to follow suit. The General Assembly must change the state law before the County can implement any change in the voter laws for residents with permanent resident immigration status.

⁶ James, Scott. "Studies Show Many San Francisco Voters Don't Understand How We Are about to Elect the Mayor." *The Risks of Ranked-Choice Voting*. The Bay Citizen, 6 Oct. 2011. Web. 19 Sept. 2014.

Voting Rights for Prisoners and Felons

Taskforce Recommendation #54: The Task Force recommends that Montgomery County develop and administer an active voter registration and civic education program as part of re-entry services provided in prison for people being released from the Montgomery County Correctional Facility. The County should create opportunities for voter registration for all prisoners awaiting trial for felony or misdemeanor charges or serving time for misdemeanor offenses.

Taskforce Recommendation #55: The Task Force recommends that the County Council encourage the Maryland General Assembly to change state law to allow incarcerated felons who are Maryland residents the option to register to vote during the pre-release phase before any parole and probation. That 'pending' registration should become active automatically on the date the person becomes eligible.

The MCDCC supports these recommendations. MCDCC previously supported the 2007 state law which allowed ex-offenders to vote after they have fulfilled all obligations under their sentence (including imprisonment, paying fines, and serving probation). Criminal defendants who are not yet convicted are still eligible to vote. Also, evidence shows that convicted felons are unlikely to have voted prior to incarceration.⁷ Therefore, voter education and guides would be a useful first step in restoring voting rights.

It also makes sense to educate inmates who are about to be released that they have the opportunity to register to vote after they have fulfilled all of their responsibilities under their sentences. (Their registrations will not become active until the penal system informs the Board of Elections they are eligible to vote.) Providing voter registration during the pre-release phase would be a logical follow-up to voter education efforts. Allowing registration and then automatic eligibility upon completion of probation and parole would be similar to allowing voters to register before age 18 and then attain automatic eligibility upon turning 18.

Registration and restoration of voting rights would allow prisoners who have served their sentences to regain the rights of full Maryland citizens.

Thank you very much for allowing MCDCC to present these views.

Alan Banov
9605 Hillridge Drive
Kensington, MD 20895
301-942-6279
Member (District 18), Montgomery County Democratic Central Committee
Chair, MCDCC Voter Protection Committee

⁷ The Politics of the Restoration of Ex-Felon Voting Rights: The Case of Iowa, 2014, Marc Meredith and Michael Morse, *Quarterly Journal of Political Science*, cited by the Task Force.



THE LEAGUE OF WOMEN VOTERS
of Montgomery County, MD, Inc.

Testimony to the Montgomery County Council
on the Recommendations of the Right-To-Vote Task Force
September 23, 2014

Good evening. I'm Linna Barnes, president, speaking for the League of Women Voters of Montgomery County. First, we congratulate you on your decision to appoint a task force on the Right to Vote, and we thank you for this opportunity to comment on its recommendations.

Basis for commenting. As you know, our testimony is always based on positions to which our members have agreed after study and discussion -- either locally, statewide, or, in some cases, across the country.

Please note these points regarding the comments that follow: (1) In general, we are strongly supportive of efforts to inform eligible residents of their right to vote, and to make it easier to register, to become informed about candidate and issues, and to vote. (2) For the Task Force recommendations that are supported by our positions, we also have comments about how those recommendations could be implemented. (3) There are other recommendations -- some very interesting -- on which we do not have positions and so we are not commenting on them.

The League of Women Voters of Montgomery County supports the following recommendations:

Voter registration – online and same day. We support the Task Force's recommendations to improve online voter registration (1-4) and to provide for same-day voter registration (5). We urge you to encourage (a) the State Board of Elections to implement those that they can and (b) our state delegation to develop or support legislation to enable the others -- including the constitutional amendment to authorize same-day voter registration.

Voter registration – more options. We support recommendations 8 and 9 for automatic registration options and the suggestions for voter registration during service encounters at County offices -- with options for both paper and online forms. We urge you and the County Executive to implement this service expansion locally by enabling more county agencies to offer voter registration (either with a HAVA [Help Americans Vote Act]-like link or by offering a paper registration form) and to look into linking county online forms (like property tax) to the State Board of Elections registration system.

Ballot design and language. We strongly support both "Friendlier Ballot Design" (Recommendation 10) and "Clearer Language for Referendums" (Recommendations 11-13) in concept -- although we cannot speak to most of the specific suggestions included in Recommendation 10.

Lines and long-distance voting. We support Recommendation 14 "Understanding Long Lines" and encourage you to ask the County Board of Elections to review its policies and practices in comparison to the best practices discussed in the cited reports [while recognizing that the County has its own best practices with website tracking of line lengths at the early voting centers and the use of Future Voter students to assist those waiting to vote]. We also support improved information for U.S. Military and Overseas Voters (Recommendation 15).

Voter outreach. We strongly support continued outreach (beyond the information in the sample ballot) to make more voters aware of the three ways to vote in Montgomery County (Recommendation 17), and we believe such outreach could hold significant promise for increasing voter turnout. We note that Early Voting has already



THE LEAGUE OF WOMEN VOTERS *of Montgomery County, MD, Inc.*

shown increasing numbers, but we are concerned that many eligible voters who might find it easier to vote on a weekend still do not realize that they can do so.

Apps. As long-time supporters of efforts to inform voters and to encourage young citizens to vote, we see real value to developing "apps" for mobile devices, as recommended in recommendations 18-21. We compliment the Board of Elections on beginning this process and urge you to support their ongoing efforts.

Ranked choice voting. We strongly support recommendations 33, for the adoption of Ranked Choice/Instant Runoff Voting for county elections, and 35, to encourage the state to purchase voting equipment that can tabulate ranked-choice ballots without requiring exports to spreadsheet software. We regret that we currently have no position on which to base support of the same approach for state elections.

State-level redistricting. We are already strong advocates for a fair redistricting process on the state level (Recommendation 36) conducted by a neutral redistricting commission (Recommendation 37) with meaningful opportunity for public input and comment (Recommendation 39), and we would be very happy to have the County Council's support. We support the recommendation that elected officials be ineligible to serve on a redistricting commission (37.2b). However, unlike the Task Force, we support the State Legislature's having final approval of the state redistricting plan.

County-level redistricting. At the County level (recommendations 40 and 41), we also support the concept of a fair and open redistricting process conducted by a neutral commission. In view of the large number of registered voters without party affiliation, we suggest that the Council might consider some representation on the commission for non-affiliated voters. Nonetheless, we found the recent County redistricting process and resulting districts to be much closer to the ideal than those designed at the State level.

Initiatives and referenda. On Initiative and Referendum, we support the recommendation (42c) that "a process should be established to ensure that ballot questions are written so that they can be understood by the average voter," and, again, the County has done a good job with its current Charter amendment.

On the "Minor" or "Non-Principal" Party Ballot Access recommendations, we support #45 and urge you to request the County Board of Elections to provide information explaining the signature-gathering requirements for non-principal parties and independent candidates.

We also support #47 and your requests to the State Board of Election to return to "reasonable certainty" petition signature standards instead of the "strict, to-the-letter" standards in place since March 2009.

Debates and media. We strongly support the concept of equal debate and media access for all candidates. As a means to that end, we support recommendations 49 and 50 for free and equal media access at the local and state level, and, in a related vein, also support local funding that facilitates the preparation/distribution of all candidates' positions to registered voters -- in lieu of direct matching grants to candidates.

Financial resources. We are glad that the Task Force recognized that increased financial resources may be needed by the Board of Elections to carry out the additional work involved in the Task Force's recommendations, and we join them in urging you to provide that funding.



THE LEAGUE OF WOMEN VOTERS
of Montgomery County, MD, Inc.

The League of Women Voters of Montgomery County has concerns about some of the Task Force Recommendations:

Automatic registration options. We have reservations about automatic registration options. While we strongly support making registration easier, we note in regard to recommendation 6 and 7 that many permanent residents who are not citizens, as well as undocumented residents, might appear on these lists. Unfortunately, they may receive and respond to these mailings, inadvertently committing a felony. Alternatively, to weed out those not eligible to register from these lists prior to mailings might be difficult or costly.

Sufficient information. Although we support improved information for U.S. Military and Overseas Voters as covered in Recommendation 15, we question whether municipal election dates and contact information as proposed in Recommendation 16 would be sufficient to enable them to be informed voters in municipal elections.

Choice. In regard to the "Get Out the Vote" recommendations (22-24), we have long been committed to protecting the right of every citizen to vote, and encouraging them to fully utilize that right, but we suggest that inherent in that right to vote is the right not to vote and to have that decision remain a private one.

We urge you to consider whether the publicity proposed goes beyond encouragement and approaches pressure or harassment. Additionally, for recommendation 22, lists of the absentee and early voters currently are available from the SBE after Early Voting closes and prior to Election Day for a nominal fee, as are the lists of all registered voters used by many campaigns throughout the election cycle.

Closed primaries. In the past, we have supported closed primaries, but our members have recognized that they do leave the large number of unaffiliated voters in the County without a voice in what are often the decisive elections.

Retaining closed primaries but urging the parties to open them to unaffiliated voters (Recommendation 31) seems a worthwhile approach to consider.

The recommendation (32) that "in the event of an uncontested General Election, the Primary Election must be open to all who are entitled to vote in the General Election" seems moot to us so long as the deadline to register to run as a general election petition candidate or a nominee from a non-principal political party occurs several weeks after the Primary Election.

Thoughts on voting access. On the Voting Access for Noncitizens with a Permanent Resident Visa (recommendations 52 and 53), we have no specific position, but we question the wisdom of weakening the bond between citizenship and voting rights, and we have some concern that frustration might be the major response to allowing people to vote in all elections except the ones they care most about. Similarly, on Voting Rights for Residents Who Are 16 or 17 Years of Age, we anticipate that that frustration may be the major response to allowing them to vote in some elections, but not the ones they are most aware of.

We appreciate this opportunity to comment on the Task Force's recommendations, and we look forward to working with you on their implementation.



The Center for
Voting and Democracy

6930 Carroll Ave., Suite 610
Takoma Park, MD 20912 - (301) 270-4616
(301) 270-4133 (fax) · info@fairvote.org
www.fairvote.org

Testimony of Austin Plier, FairVote's Promote Our Vote Project
Presented to Montgomery County Council, September 23, 2014

My name is Austin Plier and I direct FairVote's Promote Our Vote project. Here at Promote Our Vote, we believe in the power of community engagement and the value of local governments as laboratories for improving democracy. Working with Montgomery County to pass a resolution in support of a constitutional right to vote and establish a voting taskforce has been rewarding, and the comprehensive report produced by the taskforce is an exciting achievement. The policies recommended in the taskforce's report would greatly protect and expand access to voting rights for Montgomery County citizens. Attached to my written testimony are FairVote policy briefs on several of the taskforce's recommended policies, as well as the summary of a scholarly study with empirical evidence on the merits of ranked choice voting (RCV) and its impact on the civility of campaigns.

I would like to add that Montgomery County has an ongoing opportunity to increase community engagement and voter turnout through implementing various practices. While the policy proposals recommended by the taskforce promise to have a meaningful impact, the county can go further to reach out to communities that are less likely to vote, and engage them in the democratic process. Basic best practices at the county level – which would not require any change in statute – include: coordinating countywide events around Election Day to get out the vote, supplying voting information packets for new residents of the county and putting on debates in areas with low turnout to inform and engage voters. The possibilities are endless. Here at Promote Our Vote, we are eager to continue collaborating with the County Council and members of the taskforce to review and implement practices of this nature.

Finally, as we consider each of these policies and work toward best practices to improve voter turnout, we should continue to do so in the spirit of collectively supporting voting as a fundamental right. Last fall, the County Council admirably passed a resolution calling for an explicit, individual right to vote in the U.S. Constitution, and in doing so, created this task force. It is important to keep that in mind as each of these policies and practices are considered in order to do right by the core principle that has brought so many of us together over the past year to improve our democracy.

Restoring Voting Rights to Citizens with Past Felony Convictions

State Policy

August 2014

States can pass laws to ensure that once a person is released from prison, his or her right to vote is restored.

The Problem: Individuals with a felony conviction are often barred from voting based solely on where they live. State laws involving voting rights for people with felony convictions vary widely. Eight states permanently deny suffrage to individuals convicted of certain felonies; two states make no exceptions. Another 38 states restore voting rights upon completion of people's sentences, but often mandate completion of parole or probation.

Even in states that allow quick restoration of voting rights for persons with felony convictions, the process of re-registering to vote is often difficult because laws regulating voting rights restoration can be complex and decentralized. The process often involves lengthy paperwork, burdensome documentation, and coordination among several state agencies.

The Solution: U.S. Senators Ben Cardin (D-MD) and Rand Paul (R-KY) are proposing legislation to establish federal norms. States can pass legislation right now that will remove barriers to voting for people with felony convictions.

There is a range of legislative

changes that make restoring voting rights easier. These include making voter registration a part of the parole and probation processes, eliminating waiting periods between release from prison and restoration of voting rights, improving data-sharing procedures among state agencies, and requiring that ex-offenders be given information and assistance in regaining their voting rights.

Success Story: In 2013, Virginia's Republican governor put in place a new policy which automatically restores voting rights to citizens convicted of nonviolent or drug offenses after they have paid their debts to society. The new policy eliminates the previous two-year waiting period for the restoration of voting rights. In addition, the Virginia policy restores the rights to run for and hold public office, to serve on juries and to function as a notary public. This is an important step forward. Under the prior system, an estimated 350,000 Virginians were unable to vote because of a felony conviction. Supporters of the policy estimate that at least 100,000 could have their right to vote restored.

2014 POLICY GUIDE



Key Facts

More than five million Americans who have been released from prison are denied the right to vote due to laws that disenfranchise people with felony convictions.

Fiscal Impact

Little to none. While there may be some costs associated with registering more people to vote, this could be accomplished as a part of the parole or probation process. Moreover, by creating a statewide procedure, legislation would also reduce administrative hurdles and Election Day confusion over who should and should not be allowed to vote. Restoring voting rights to people out of prison would also eliminate the opportunity for erroneous purges of eligible citizens from the voting rolls and relieves confusion among election officials about who is eligible to vote.

Related Reforms

- Restoring Voting Rights to People with Past Criminal Convictions: Federal
- Right to Vote Constitutional Amendment

Part Two Resources

- Model State Statutory Language

Ranked Choice Voting for At-Large Local Elections

2014 POLICY GUIDE



Local Policy / State Option

August 2014

Ranked Choice Voting promotes good government and fair representation for municipal councils and school boards.

The Problem: Most cities and counties in the U.S. elect their legislative bodies in winner-take-all elections. The use of at-large winner-take-all elections means the largest group of voters can elect all representatives. Even in single-member wards, however, winner-take-all rules can shut out minority opinion and leave most races uncompetitive. The winner-take-all system also results in lower levels of representation for women and racial minorities.

Meanwhile, the use of wards or districts opens the door to gerrymandering, in which politicians manipulate district lines to ensure favorable results.

The Solution: Ranked choice voting results in more representative democracy, especially in elections with multiple open seats. In this case, elections are at-large (or in multi-member wards), and voters can rank the candidates in order of choice. A like-minded majority of voters will elect a majority of seats, and any group comprising 25% of voters will elect about 25% of seats. The power to rank

candidates minimizes “wasted vote” and frees voters to indicate their sincere first choice, second choice and so on.

Nearly every voter ultimately will help elect preferred representatives. Every election is likely to be meaningfully contested, and representation more reflective of the electorate. The latest voting technology can accommodate ranked choice voting, thus removing a historic barrier to its use. Cities can enact the system or request their state to allow them to enact it.

Success Stories: Ranked choice voting has a long history of use in at-large local elections. The National Civic League’s model charter lists it as an option. Cities once using it for council elections include Cincinnati, New York, Cleveland and Sacramento. It is used to elect the Cambridge (MA) city council and at-large local offices in Minneapolis (MN). It is widely used in local elections in Ireland, Scotland, Australia and New Zealand. *Note: The single-winner variation of ranked choice voting is more widely used in the U.S.A.*

Key Facts

Ranked choice voting in multi-seat elections (also known as the “single transferable vote”) has been used in 25 cities throughout the U.S., with current uses in Cambridge (MA) and Minneapolis (MN).

In 2009, the Minnesota Supreme Court unanimously rejected a legal challenge to ranked choice voting. The Massachusetts Supreme Court in 1996 also unanimously upheld its constitutionality in Cambridge.

When New York City attempted to remove ranked choice voting for community school board elections, the Department of Justice denied preclearance under Section 5 of the Voting Rights Act.

Fiscal Impact

Implementing ranked choice voting may require an upgrade to voting machines or use of hand counting. It will likely require new ballot design and pollworker training. Its first use often is accompanied by additional voter education efforts.

Related Reforms

- Ranked Choice Voting for State Legislatures
- Ranked Choice Voting Equipment
- Democracy Index

Part Two Resources

- Model statute
- Ranked Choice Voting History
- Choice voting graphics

Usability Testing For Ballots

2014 POLICY GUIDE



Federal, State and Local Policy

August 2014

Usability testing helps ensure voters can easily understand how to express their preferences on their ballot.

The Problem: Ballots are not always intuitive to voters. In cases where instructions are unclear or ballots poorly designed, voters can make errors or not vote as intended. As a result, their votes are either miscast or discarded. For example, in 2000, Florida has a large increase in presidential candidates on its ballot. Palm Beach County designed a “butterfly ballot” in order to keep all candidates on one page with relatively large fonts for readability. Duval County put candidates on two different pages. These untested ballot designs caused a significant number of miscast votes, including a 10% rate of overvotes in Duval County. Such unclear ballots are most confusing to new voters, elderly, low-income and disabled voters.

The Solution: Ballots and their instructions should be tested to determine how easy they are to understand and use. Usability testing ensures that potential pitfalls

associated with certain ballot designs are discovered before ballots are finalized.

In each jurisdiction designing ballots, drafts of ballots should be tested with a range of voters to measure errors and see if voters vote as intended (after being given an “assignment” on how to vote). Doing so and then refining designs will ensure that ballots are clearer, instructions better, and errors minimized.

New designs and testing results should be public to improve accountability and promote standard practices. Communication among jurisdictions can lead to more uniform principles for ballot design and voter instructions to ensure that voters are not unfairly disadvantaged due to where they live and the clarity of their ballots. More uniformity will help voters who are moving into new jurisdictions so that similar systems have similar designs and instructions.

Key Facts

The confusing “butterfly ballot” design in Palm Beach County (FL) in the 2000 presidential election led to Reform Party candidate Pat Buchanan obtaining 3,411 votes, some 90% of which were almost certainly intended for another candidate. These ballots were not tested prior to the Election Day.

Similarly, Duval County (FL) that year had one in ten presidential ballots invalidated due to overvotes; presidential candidates were listed on two different pages.

Fiscal Impact

Usability testing to create better ballots and clearer instructions would incur nominal costs that would lower over time as more standardized guidelines would make it easier to design future ballots.

Part Two Resources

- Usability Testing Standardization Act – Federal
- Usability Testing Standardization Act – State

Related Reforms

- Voter Guides
- Civic Education
- Poll Worker Training
- Democracy Index

Extending Voting Rights to 16- and 17-Year-Old Citizens

State and Local Policy

August 2014

Voter turnout is too low. Enabling cities to extend local election voting rights to 16-year-olds boosts turnout.

The Problem: Voter turnout among eligible voters under 30 is far lower than any other age group. Turnout rates for these young citizens can be particularly low in local elections, being often only a fraction of that of older voters. One reason is that our voting age means an American's first chance to vote often is when they are nearly 20 and have left their familiar community.

The Solution: Laws allowing localities to extend voting rights to citizens at age 16 are a means to increase civic engagement and voter turnout by giving communities a chance to introduce young people to voting when still living at home.

The 26th amendment was the fastest-adopted amendment in history, lowering the voting age to 18. States and some cities can go further to establish a lower voting age. At least 20 states already allow 17-year-olds to vote in primaries or caucuses, and more cities are debating a lower voting age of 16 or 17.

Having a chance to participate in elections before leaving home creates opportunities for schools, communities and families to embrace young people's "first vote" opportunity.

Citizens who are 16 and 17 are often already old enough to register to vote and enlist in the military service. They typically have studied American democracy and political processes in high school. Research from nations and cities with age 16 voting shows that young voters exercise their voting rights as responsibly as older voters.

Furthermore, younger voters are far more likely to vote than those who cannot vote until they are 18 or older. Indeed, "first vote" turnout declines steadily with age until voters are 21. Those who cast their vote when first given the opportunity are also more likely to keep voting over time.

Success Story: Takoma Park (MD) has extended voting rights to its 16- and 17-year-old residents. In November 2013 and a 2014 special election, more 16- and 17-year olds voted than all 18-30-year-olds combined. In 2013, teen turnout was much higher than turnout of all older voters.

2014 POLICY GUIDE



Key Facts

Voting at 17 is permitted in primaries in more than 20 states. Voting at 16 is permitted for national elections and/or some local elections in Argentina, Austria, Brazil, Germany, Norway, Switzerland, United Kingdom (Scotland) & USA.

Voter Turnout Fact

Young people participate at lower rates than older Americans in all elections. In 2010, turnout among eligible voters under 25 was one-third of the turnout rate of eligible voters over 64. This turnout disparity is even higher for local elections that already tend to have extremely low turnout.

Fiscal Impact

Little to none, especially when the new voting age corresponds to the age at which voter pre-registration is permitted. (Voter pre-registration also has little to no fiscal impact.)

Related Reforms

- Voter Preregistration
- Automatic Registration
- Civic Education

Part Two Resources

- Model Statutory Language
- FAQ

Reasonable Ballot Access

2014 POLICY GUIDE



Federal and State Policy

August 2014

Removing unfair barriers to candidates appearing on the ballot upholds the rights of individuals and groups to organize politically and discuss their ideas with voters.

The Problem: Until the end of the 19th century, state and local governments did not print ballots for elections. Candidates did not have to earn access to a government-printed ballot – instead, they typically just filed for office and sought votes. Today, state laws governing ballot access vary widely. In some states, it is nearly impossible for an independent or minor party candidate to get on the ballot. In some states, it can be even harder to get ballot access in congressional races than in presidential races.

A candidate rarely can win an election, or even compete in a meaningful way, if not on the ballot. As a result, strict ballot access limits voter choice. Every viable candidate should be able to compete, and every election should meaningfully reflect diverse viewpoints.

The Solution: States should pass laws establishing commonsense ballot access requirements for all candidates, including major party candidates in primaries and independent and minor party candidates in general elections. Congress should pass a law establishing standards for ballot access for federal offices.

Signature requirements for new parties should not be prohibitively high. States should not impose unrealistic deadline requirements that preclude minor parties from obtaining necessary signatures. Providing minor parties with reasonable access to the ballot gives voters more of a choice and improves the quality of democracy.

Success Stories: In 2012, ballot access advocates won legal victories in several states. In Illinois, a court struck down a law requiring newly-qualifying parties to nominate a full slate of candidates, allowing Libertarians to run a candidate in one race without having to run candidates in other county offices. In 1998, Florida voters backed fair ballot access when they passed an amendment to their state constitution that eased ballot access for non-major parties.

In 2014, Tennessee changed its county ballot access laws to make new political party ballot access a more realistic possibility in counties. At the same time, it corrected a wildly impractical special election petition requirement in response to a lawsuit brought by the Libertarian Party.

Key Facts

Ohio: In 2006, the Sixth Circuit struck down Ohio's restrictive ballot access law, stating that it impermissibly restricted minor parties' First Amendment rights.

Oklahoma: For three elections in a row (2004, 2008 and 2012), Oklahoma has been the only state to only have Democratic and Republican presidential candidates on the ballot. Write-in candidates are also not allowed in Oklahoma.

Fiscal Impact

Generally, none. Requiring fewer signatures for new party petitions may actually save money by reducing administrative costs.

Related Reforms

- Ranked Choice Voting
- Debate Access

Part Two Resources

- Model Federal Uniform Ballot Access Act
- Model State Uniform Ballot Access Act
- Ballot Access News at <http://www.ballot-access.org>

Automatic Voter Registration

2014 POLICY GUIDE



State Policy

August 2014

Driver's licenses and tax databases can be used for automatic voter registration, increasing access to the polls.

The Problem: The United States is one of the few well-established democracies where the government does not automatically register eligible voters as they reach voting age. Because our “opt in” basis for voter registration does not produce complete or accurate voter rolls, Congress and the states should act to establish automatic, universal voter registration that ensures that every eligible voter is able to vote.

The Solution: Each state should enact laws directing the DMV and/or tax collecting agencies to send election officials the names and addresses of every citizen as they approach voter eligibility. Election officials would automatically register them, enter them into the statewide voter database and notify these new voters about their registration, with an opt-out provision. Before voting, newly registered voters would also be informed about voter eligibility rules to avoid potential mistakes.

Nationally, these rules would add tens of millions of citizens to the rolls, while effective interstate communication would eliminate millions of duplicate registrations. Existing identification systems would prevent fraud. Under rules for gaining a Social Security card, applicants must show proof of U.S.

citizenship or immigration status. Most states require every applicant for a driver's license to show proof of legal residence within the United States, verification of birth date, and a Social Security number. Many states' tax collecting agencies also require a Social Security number or an individual tax identification number for income tax forms. Therefore, these two databases already include information necessary for voter registration, including citizenship status, place of residence and age. Using these two databases, officials would add new recipients of a driver's license or tax filers to the voter rolls automatically. As more new drivers and tax filers are added to the rolls, states would approach 100% voter registration.

Success Stories: Canada, Denmark, France and Norway are among many nations with automatic voter registration, leading to rates well above the international norm of 90%. Our registration rate is estimated to be between only 70% and 75%.

Automatic registration bills have been introduced in many states. In Oregon, it fell one vote short in the legislature in 2013, while Louisiana in 2014 created an “opt-out” voter registration system for citizens at the DMV upon turning age 16.

Key Facts

Automatic voter registration is the norm in many democracies. Under American supervision, for example Iraq automatically registered its citizens using government databases and soon had a higher share of registered voters than the U.S.

Fiscal Impact

The coordination of government departments (such as DMVs or tax boards) with voter registration databases would impose short-term costs. Minnesota estimated that it would cost \$728,000 in the first year of statewide automatic voter registration and \$239,000 in the second. However, the state estimated that the annual cost after this period would be only \$15,000.

Bipartisan Support

Louisiana in 2014 passed a bipartisan law to have an “opt out” voter registration system for new registrants at the DMV starting at age 16. Backers of similar proposals to modernize voter registration include former Ohio Secretary of State Ken Blackwell (R) and former Sen. Hillary Clinton (D). Blackwell wrote that doing so “would serve voters better and save states money by streamlining the process.”

Part Two Resources

- Model statutory language

Ranked Choice Voting and Civility: New Evidence from American Cities

FairVote: The Center for Voting and Democracy: www.fairvote.org

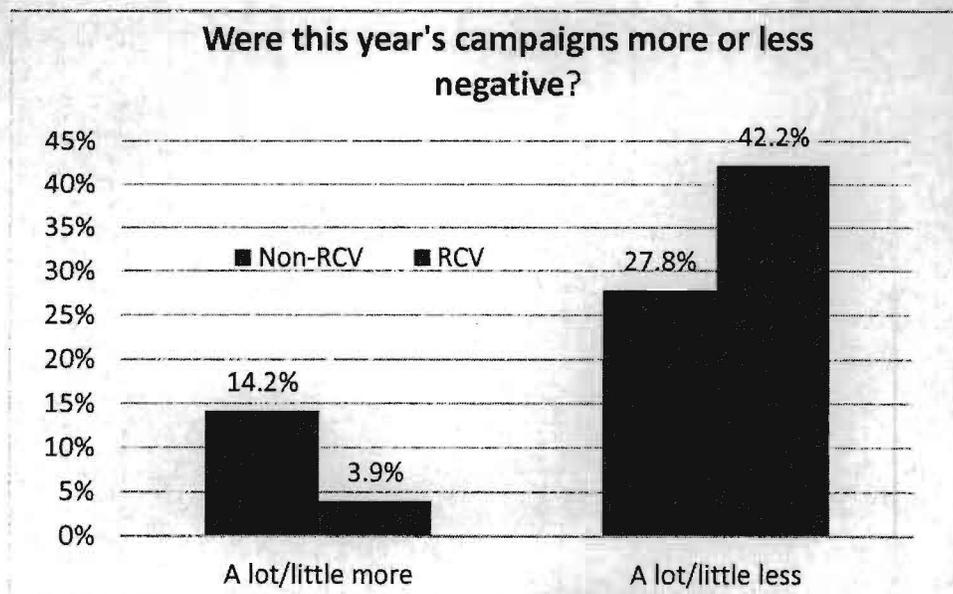
April 2014

By Andrew Douglas

Ranked choice voting (RCV) has been associated with a range of civic benefits, but in the context of the polarized politics of the United States its potential to promote civil and inclusive campaigns is especially promising. As the use of ranked choice voting has increased in the U.S. – including adoption in Minnesota’s Twin Cities and the Bay Area in California – there is now more data available to test this idea in American elections. Highlights from two recent studies suggest that RCV has been embraced by voters and candidates alike, who see RCV as a means of reducing divisive politics and fostering more positive, inclusive, and informative campaigns.

The charts in this analysis are based largely on data from a random sample survey of 2,400 likely voters, conducted after the November 2013 elections by the Eagleton Poll at Rutgers University in collaboration with Professors Caroline Tolbert (University of Iowa) and Todd Donovan (Western Washington University). Half of the respondents were from one of three cities holding elections with RCV: Minneapolis (MN), where RCV was used for mayor and 21 other offices; St. Paul (MN), where RCV was used for mayor and a city council race; and Cambridge (MA), where the multi-seat form of RCV was used to elect the city council and school committee. The other half of respondents were from one of seven non-RCV control cities with similar demographics, including Seattle (WA), Tulsa (OK) and Boston (MA). Larger cities had proportionally larger shares of respondents.

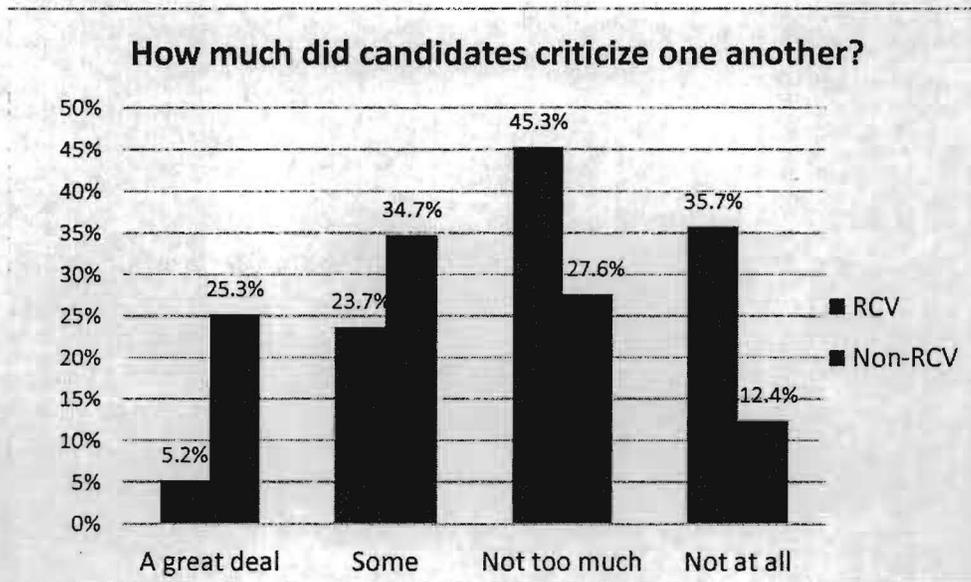
In 2013, FairVote received a \$300,000 grant from the Democracy Fund to organize and fund independent academic analysis of the impact of ranked choice voting on the civility and substance of political campaigns in American cities. The project is based on polling done in 10 cities in November 2013, with a new round to be completed in November 2014. This report presents initial findings.



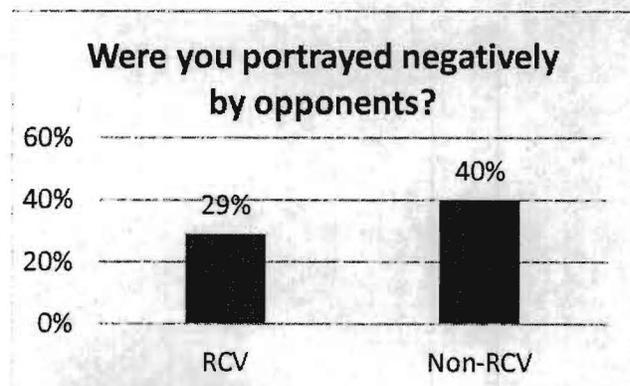
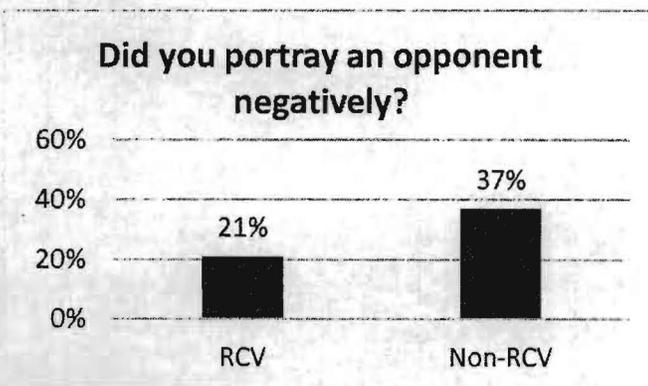
Other data comes from a survey by Tolbert and Donovan of more than 200 candidates from cities holding RCV elections from 2011 to 2013 and from control cities. While wider adoption of RCV in the United States would allow for more robust conclusions about its effects, these initial results are encouraging.

Impact on campaign tone: When asked if this year's campaigns were more or less negative than other recent political contests, voters in ranked choice voting cities were significantly more likely to report that the 2013 election was less negative, and significantly less likely to report that the campaigns were more negative.

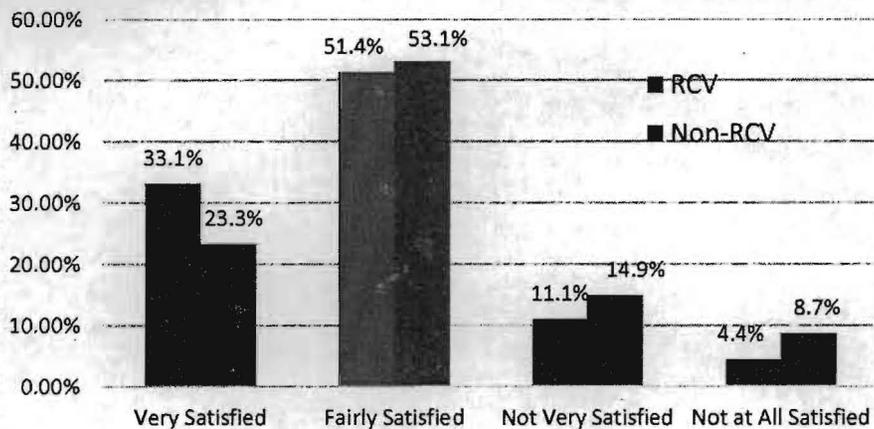
Similarly, voters from RCV cities were significantly less likely to report that candidates criticized one another "a great deal" than were voters from non-RCV cities (5.3% to 25.3%). As the chart below illustrates, they also were nearly three times as likely to say that candidates had not criticized one another at all (35.7% to 12.4%).



Evidence from the Donovan-Tolbert candidate survey found similar opinions about the effects of ranked choice voting from those on the other side of the electoral process. Candidates who participated in RCV elections were significantly less likely to claim that they had been portrayed or described negatively by their opponents, or to admit that they had portrayed an opponent negatively.



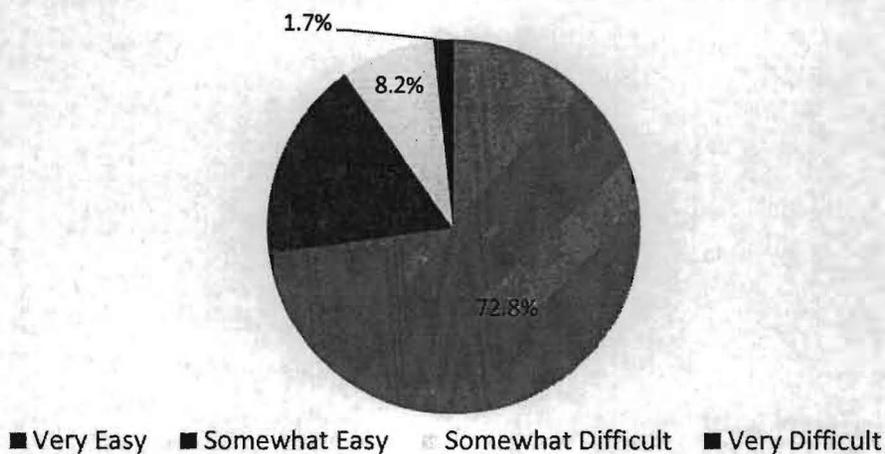
Voter satisfaction with conduct of campaigns



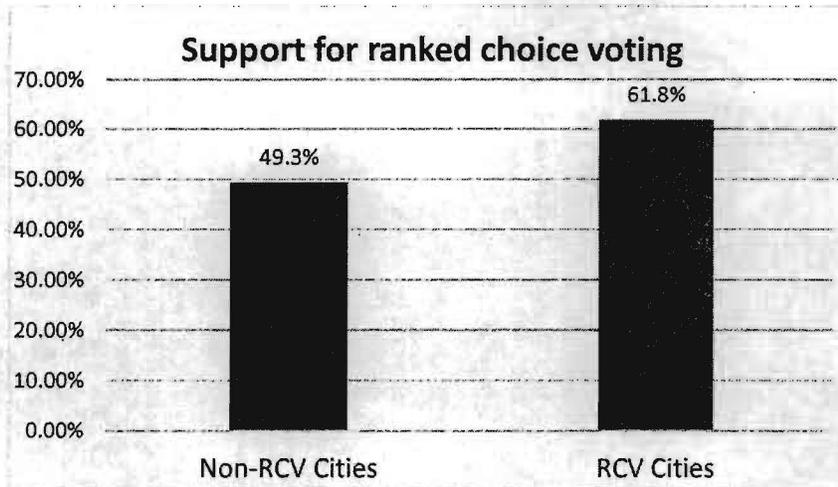
Voter satisfaction: The reduction in negative campaigning likely contributed to the greater overall satisfaction of voters with the conduct of campaigns in cities with ranked choice voting. Such voters were significantly more likely to report that they were “very satisfied,” and nearly half as likely to describe themselves as “not at all satisfied.”

Ease of voting with RCV: The survey of voters also found that the vast majority of those who have voted in a ranked choice voting election adapted to the new ballot with ease. Over 90% of those surveyed reported that understanding the instructions on their RCV ballot was either somewhat or very easy.

Ease of understanding ballot instructions under RCV



Support for RCV: Support for RCV is strong in the three RCV cities surveyed. Given the clear improvements to the tenor of campaigns seen in cities with RCV, the ease with which voters have adapted to using it, and the system’s ability to avoid problems with traditional plurality voting (like the spoiler effect) and runoff elections (costs and turnout), it is no surprise that support for RCV is strong among those who have experienced it.



Over 60% of respondents in RCV cities supported the system, while nearly half of respondents elsewhere did so. While these results indicate a strong base of support for RCV across most cities, it suggests that first-hand experience with RCV sustains or improves attitudes toward RCV.

Caroline Tolbert is a professor of political science at the University of Iowa, where she focuses on voting, elections, public opinion, and representation. She is the co-author of eight books and nearly 50 articles in academic journals. Her work has been funded by the Russell Sage Foundation, Smith Richardson Foundation, the MacArthur Foundation, the National Telecommunications and Information Administration (NTIA), Partnership for a Connected Illinois, One Community (Cleveland), and the National Science Foundation (NSF). She is the author of the forthcoming paper *Experiments in Election Reform: Voter Perceptions of Campaigns under Ranked Choice Voting vs. Plurality Voting*.

“There appears to be a systematic relationship between availability of RCV elections and perceptions of relatively more positive electoral campaigns.” - Dr. Caroline Tolbert

Todd Donovan is a professor of political science at Western Washington University, where he studies the relationship between representation and electoral systems, public opinions, political behavior, direct democracy, and American state politics. He is the author of 10 books on elections and campaigns, and over 50 peer reviewed journal articles. He is the author of the forthcoming paper *Candidate Perceptions of Campaigns under Preferential and Plurality Voting*, which finds that candidates in RCV systems were more likely to praise and less likely to criticize their opponents, and that they were less likely to report that discourse during the campaign took a negative tone.

“RCV candidates were more likely than plurality candidates to report that rivals were praising each other... more likely to say that their contests were less negative than other elections... and less likely to report that their campaign or their opponent’s campaign was negative.” - Dr. Todd Donovan

Our thanks to the Democracy Fund for supporting this project.



**Montgomery County Council
 Testimony on the Voting Rights Task Force Report
 September 23, 2014**

Thank you, President Rice, and all Councilmembers for allowing us to testify today. Common Cause Maryland appreciates this opportunity to respond to the excellent report put forward by the Voting Rights Task Force. We want to thank the Council for creating this critical task force and Councilwoman Nancy Navarro for her leadership on this effort. We also wish to recognize the work done by the task force members and thank them for their service.

In general, we support the recommendations of the Task Force and look forward to working with the County to implement these critical changes. We recognize that many of these reforms will require a change to state law to implement, and we encourage the Council to view us as a resource and an ally in advancing these improvements.

Specifically, we favor movement on the Task Force’s following recommendations:

- **Improvements recommended to online voter registration efforts:** We very much favor the recommendation that Maryland modify the online voter registration system to allow individuals without IDs from the Motor Vehicle Administration to register online by providing a signature through an electronically captured image (by smartphone, e.g.) or – for those who don’t have access to such technology – by way of a mailed postcard, which they can sign and return.
 Online voter registration has gained traction in over twenty states now, and has the capacity to mobilize youth, as noted by the Presidential Commission on Election Administration. Facilitating the process to allow those who don’t have access to smartphones – but are instead registered online at the library, a school, or some other location – will ensure that no eligible voter, regardless of income, slips through the cracks.
- **Passing a constitutional amendment to allow same day voter registration (SDR) on Election Day:** Research shows that same day registration consistently increases voter turnout. Indeed, according to reports issued by Demos, a policy and advocacy organization based in New York, states with SDR have historically enjoyed turnout of 10 to 12 percentage points higher than those without it. See <http://www.demos.org/publication/same-day-registration-testimony-maryland-house-and-senate>. Part of that high rate is directly attributable to SDR. According to a 2010 study, if Maryland were to adopt SDR, its turnout could increase by a full 4.3 percentage points. <http://www.slideshare.net/coryhelene/same-day-voter-registration-in-maryland>. Turnout among those aged 18-25 could increase by 9.1%, and turnout for those who have moved in the last six months – which captures a large proportion of low-income individuals – would increase by 7.2%. *Id.*

SDR, moreover, can be implemented at “minimal” cost, according to a poll of elections officials in SDR states. Many officials have found that there is no real additional cost, but rather a shift from time spent on registration work before to that spent on Election Day. Additionally, the reform does not attract fraud. In states with SDR on the books, heavy penalties are imposed for voter fraud; voters are required to show documentary proof of residency; and voters must sign an oath attesting to his or her identity and citizenship. Intuitively this makes sense. With SDR, eligible voters must attest to their identity face-to-face with an election official. Audits done after an election, too, serve as an additional safety precaution.

- **Improving current law to ensure that voting rights are fully restored for residents with felony convictions upon completion of prison sentences:** When formerly incarcerated individuals complete their sentences and return home, they are called on to enter the work force and pay taxes, even while on parole or probation. As these responsibilities are imposed on them so too should their rights be granted. Not only is this just but it is also a preventative measure against recidivism, as studied issued by the Florida Parole Commission indicate that restoration of civil rights to a former felon may reduce the likelihood of recidivism. Returning the right to vote to individuals upon completion of their sentences is good for the individual and the community.

There are two instances where we encourage the Task Force to continue deliberations around their proposals. These include:

- Efforts to improve fairness and transparency in our redistricting process. We were very encouraged to see significant discussion of redistricting reform and the recommendation of a neutral redistricting commission. Creating a more independent commission to draw district lines is a critical step forward. We urge the Task Force to take the recommendation one step forward and look to the independent commission model, as created in California, to truly take politics out of redistricting.
- We also encourage the Task Force to reconsider its position on maintaining closed primaries except at the whim of the party. The report does recognize that when the general election is uncontested, the primary should remain open; we would argue that, given the voter registration numbers and recent election history in Montgomery County, the general election is in effect uncontested. This leaves a significant percent of the county unable to participate in a way that impacts the ultimate results of the election, effectively leaving them disenfranchised.

A healthy democracy requires the participation of all eligible citizens. To enable this, we need to break down barriers to voting that have inhibited greater involvement, and the recommendations in this report are a strong step forward towards that goal. We thank the Task Force for its thoughtful report and encourage the Council to move forward in support of these critical recommendations.

Common Cause Maryland is a nonpartisan, grassroots organization dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that works in the public interest, and empowering ordinary people to make their voices heard.

To: Montgomery County Council - Right to Vote Task Force open forum

Re: Comments by Gary Featheringham, September 23, 2014

My name is Gary Featheringham. Thank you for the opportunity to comment on the Right to Vote Task Force report. I am the Vice-Chair of the Right to Vote Task Force and one of only two conservatives on it. I am speaking to you as a very concerned citizen. I wrote many of the minority reports and cast many of the votes in opposition to the 59 Recommendations of the Task Force. I am generally opposed to most of the Task Force recommendations.

Where I have substantial differences with the Task Force recommendations are in the proposals to extend the franchise to groups which by age, legal status or disqualifying behavior do not presently have it.

I believe the objective of the Task Force should be to increase voter *participation*, not necessarily increase the *number of voters*. Yet the following three proposals are exclusively focused on expanding the franchise, not turning out more of those who already possess it:

- 1) Lower the voting age in local elections to 16;
- 2) Allow convicted felons to *register* to vote while still incarcerated and the *right to vote* while on probation or parole;
- 3) Give non-citizens the right to vote in local and county elections.

On the first topic -extended the franchise to sixteen year olds - I had a conversation last week with the recently appointed principal of Wheaton High School. She thought giving voting rights to minors a very dumb idea. She said at that age, they are too dependent on their parent's guidance or peer pressure to make an independent, informed and educated decision. MCC should talk to the educators about this idea and not just to the politicians wishing to expand their franchise.

On the second point - extending the franchise to convicted felons - I believe it is a slap in the face to law abiding citizens to give the vote and thus an influence on the making of law to those who have shown a disregard for the rule of law.

And the third – extending the franchise to non-citizens – dishonors one of the signal privileges of American citizenship. For non-citizens there is already a path to gaining the franchise: It's called naturalization. Millions have done it. I oppose

any shortcut that shortchanges all those who have invested time and effort to become American citizens.

These proposals all have one thing in common: they are outside the provisions of both Maryland and U.S. law and, as such, would require at least legislative action and in some instances, constitutional amendment, all well beyond the scope of the Montgomery County Council. It may be argued, as some have done, that they would only effect municipal elections, but I strongly suspect that is nothing more than a toe in the door. And, for certain, like gerrymandering, it makes the political playing field more uneven...different franchises in different communities is a recipe for disunity, not unity.

Those are my views – and, I suspect, the views of many Marylanders on the main points the Task Force has offered. There is one it did *not* offer: the Task Force failed to bring you a recommendation that proof of U.S. Citizenship be required in order to vote. Not doing so opens the back door to infringement of the most precious right of citizenship - the right to vote.

The one recommendation that I do strongly support is Fair Redistricting, which would help eliminate the current gerrymandering and align voting districts in a more non-partisan way. I believe that getting voting districts back to their pre-2002 architecture when Maryland's congressional representation was evenly divided between Republicans and Democrats would help increase voter participation. For your convenience, the Maryland Congressional Election Districts for 1992 -2000 is attached.

According to the independent Election Vote survey, Maryland is the second most gerrymandered state in the Nation surpassed only by North Carolina. I see a correlation between that statistic and the fact that only two-thirds of our citizens vote in presidential elections and fewer than half in off-year elections. If the vote is rigged to give one side or the other an unfair advantage what's the point in voting?

In summary, I believe the only way to increase voter participation is to make it clear that no one's thumb is on the scale and that the votes of mature, law-abiding, citizens are the governing power of our democracy.

Gary Featheringham, Vice-Chair, Right to Vote Task Force

CONGRESSIONAL ELECTION DISTRICTS, 1992-2000



10

Before the Montgomery County Council

Comments on the Right to Vote Task Force report presented by Paul M. Bessel - September 23, 2014

I want to compliment the Montgomery County Council for establishing a task force on the subject of increasing voter participation. I also want to compliment the members of the task force for their efforts. However, I feel there are several problems with the task force's report.

Voting by Mail - Was complete voting by mail considered by the Task Force? The Task Force report states that in Oregon, Washington, and Colorado all elections are conducted by mail. There are no voting machines to go to for early voting or on election day. Did the Task Force look into these other states' experience with voting by mail as a possible way to make voting easier and participation greater in our County, for all elections not just to fill vacancies? There is evidence that states that use mail-only voting have found it to be very effective, so this should at least have been investigated.

Internet Voting - The report completely rejects the use of the internet and computers in voting, even though that type of voting is used elsewhere with apparently few if any complaints. Why should one of the most-used items by young people be completely rejected? At the very least, what possible reason is there to prohibit obtaining an absentee ballot on a computer rather than by mail? The Board of Elections will still only accept one ballot per voter. In any case, since there are so many places, including large organizations such as Mensa, that use computer voting; did the Task Force even talk with the organizations that have eliminated the difficulties that may have existed in the past with computer voting, rather than just telling us about the failed DC experiment? This could still be done, perhaps by a new Right to Vote Task Force.

Educating Young People About Voting - Speaking of young people, it is often pointed out that they are the segment of the population that votes the least. Why does the report not talk about this and ways to improve it? For example, why doesn't the County consider putting up signs in restaurants and bars frequented by young people, pointing out in language that is meaningful to them (not language written by older people) why they should vote. Why not use events such as the Gaithersburg Book Fair to have publicity directed to young people urging them to vote? Why not consider paying singers to develop songs directed at young people about why they should vote? More importantly, why not gather a group of young people, especially those who have not voted, and get ideas from them about how to interest people their age in voting? Again, this is an area that can be worked on by a new Right to Vote Task Force.

Educating Everyone About Voting - Why doesn't the County have similar "voting is fun" activities for people of all ages. Now they are virtually harassed, being told it's their "duty" to vote. Some people don't respond well to being ordered to do something. Instead, why not have advertisements on tv, radio, and in print, talking about how voting is fun, it really

makes a difference in your life, and it's being made easier all the time. Why not have a suggestion box at all polling places, asking voters to give suggestions to make voting an easier and more enjoyable experience.

There could be strong education efforts, in schools and publicly, about voting. This could include: What are the basic facts about our government? What does the government do that affects you directly? Why it matters to YOU who is in office? How easy it is to vote. Elected officials could participate but only in a minor role, to avoid allegations of partisanship and only supporting incumbents. These efforts could include those who have run and lost elections, and any others who are interested.

Check-In for Voting - The check-in process for voting — not time at the voting machines — appears to be a major choke point for voting and the main reason for long lines, but the Task Force report didn't address that. Why doesn't the County seek ways to speed up that part of the process? Perhaps it's difficult to get voting judges because they are required to be in the voting room from 7am or earlier through 8pm or later. Why not have two or three shifts, so more people would be willing to be election judges? The Task Force report appears to blame long lines on people having difficulty understanding the ballot and voting quickly. That is not at all what I have seen. During the November 2012 presidential elections my wife and I waited almost 2½ hours. When we got to the voting location we saw that there was no line at all to get to a voting machine, thus showing that the lines were not caused by problems at the machines or with uninformed voters. The problem was caused entirely by the slow input of voter names and addresses by the election judges. They should receive much better training and there should be many more of them. Perhaps their pay should be increased, in addition to having shifts so more people will be willing to take on this task.

Judges and Ballot Questions - Presenting the public with confusing issues on the ballot makes it intimidating and contributes to lower turnout. Having the names of judges on the ballot, especially with the confusing way in which Maryland currently elects some judges in elections just like other candidates while others are on a yes-no ballot, probably helps convince voters that the ballot is too confusing for them to have to face. Overall, there is the issue of what voters can possibly know about any votes on judges. Most know nothing, and even those who do research will simply find where each judge went to school and what positions they have held. They still won't know anything useful to help them decide whether to vote yes or no on any judge, or which ones to vote for in contested elections.

Ballot Questions - Ballot questions also intimidate voters. They are often confusing in their language and even when they can be understood most voters do not have the proper background information with which to make good decisions on them. Some groups attempt

to assist to explain the details of ballot questions, including the Ballot Questions Advisory Committee of the Democratic Central Committee and the League of Women Voters, but this is usually not enough and most voters do not feel they have the time to study so much material just to understand ballot questions.

Candidates' Mail - Could candidates be encouraged in some way not to pester people too much? Many people were so upset with the flood of candidate material in the mail that they didn't even look at it, just throwing it away immediately. This wastes the resources of candidates and doesn't help encourage voting; it has the opposite effect.

Candidates' Specific Comments - This is a long shot, but is there some way to encourage candidates to say more specific things in their mailings and when speaking to groups? Everyone says, "I support education" and "I'll work for better transportation," but that doesn't help voters decide and those generalities turn voters off. Candidates are wasting their money with campaign pieces that will never be looked at, let alone read by voters, and voters just become more discouraged about government in general.

Untruthful Campaigning - Another long shot — Is there anything that can be done about untruthful political advertising? Maybe there could be some commission, without any enforcement authority, that would examine any complaints about untruthful advertising and issue a non-binding opinion? Just having that as a possibility might cause some candidates to think twice before putting out something they know or should know is false or misleading. And it might encourage voters as they will have some idea of who is causing more mud-slinging in an election. Of course, the members of this "truth commission" would have to be distinguished individuals who conduct themselves carefully and issue opinions that are clear and well-based in evidence.

Walking the Gauntlet to Vote - One more long shot — Many people are put off by having to "walk the gauntlet" to get to their voting locations, and this may cause many to avoid voting altogether. Is there any way, possibly with candidate education, to convince candidates that it is not in their interest, and not good for voters, if candidates harass voters on their way to the polls to force them to take campaign material or listen to yet another plea to "vote for me," often without any reason even being given for that?

Transportation to Polls - Transportation to the polls is sometimes a problem. Political organizations often offer rides, but voters are properly suspect that they will be pushed to support the candidates of that party. If the expense is not too high, could the County have a group of vans or buses that are available, at no cost, to those who need transportation to the polls. If not, could the County at least pay Metro and Ride-On to have free rides for those who say they are going to a polling location to vote?

Secrecy in Government - One of the things that puts people off most about politics and government, and thus elections, is the secrecy that still prevails too often in government.

The Montgomery County Council gets an A+ for the way it handles public participation. All meetings are publicized on the county website in an easy-to-read and understand manner, and documents that will be considered by the Council are available on the county website. At the Council meetings, documents are again available to the public for those who weren't able to use them on the website.

The Council Members are sincere in smiling and welcoming the public and they listen to testimony as proven by asking questions about what the public has said. And after testimony is concluded, Council Members again show their sincere thanks to members of the public who have taken the time to try to assist by attending Council meetings and testifying.

Unfortunately, the advisory groups established by the County Council (committees, commissions, task forces, boards) get an F in welcoming public participation. They act opposite to the way the County Council acts when it comes to dealing with the public.

One of the ironies in the Right to Vote Task Force is that it recommends that Maryland establish a neutral state redistricting commission and that this commission "must make all of its meetings, deliberations, and proceedings open to the public." This is ironic because the Right to Vote Task Force that made this recommendation did not itself do any of these things. I will give examples.

My wife and I were interested in the work of the Right to Vote Task Force and asked to have our email address added to a list to be informed of meetings. We received only one such notice and nothing more during the "meetings, deliberations, and proceedings" of the Right to Vote Task Force. We then looked on the County website but did not find any information about when or where this Task Force was meeting.

Even at the one meeting we were informed about and attended, we were met by the staff with stares and were made to feel unwelcome. For example, my wife who always wants to help people saw that the tape of the floor to protect people from falling over wires had come loose and presented a danger to those walking around the room. She got on the floor to fix the tape and a staff person to this Task Force came over and ordered her to stop — but did not fix the tape herself and thus allowed an unsafe condition to continue.

Also at that meeting we saw and heard that the Task Force was going through a report of the County Board of Elections about how registrations work. I saw that staff person had

copies of the report and asked for one, only to be told “absolutely not!”

Later I heard that the Right to Vote Task Force had decided to form subcommittees. Again I asked that our email address be added to a list to be informed of the subcommittee meetings. The response from the staff was that since the State’s Open Meeting Law did not specifically cover subcommittees, we would not be allowed to know about or attend these subcommittee meetings. The chairman of the Task Force said he had no problems with our attending, but we still never heard from the staff or the chairman when the subcommittees would be meeting.

This problem of making the public unwelcome and not listened to at advisory group meetings extends to other groups. For example, at a meeting of the CCOC I spoke at the start of the meeting and gave reasons why I urged the CCOC to join in supporting a change in one part of the law it administers. There were no questions at all. Then ten minutes later two of the members of the CCOC said that no one, including the public, had asked the CCOC to consider any change in this part of the law — the same part that I had asked them to consider just ten minutes earlier. Obviously they had not listened at all.

The County should take action to have its advisory groups treat the public the same way the County Council treats the public. Every committee, task force, and other group by any name in the county is required to have open meetings, and should now be told that it must not just go through the motions but should treat public participation as the Council does, in a welcoming manner.

Every meeting of every advisory group should be required to be listed as much ahead of time as possible on a clear and easy-to-find way on the County website, so the public knows what meetings are available for their attendance. Also, enough copies of documents should be made so that if an advisory group is discussing a document the members of the public who have taken the time and trouble to attend can have copies and follow along.

It is especially important that the County Council inform all staff working for the County that open meetings are a crucial part of our government and that all staff should do all in their power to insure that the public is informed and welcomed at all County meetings.

The Council should issue a memo to all staff and members of advisory groups informing them that open meetings are something they must take seriously. They should be told that public participation in meetings is not something to be allowed grudgingly but that all members of the public should be encouraged to attend meetings and the staff should go out of its way to make them feel welcome and comfortable.

The Council should also make it clear that the Council considers open meeting policies to

apply to subcommittees or any other groups under commissions, committees, task forces, etc., just as much as to the parent groups.

The Council should direct members and staff of commissions, committees, task forces, etc., that when they are reviewing documents they should make a sufficient number of copies to provide to the number of visitors who might be expected at that meeting, or if they have not done so before the meeting they do so as quickly as possible while the meeting is taking place.

I believe that the public decides its attitude toward government based on how all parts of the government treat them. If County advisory groups continue to treat the public as unwanted people, that attitude may very well translate into a negative attitude toward government and a lack of interest in voting.

**TESTIMONY OF
TOM MOORE
COUNCILMEMBER, CITY OF ROCKVILLE**

**REGARDING THE REPORT OF THE RIGHT TO VOTE TASK FORCE
BEFORE THE MONTGOMERY COUNTY COUNCIL
SEPTEMBER 23, 2014**

Good evening. My name is Tom Moore. I appear before you tonight in my capacity as an individual member of the Rockville City Council, and not on behalf of the City.

You have been served well by your Right to Vote Task Force. I generally agree with its entire report. Two of its recommendations in particular caught my attention, numbers 25 and 26, regarding municipal off-year elections.

Rockville holds its elections in the off years. Our voter turnout in 2013 was a little below 17%. I want more Rockville voters voting. I ran for office leading the charge to shift our elections to the Presidential year, when the ballot is relatively empty and voter turnout is 70%. Moving our elections would boost voter turnout dramatically and make our elections much more representative and fair.

Rockville's Charter Review Commission supported the move. And a new Maryland law allows cities to move their elections to the state ballot and pay only any *extra* costs incurred by the state and counties when they do so.

Improving our elections was my top legislative priority for this term. I remain gravely disappointed that a majority of my colleagues did not support this move when we considered it in June.

Had your Task Force's recommendations been in place, the outcome could have been very different.

Recommendation 25 calls for Maryland-specific research on the pros and cons of moving to even-year elections. The best available research right now is out of California and it indicates that voter participation rises

sharply when municipalities move to even-year elections. But this research was dismissed by some in Rockville, who did not believe it applied to Maryland cities. Recommendation 25 would fill this research gap.

Recommendation 26 calls upon you to provide direction to your elections department to assist municipalities who want to move their elections to even years. Not to put too fine a point on it, but this would be a welcome change. When I was working to move Rockville's elections, it became abundantly clear to me that the County elections staff was quite hostile to the idea.

A key moment in the Rockville Mayor and Council's deliberations on this issue was testimony from a member of the Montgomery County elections staff. She told us that if we were to move our elections to the County ballot, she would assess us \$196,092, or a pro-rata 5.9% share of Montgomery County's total elections costs. This number went off like a bomb in our consideration of this issue – it's five times what Rockville spends on its elections now.

However, it is a calculation that is entirely unsupported by state law. In fact, it is not clear that the County would incur *any* extra costs in adding Rockville's elections to its ballot. Rockville would probably *save* money if it made the move. The misinformation that county elections staff provided the Rockville Mayor and Council was extraordinarily damaging our prospects of our increasing our turnout by moving our elections to even years.

I strongly encourage you to accept Recommendation 26 to provide clear direction to county elections staff that they are to start supporting – *and stop thwarting* – municipalities that want to move to even-year elections. I also encourage you to provide close oversight on this to make sure that staff is actually taking the Council's direction on this issue.

Democracy only works when our voters participate. The Right to Vote Task Force's excellent recommendations will make real progress toward this goal.

Thank you.

Montgomery County Right to Vote Task Force - 09/23/2014 Hearing, Council Hearing Room, 100 Maryland Av, Rockville MD 20850, starting at 7:30. 240-777-7803.

Through their 80+ page report, dated June 04, 2014, The Right to Vote Task Force seeks to encourage voting and increase participation, which is good. However, the Task Force proposes "easier" voting, which may lead to fraud, and puts forth a couple very scary suggestions.

Specifically, I would like to comment on:

1. Rec 5 for Same Day Voter Registration. As is well known, only 12 states plus DC allow same day voter registration, but the Task Force wants the MD General Assembly to begin a Constitutional Amendment for it.

COMMENT. NO. Same Day Voter Registration (SDR or SDVR) permits fraud. To register to vote, the applicant must prove his or her identity and location of residence. Same Day Registration allows no time to verify residency, which usually takes place when election officials send by PO first class mail, a non-forwardable letter to the applicant before processing the registration. Instead, the applicant presents a driver's license or paycheck or utility bill or has someone vouch for him or her. An investigation in Wisconsin found incomplete voter registrations, where, for example, the person who vouched for three new voters in 2010, listed two different addresses, but this was not caught, so the three new voters all cast votes.

To reduce problems, in Montana and Maine, SDR is not conducted at polling places, but in Montana at county election officials' offices, and in Maine, at town offices and city halls. But after this precaution, there is not a great advantage to the applicant. The Task Force should check: 1) National Conference of State Legislatures information (www.ncsl.org), dated 05/06/2014, on Same Day Voter Registration and preventing fraud. 2) 02/14/2012 report by the Pew Center for the States that 24 million or one-in-eight voter registration records are flawed.

In the meantime, in Maryland, advertise and publicize that people must register to vote by Oct 14, 2014 for the November 04, 2014 election. And encourage them to do so.

2. Rec 9 that All state and county on-line forms (e.g., tax) are to be linked with pre-filed data to the State Board of Elections (SBE) voter registration system.

COMMENT. American forefathers said "No taxation without representation" and DC license plates say it now. However, Maryland wants to connect voting with tax preparation, through "requisite check boxes and ... an activation button that extracts the just-entered data to the SBE system."

This is crazy. Presumably name and address are copied, plus part of the social security number. It is not difficult to print name and address and last four digits of social security number. I do not want my voter registration connected to my tax forms. Are you going to check how much tax I paid? Do people who pay higher taxes get more votes? On the other hand, given the perceived "lefty influence," do people who pay lower taxes get more votes?

3. Rec 10-13: Friendlier, easier to read ballots. Clear language.

COMMENT. These ballot design recommendations are mostly OK, but for Rec. 10, a minor comment is that they seem to be micro-managing. Why no caps? Why only one font, such as

Arial, Helvetica, Universe, or Verdana. Why not Courier or Times Roman or something else? Perhaps a second font is fine for headers. Perhaps a third font, centered in a box, in capitals, is fine for "next page" or "go back." Let the designer and manager decide what looks best.

4. Rec 15-16. US Military and Overseas.

COMMENT. To improve the web-site and provide municipal election information are good pieces of advice. ADDED REC. That absentee ballots be mailed soon enough that they can be filled out and returned by soldier/sailor in time to be counted. Start early. CLEARLY specify last return date.

5. Rec 18-21: Mobile Devices and voter apps on poll locations, registering online, viewing sample ballots, and obtaining updates.

COMMENT. These all seem good, except for updates. Can Rec 21, that BOE provide mobile app updates, be hacked? Could an intruder say that the voting date or hours are changed, say? If so, let TV/radio/internet newspaper news stations provide the information, where they have reporters to perform verification and where news is less likely to get hacked.

6. Rec 22-24: Get Out the Vote. With BOE to publish lists of early voters and absentee applications, so it is publicly available. With updates during the day on who has voted.

COMMENT. NO!!! This is an Invasion of privacy. It is intimidating. I don't want my name published. With in-person voting on Election Day (or even during early voting), there are possible mistakes, that officials think I voted when I did not.

Further, how does one run the list? Some people have the same names, so does one give out the address? That might lead to possible house robbery - where the burglar sees which people are at the polls to vote and might go out to dinner afterwards. Or it may lead to possible vote fraud, where a criminal sees who did not vote yet and uses their name.

7. Rec. 25-26 Off-year elections. Task Force pushing idea of consolidated, even-year elections. However, in 2012, there were long lines during the Presidential election, when there also were many issues and offices on the ballot.

COMMENT. Some municipalities PREFER off-year elections - as then voter can focus on just the smaller municipal race. Possibly who cares who is Gaithersburg's Mayor or who is running for Council during a Presidential election year? In Gaithersburg, the mayor and council people run in odd-numbered years. They run without parties - not republican or democrat. Further, Gaithersburg proper has different rules on how many feet from the polling place entrance a candidate's supporters can stand when handing out literature on Election Day vs. the state of Maryland.

8. Rec. 31-32. Primary Elections. And rec. 33-35. Ranked choice/instant run-off voting.

COMMENT. For Ranked Choice, in his 07/09/2014 Gazette column, Blair Lee thinks this will open primaries and candidates will move to the middle, to appeal to more people, vs. an extremist Dem against an extremist Republican. Maybe he is right? However, one fear is that the opposition party will organize Independents to vote for the weakest, least qualified or the craziest Dem to win the primary, say, so their Republican candidate would win the general election. Unclear if that would happen. It is difficult to make a decision here.

9. rec 52-53. Voting by non-citizens with a permanent resident visa. Rec 52 to Allow each county to set up its own rules. Rec 53 to allow Montgomery Co. to allow non-citizens to vote in county elections.

COMMENT. The US Constitution says voting rights cannot be denied to citizens by the United States or any state based on race (15th amendment, 1868), sex (19th, 1920), failure to pay poll tax (24th, 1964), or when that person is 18 or older (26th, 1971). It is confusing and not sensible that County (and municipal?) elections would be different than state and federal elections. Therefore, do not allow non-citizens to vote.

10. rec. 54-57. Voting by residents with Felony Convictions. The Task Force encourages voter registration for those awaiting trial, during pre-release, and for those on probation or on parole. The Task Force does not want registration for those under house arrest.

COMMENT. Maryland automatically restores voting rights back to all convicted felons who have completed their sentence, probation, and/or parole, and who then must register to vote. This is enough. If the person is awaiting trial, there is the chance he or she will not be convicted, so there is no problem (innocent, until proven guilty).

11. rec. 58. Voting by 16-17 year olds in County elections.

COMMENT. No. Age to vote is 18 years. One might encourage 16-17 year olds to help at the polling place under the direction of adult poll workers to obtain service credits, by setting out equipment, directing voters to go inside, running errands for poll workers, etc.

12. NEW REC. Let polling places stay open later, as voters may be held up by bad traffic.

COMMENT. Investigate if Election Day voting may be extended one hour, till 9:00 pm. That is, if the voter is in line by 9:00 pm, then he or she can vote. If this is difficult for poll workers or would interfere with tallying votes afterwards, then drop the idea.

The above ideas are submitted by Kathryn George, Montgomery County resident, at 16625 Alden Av, Gaithersburg MD 20877.

Testimony on the Voting Rights Task Force

By Tim Willard

My name is Tim Willard and I live in Kensington. I would like to thank the Task Force for their efforts and support their recommendations.

In particular I would like to highlight several recommendations that allow the public to have the most choices possible. I support the recommendation that parties continue to hold closed primaries. Some states have adopted top two primaries where candidates from all parties compete in the same primary. This only allows a small number of primary voters to restrict the choices for voters in the general election. For example, if open, top two primaries had been effect there would be no Republican candidate for governor and no Republican candidate on the ballot for Montgomery County Executive; denying millions of people the choice they would like to make in the fall.

Second, I support the recommendation for Instant Runoff voting ias it would eliminate the spoiler effect. It would grant voters the option to cast their votes for the candidates they most approve of while still allowing them the ability to block the candidate that they least approve of.

I also endorse the Task Force's proposals on minor party ballot access. As someone who has collected thousands of ballot access petition signatures over the years, I can attest that this is an onerous task that drains our resources that could otherwise be used to run candidates, putting minor parties at a competitive disadvantage. Reducing the number of registered voters needed to maintain ballot access would still allow for a reasonable threshold for serious third parties while giving them an alternative to petitioning.

Finally, I support the proposal to provide free radio and television time for all general election eligible voters. I believe these recommendations would help provide voters with more choices, and choice is what democracy is about.

Thank you for the opportunity to speak tonight.

**Testimony before the Montgomery County Council
On the Right to Vote Task Force Report and the 2014 Primary Election
Tuesday, September 23, 2014**

**Presented by Barbara Sanders, 1710 Noyes Lane, Silver Spring, MD 20910
Testimony In Favor of many of the Task Force Recommendations**

Good evening, I am Barbara Sanders, resident of Silver Spring, speaking tonight as an individual, although I appreciate and thank you for my appointment to this Right to Vote Task Force and Montgomery County's recognition of today, September 23, as National Voter Registration Day. It is a continuing honor to work with such a committed group of task force members on a topic that gets little attention from the everyday citizen, press and even candidates and elected officials until something seems to go wrong. However, I know there are others just as committed as you and the Task Force members to facilitating everyone's access to voting and the smooth and efficient functioning of the electoral process, this includes my colleagues in the League of Women Voters and the hardworking members and staff of the Board of Elections who constantly are considering ways to enhance everyone's voting experience on a daily basis.

I have supported most of the recommendations contained in our report – some to a greater degree than others, but tonight I want to speak to a topic addressed by the Council and the task force when we presented the report to you in July – providing better communication opportunities between candidates and the registered voters.

The Task Force's recommendation 49 focuses on encouraging free and equal debate and media access for all eligible candidates and parties on Montgomery County local access media and other county-controlled communication channels.

Last week, the Council's Government Operations and Fiscal Policy Committee discussed Bill 16-14, on Public Campaign Financing. The work packet included the March 4, 2014 hearing statement by Ralph Watkins, suggesting an alternative way for candidates to improve the reach and quality of the information provided to registered voters – through a publicly funded and mailed "Voter's Pamphlet that includes statements from all the candidates," similar to those provided by eight states and some counties and municipalities.

I strongly believe combining this print pamphlet with the Task Force's suggestion, for access to county media and Internet communication channels for live and streaming debates and candidate statements, could result in a much more enlightening way for voters to learn about the candidates. The two-pronged approach would be more informative than funding campaign flyers and media or print advertisements. I urge your consideration of these alternative ways of assisting candidates, which I speculate would result in a significantly lower cost to the County's taxpayers. I also think the voters would find them more pleasing and informative than robo-calls and mailboxes or doors stuffed with political literature. This proposal also has the side benefit of reducing the burden on our postal delivery staff and the trees sacrificed in the three inch stack of 2014 primary election campaign literature I received at my home this spring.

Again, thank you for the opportunity to testify on this alternative way of supporting local candidates, and the privilege as a Task Force member to recommend actions to make our civic and electoral arena the best it can be.

Good evening I am Jerome Klobukowski and live at 17300 Fletchall Road in Poolesville.
I agree with commission's recommendations on:

Special Elections for U.S. Senators MD General Assembly members, and County Executive, and U.S. House of Representative members too, which is not included in what I read.

Fair Redistricting

Simpler understandable language for Initiative and Referendum ballot questions, but not on-line voting for them.

No voting rights for any felon, anyone incarcerated, under house arrest, or on home-based detention.

Friendlier Ballots, although I do not know how much simpler they could make them.

Improving registration and voting for citizens serving in the military.

No online voting.

I do not agree with their recommendations which would eliminate the requirement for a valid photographic identification proving U.S. citizenship. In particular, the recommendations entitled "Improvements to Online Voter Registration" which recommends allowing:

Individuals to register online, regardless of whether or not they have a valid ID from the MVA,

Online registration to people "who have neither a driver's license, state ID, nor touchscreen/signature.

I am concerned over the potential for fraud which these recommendations would foster. This combined with the continuous hacking attacks, which is being experienced at all levels of government and industry makes me question them even more. These same concerns apply to same day voter registration proposal.

I agree with the Minority View #1 concerning not allowing 16 year olds to vote in county elections.

Registering to vote and voting should not be about convenience; it is about being a citizen who participates in one of the fundamental aspects of democracy. It is about honoring the sacrifice those who have made it possible for us to live in this country and have the right to vote as "we" decide. We do not have to go far to find those people, you just have to stand in front of the Lincoln Memorial and look across the Potomac River, or in places like the cemeteries at Colleville-sur-Mer, France, the Punch Bowl on Oahu, and individual cemeteries throughout this country to see where they rest. No one should need any prodding, or incentives to vote. Taking time to register at the county board of elections and to vote in an election is not onerous, especially when compared to the sacrifice they made. Not registering and not voting cheapens their sacrifice, as well as the sacrifice of those currently on active duty, including the sacrifice of their families.

Thanks you for allowing me this opportunity to address you these important issues.

My name is Sandy Tuttle, and as a resident of this county, I welcome the opportunity to testify before the County Council regarding *"The Report and Recommendations of the Right to Vote Task Force."* As someone who was born with dual citizenship in another country and at the age of 18 decided to become a citizen, and make the United States my home, I swore my allegiance to this country and to the Constitution. I took my obligation to be an informed voter very seriously. My expectation is that those serving on the Montgomery County Council, as well as the County Board of Elections, who are charged with ensuring the integrity of the election process, do so with the utmost regard for those who have **the legal right to vote**, and that the policies implemented by the Council reduce voter fraud and thereby ensure that "equal protection," under the law is enshrined and honored in the voting process.

While I realize the purpose of this hearing is to discuss the Task Force report, as a Precinct Chair in Montgomery County, I am extremely concerned **that in its zeal to get everyone and anyone registered**, the Task Force has ignored the fact **that the voter rolls have not yet been cleaned up**. I can tell you the latest voter rolls that I obtained through the County, showed at least one or two people had moved, and one had died years ago! Just recently, the Virginia Voters' Alliance announced that as many as 44,000 voters were registered in both Maryland and in Virginia. This is and should be a concern to all, especially our elected officials. The National Voter Registration Act mandates states clean up their voter rolls – the Task Force might want to make that recommendation as well.

As for the specific recommendations in the Report, I am also extremely concerned that the Task Force – with many of its Report recommendations is opening the door wide to extensive voter fraud.

I strongly agree that improving voter registration, ballot access and voting for US Military and overseas citizens as noted in **recommendations #15 and #16** is important. Certainly, those serving in our armed forces "in the line of duty," simply put, have "skin in the game." **I would point out** that the Maryland State Board Elections website notes for Military Voters to get a ballot, one must have a Maryland driver's license, MVA ID card, or Social Security number. I fully support these type of voter prerequisites, since they help to ensure voter integrity and diminish the chances for fraud.

I note however, that the Task Force, regrettably, is actually going in the opposite direction, as noted in **Recommendation #1** which allows for "...online voter registration system to allow individuals without identification from the MVA to register on-line by providing a signature through an electronically captured image." I am at a loss to understand how the Task Force can support a recommendation that can only lead to more voter fraud and abuse since Maryland does allow for people who are here to obtain a driver's license without proof of lawful immigration status. Do individuals who are in this country illegally have "skin in the game," like our US military and citizens overseas? I think not! There exists a significant disconnect here and the County Council should be concerned, that this will open the doors to voter fraud. **At this point, one has to wonder, what safe guards are in place to protect voter integrity?**

Recommendation #5, *Same Day Voter Registration*, without voter identification – presents another golden opportunity for voter fraud. I am very concerned that having individuals registering on an election day, with no opportunity for the County to properly vet and verify the identity and personal information of each voter will lead to voter fraud. One would be remiss in not noting that one cannot ignore the prevailing issue of voter identification and potential fraud in the context of these issues – quoting Justice Paul Stevens: “the United States has a long history of voter fraud, that has been documented by historians and journalists.”

Recommendations #52 and #53 pertains to *Voting Access for Noncitizens with a permanent Resident Visa*. As a Canadian and a well informed (noncitizen) living permanently in the United States, my father would have loved that opportunity to vote. However, he did not swear to uphold his allegiance to this country or the Constitution and he would never have renounced his Canadian citizenship to do so. Truly then, why should he have had the right to vote and have an influence in the direction of our county, state or country?

In addition, please note that noncitizens with a permanent resident visa can remain outside of the United States for up to a year without fear of losing their residency status. Why should such individuals, who may not live in our community for such extended periods of time, be given the same rights of citizens to influence the political process that affects the lives of everyone in the County?

I certainly oppose the idea of having *16 year olds vote* in County elections, as proposed in **Recommendation #58**. Barely having received their driver’s licenses, or paying taxes, this Report is proposing to give 16 year olds the awesome responsibility of voting for which the average student is usually not prepared. While I understand the Task Force is trying to encourage more people to vote, lowering the age to vote is simply not appropriate. Perhaps the up and coming young adults would be better served if the Task Force could work with the school system, so that students have a firm grasp on the consequences of government, **the effects of taxation on society and personal liberty** and an understanding of not only the US Constitution, but the Maryland Constitution as well.

Finally, the *Issues Requiring No Further Action* notes “since all of the credible evidence indicates that requiring photo IDs would decrease rather than increase voter turnout, the Task Force recommends that the issue of requiring photo ID to vote gets no further consideration from the County Council.” Credible evidence? Voter ID has been in place in states, for example as Georgia and Indiana for many years, and the turnout of minority voters has not decreased – it has actually increased, I would encourage the Task Force to rescind the recommendation that this “issue requires no further action.”

Sandy Tuttle