MEMORANDUM

February 10, 2015

TO: Government Operations and Fiscal Policy Committee

FROM: Amanda Mihill, Legislative Attorney

SUBJECT: **Discussion:** Report and recommendations of the Right to Vote Task Force

Those expected to attend this worksession include:
Mary Anne Keeffe, President, Board of Elections
Gary Featheringham, Vice-Chair, Right to Vote Task Force
Other Task Force members

Today, the Government Operations and Fiscal Policy Committee is scheduled to hold its second discussion 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 ©25-76).[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. 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).

At its first discussion on the Report, Committee members focused on Task Force recommendations that could be implemented at the County level without state action. Council staff continues to work on the action items from that worksession. At this worksession, the Committee will discuss several issues that, although they must be implemented by State agencies or by legislation through the General Assembly, Committee members had a keen interest in. **After reviewing these issues, Committee members may wish to direct staff to draft a letter to members of the State Delegation, encouraging action on these – or any other – issues.**

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[1] Testimony and correspondence is attached from people who addressed issues that are presented in this packet. The Council heard from many residents regarding issues such as non-citizen voting and 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: Improvements to Online Voter Registration (Report page 11)

#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. (Voting record: 10-1-1)

#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. (Voting record: 10-2)

#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). (Voting record: 10-1-1)

#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. (Voting record: 11-1)

Public hearing testimony: The following organizations and individuals supported these recommendations or principles: Gaithersburg City Council, Woman's Democratic Club of Montgomery County, League of Women Voters of Montgomery County, and Common Cause Maryland. The following organizations and individuals opposed or expressed concerns about these recommendations: Montgomery County Republican Central Committee, Jerome Klobukowski, Sandy Tuttle (recommendation 1), Paul Schilling, and Margaret Montuori.

Recommendation: Same Day Voter Registration (Report page 13)

#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. (Voting record: 9-1)

Public hearing testimony: The following organizations and individuals supported these recommendations or principles: Gaithersburg City Council, Woman's Democratic Club of Montgomery County, Montgomery County Democratic Central Committee, League of Women Voters of Montgomery County, and Common Cause Maryland. The following organizations and individuals opposed or expressed concerns about these recommendations: Montgomery County Republican Central Committee, Kathryn George, Sandy Tuttle, and Margaret Montuori.

Recommendation: Automatic Registration Options (Report page 15)[2]

#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. (Voting record: 10-1)

#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. (Voting record: 10-1)

#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. (Voting record: 10-1)

Public hearing testimony: The following organizations and individuals supported these recommendations or principles: Woman's Democratic Club of Montgomery County and League of Women Voters of Montgomery County (recommendations 8 and 9). The following organizations and individuals opposed or expressed concerns about these recommendations: Montgomery County Republican Central Committee, League of Women Voters of Montgomery County (recommendation 6), and Kathryn George (recommendation 9).

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[2] The Task Force report listed 4 recommendations related to "Automatic Registration Options". The Committee discussed one of those recommendations (Recommendation #7) at the October 2014 worksession and it is not repeated here.

Recommendation: Ranked Choice Voting/Instant Runoff Voting (Report page 40).

#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. (Voting record: 11-1)
#34. The Task Force recommends that the County Council encourage the Maryland General Assembly to adopt ranked choice voting for state elections. (Voting record: 11-1)
#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. (Voting record: 11-1)

Public hearing testimony: The following organizations and individuals supported these recommendations or principles: Green Party of Montgomery County, League of Women Voters of Montgomery County (recommendations 33 and 35; no position on 34), Tim Willard, Robert Loring, and Drew Spencer. The following organizations and individuals opposed or expressed concerns about these recommendations: Gaithersburg City Council, Montgomery County Republican Central Committee, Montgomery County Democratic Central Committee, and Kathryn George.

Recommendation: Voting Rights for residents who are 16 or 17 Years of Age (Report page 62)

#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. (Voting record: 8-4)

Public hearing testimony: The following organizations and individuals supported these recommendations or principles: Green Party of Montgomery County and John Britton. The following organizations and individuals opposed or expressed concerns about these recommendations: Gaithersburg City Council, Montgomery County Republican Central Committee, Gary Featheringham, Kathryn George, Jerome Klobukowski, Sandy Tuttle, Betty Foley, Lynda del Castillo, Paul Schilling, Hessie Harris, and Margaret Montuori.

Recommendation: Online voting (Report page 67)

Recommendation: 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. (Voting record: unanimous)

Public hearing testimony: Jerome Klobukowski and Lewis Porter agreed with the Task Force's lack of recommendation on this issue.

This packet contains: <u>Circle #</u>

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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

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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.

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

Respectfully Submitted,

Timothy Male
Chair

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.

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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.

⑫

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		✓		✓	

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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		✔		✔	

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*
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.

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"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

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(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,

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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 or 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 be 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 encourage 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

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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

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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.

Maryland
COMMON CAUSE
Holding Power Accountable

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 identify 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.

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.

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.

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[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]

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[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%.

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

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.
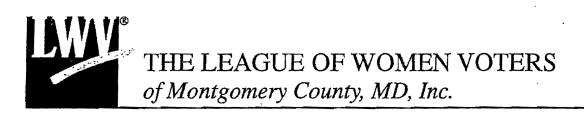
Voter registration -- more options. We support recommendations 8 and 9 for automatic registration options and the suggestions for voter registration during service encounters at County offices -- with options for both paper and online forms. We urge you and the County Executive to implement this service 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

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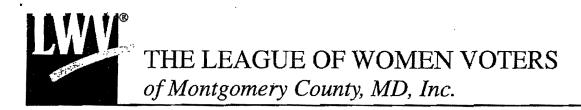
We also support #47 and your requests to the State Board of Election to return to "reasonable certainty" petition signature standards instead of the "strict, to-the-letter" standards in place since March 2009.

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 has concerns about some of the Task Force Recommendations:

<u>Automatic registration options.</u> 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.

<u>Sufficient information.</u> 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.

<u>Choice.</u> 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.

<u>Closed primaries.</u> 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.

<u>Thoughts on voting access.</u> 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.

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

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

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[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

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[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.

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[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

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[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.

(42)

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.

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.

REPORT AND RECOMMENDATIONS OF THE
RIGHT TO VOTE TASK FORCE
PUBLIC HEARING – SEPTEMBER 23, 2014
TESTIMONY OF JOHN BRITTON

Good evening. My name is John Britton. I am a resident of Rockville and a member of the Right to Vote Task Force. I am here, however, not on behalf of the Task Force but as an individual to present to you my full support for the recommendations set out in the Report and Recommendations of the Right to Vote Task Force submitted to you in June.

I will first discuss the Task Force's process in developing its recommendations and then highlight two of the recommendations – enfranchisement of non-citizen residents and residents who are 16 and 17 years of age -- which are of particular interest to me and cause for controversy to some in our community. Before I do that, let me commend and thank my colleagues on the Task Force for their thoughtfulness and collegiality throughout our process, our Chair, Councilmember Tim Male, and Vice-Chair, Gary Featheringham, for their facilitation of the process, and the Council staff for their extraordinary support and incredible patience.

As you know, we began our work late last year. We identified priority voter access issues, an underlying theme being enhancing voter participation and turnout, and set up 3 subcommittees each with primary responsibility for review of a certain category of issues. I am on the Voting Rights Subcommittee which has focused on laws, procedures and practices that impact the eligibility to vote. Each subcommittee researched, reviewed and debated its assigned issues and brought preliminary recommendations to the full Task Force for review and deliberation. The Task Force's Report and the recommendations therein reflect this inclusive and iterative process. With respect to many of the technical and voting process issues, they also are informed by the January 2014 report of a bipartisan commission entitled: *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration.* Most of the recommendations were supported unanimously, or nearly so, by the Task Force members; only a few, such as those related to primary elections, redistricting or certain controversial voter enfranchisement issues, passed by a mere majority or slightly more. I may not embrace the precise wording of certain recommendations but, given the extraordinary deliberative process and the overall balance of issues, I comfortably support the entire Report.

Let me turn briefly to the recommendations related to noncitizen resident and youth voting rights. I want to focus your attention on these two because of the controversy they may have engendered. I am bemused by some of the recent blog comments that these and some other "radical" proposals hail from Takoma Park, are mandated by this far-left body politic, and would create havoc. Let me assure you that I did not need my colleagues from Takoma Park or any incentive from anyone on the Council to form my positions. And the chicken-little argument is, well, hyperbolic. I approached the work of the Task Force within the framework of an inclusive and expansive civic engagement by all in our community, in particular those who are or may feel disenfranchised. I think these recommendations deserve your support.

With respect to voting access to noncitizens, please keep in mind that this is a recommendation limited in scope. Only those with permanent resident visas residing in Montgomery County are included. It is intended to expand civic engagement to our noncitizen neighbors with whom we may work or recreate and who pay taxes, contribute to our community, and are impacted by and identify with local issues. Enfranchising

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these residents is not inconsistent with the US Constitution or federal law and, in fact, has historical precedent in this country.

Voting by 16- and 17-year olds occurs in many places around the world and in one of our own communities -- Takoma Park. To date, no civil unrest! I take strong exception to the opposition argument that 16- and 17-year olds are too young to comprehend politics and local issues, *i.e.*, too young to think. This argument is baseless and wholly fallacious. My full time job is as General Counsel to the Close Up Foundation, an organization that works to inform, inspire and empower young people to exercise the rights and accept the responsibilities of citizens in our democracy. Each year Close Up brings over 15,000 students from around the country to Washington for a week-long series of seminars and workshops on politics, government and civic engagement. To anyone who thinks 16- and 17-year olds have no capacity for political and civic thought and discourse, I invite you to attend Close Up's seminars and workshops. I'll hazard a guess that high school civic and social studies teachers know this well. Underlying the youth suffrage recommendation is, in part, the premise that engaging youth at an earlier age results in a deeper and more lasting embrace of voting and civic engagement.

In conclusion, I express again my full support for the Task Force's recommendations and request that you do justice to the hard work of the Task Force by continuing in this robust public discourse and analysis of these recommendations and their supporting statements. Thank you for your time and good luck with your review.

Good evening and thank you for this time to speak:

It takes a lot to get me jazzed up enough to come out and speak in a public forum. I have been a resident of Montgomery County, Maryland for more than 40 years and this is the first time I have spoken at a Council meeting. When I read the Task Force was recommending that both non-citizens and 16 and 17- year- olds be allowed to vote in our county elections, I knew I wanted to speak.

My name is Lynda del Castillo and while I am sure the Task Force had the best of intentions in doing its work, as I read through the report, I felt most of the recommendations were solutions in search of a problem. Are we looking for more people to vote, or a higher turnout among eligible voters?

Is anyone really clamoring to have 16 and 17 year olds vote? Are they ready? Do teenagers understand economics and long term planning and outcomes? What level of responsibility have most 16-year-olds experienced, other than school, sports and perhaps a part-time job?

I was once a 16 year old; I'll bet most of you in this audience were once 16 years old. I've had 16 year olds in my house, have worked with this age group in school sports and find them to be delightful, full of youth and..... totally unqualified to vote in county elections. Yes, 16 and 17- year -olds can have a job and drive....

And 16 and 17-year-olds also have automobile accidents at 6 times the rate of middle aged drivers, primarily caused from poor judgement and inexperience. Further, teenagers are influenced by peer pressure, feeling popular and fitting in and could easily be influenced by friends, parents and teachers to vote a certain way.

Why change our eligibility laws just to have teenagers vote?

Is the goal to get them more interested in civics and government?

High school student government is the place where teenagers can learn about government and elections.

Voting is not a "try it, you'll like it" experience.

The privilege of voting should recognized as a serious responsibility and an important outcome of meeting long held eligibility requirements, such as being a US citizen, attaining 18 years of age, being a resident of Maryland and meeting the character requirements set forth by our laws.

Likewise, the recommendation of granting non-citizen residents voting privileges goes against Maryland voter laws. Why do that? The "everyone else is doing it" explanation doesn't merit much discussion. In our state and country, we all need to observe and obey the law, not selectively pick and choose what we like and don't like.

There are other Task Force recommendations with which I take issue, all of them I believe would weaken the integrity of our voting laws, increase the chance of fraud, or invade privacy. Some of these include allowing on-line registration with no ID and only a signature, releasing names of early voters, and the membership rules of a State Redistricting Commission. On the subject of requiring voter ID, the paper makes an unsubstantiated statement that such a requirement always decreases eligible voter participation. This statement is not supported and is open to debate.

As I read the Task Force report, it seems to me that our overseas military men and women are the truly eligible voters having trouble voting. Yet the report pays a relatively brief discussion of the solution and steps to improve that turnout. Updating a website and making documents more readable is always a good idea, but isn't there more we can do to ensure that the men and women serving our country overseas have their votes accurately counted?

According the Task Force report and the PEW State Voting Conditions report, in 2012, more than 11 percent of military and overseas ballots for Maryland residents were rejected, ranking Maryland at 42nd place. Just over one-quarter of the military and overseas ballots were never returned, ranking Maryland in 27th place among all states.

If we can track down a list of early voters and know who has and hasn't voted, instead of spending that energy and those resources on local voters (where I don't believe we should publicly distribute the data), why not focus that ability in a way to help ensure our servicemen and women have had the chance to have their vote counted.

Rather than continuing further and spending more time and money on the numerous questionable Task Force recommendations, I suggest these recommendations be tabled, with the exception of improving voter turnout among our military servicemen and women and addressing the issue of redistricting.

No doubt we can all agree on the importance of these two issues.

Thank you very much for your time.

Lynda del Castillo

delzink@aol.com

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

Betty S. Foley
13508 Darnestown Road
Darnestown, MD 20878

Response: Right to Vote Task Force

There are so many recommendations in this report to which I object, I am not certain where to begin. Most of the recommendations did not seem to address mobilizing the voters that are already legal. Perhaps addressing the task at hand in a more straight forward manner would yield better results. Some of the creative suggestions contained in the report appear to welcome even more voter fraud. My remarks, however, will address the issue of changing the voting age to 16.

I have lived in Darnestown, Maryland for over 28 years. My background in education (K – 8 certified teacher) and motherhood (5 children) give me some qualifications to address this particular issue. While there are exceptions to every generalization, I would speak to general consensus of this age group.

The choices made by 16 – 18 year old **children** (as defined by Maryland law) are most often a reflection of their pressure groups and influences rather than a product of their own thoughtful reflection about issues. Children are often ego centered and not necessary reflecting what might be good for the greater population based on history, economics, and freedom.

There are many registered voting age adults who fit into this same frame of reference but they have the advantage of some independence about choices, often work place experience, and exposure to more than a biased education system. Family influence is paramount to a 16 – 18 year old, but since rebellion is another key ingredient in this equation, rational or logical thinking may be put aside yet again.

Voting in an election is a privilege which should be earned. In this electronic world of instant everything, fraud becomes a more significant player than ever before. Tech savvy students, who can change their own school records, could easily manipulate the system for fun.

Wisdom doesn't always come with age. However, patience may help garner appreciation of the awesome responsibility of voting. The 16 – 18 year old demographic is not there yet.

Thank you for your consideration.

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.

Hessie L. Harris

TESTIMONY REGARDING REPORT AND RECOMMENDATIONS

OF THE RIGHT TO VOTE TASK FORCE

BEFORE THE MONTGOMERY COUNTY COUNCIL

September 23, 2014

7:30pm

It has been stated that the report represents an effort to produce greater voter participation and better working voting procedure. I cannot agree. Regardless of intent, this document provides a blueprint for voter fraud and other ways to make the franchise meaningless.

It will not encourage voting participation by responsible citizens because if implemented, those voters will be less inclined to vote since they will know that their vote will be marginalized or "watered dwn.'

My time is limited. I am going to attempt within that period to comment on four areas: noncitizen voting; sixteen and seventeen year olds voting; voter photo identification and technological changes in procedure and their effects.

First, I agree with the minority position that "immigrants may lack sufficient familiarity with and knowledge of American political institutions and processes to make informed voting decisions." Indeed, that conclusion is being clearly demonstrated nationally where over 11 million noncitizens and their supporters are pressing for acts inconsistent with the fundamental constitutional principles of separation of powers.

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Second, as to the grant of the franchise to sixteen and seventeen year olds , the majority view suggests that "schools teach students the fundamentals of federal, state and local government such that they have the capacity to make informed and intelligent decisions regarding politics and local issues. "

Capacity and capability are two very different things. Currently schools are presenting ideology contrary to the fundamental principles of government on impressionable students. Examples abound--students being told to compare Former President George Bush to Adolph Hitler, teaching material that calls for students to compare George Washington with Palestinian terrorists, as well as "teaching" material which allows for the Constitution of the United States not to be presented as written and intended but rather to be edited, modified and presented in accordance with contrary views.

Third, I concur with the minority view that a voter photo identification is not a serious problem and does not discourage or diminish voter turnout. Most citizens, including the poor and minorities, have driver's licenses which are photo IDs. For some it is a convenience; for other a necessity. Therefore, the number lacking photo ID is small.

That issue could be remedied with free ID's provided by government. It is said that is still prohibitive because they may not have transportation or free time to obtain the ID. Those seeking driver's licenses find time and transportation to get to the DMV. The poor, many of whom receive public assitance, also find time and transportation to get to the necessary sites as is reflected by the numbers on welfare rolls.

There are also those who claim that in-person voter fraud does not occur often. However, in a close election, such fraud could affect the outcome.

Another excuse given is that it is too costly for this small number of

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people to produce the supporting documents needed to obtain a free ID such as birth certificates which cost $24.00 It is a well established fact that people who can ill afford to pay hundreds of dollars for brand name or signature athletic shoes and other luxuries do so. Thus, in such cases, if one finds that smaller price cost prohibitive is a matter of priorities.

Finally, using nascent computer machinations are suggested as a means of increasing participation. In addition to the question of legalities, there also the serious voter fraud that could occur through computer glitches and hacking. University of Michigan students hacked into a District of Columbia experimental attempt. Major private entities with far better resources and support systems have been hacked. Target, Nieman Marcus, Staples and Home Depot to name a few.

While I assume that this document represents substantial effort, with regard to the majority view recommendations, the county and state might be better served if the task force went back to the drawing board.

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 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 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 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 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.

Public Hearing on Report and Recommendations of the Right to Vote Task Force

Tuesday, September 23, 2014

Dear Council Members,

I have researched voting systems since the early 1990s, when I wrote the research and gaming software, *PoliticalSim™* and *SimElection™* and their websites. Those programs compared 30 voting systems from around the world and were used in a few universities.   I recently wrote the book, *Accurate Democracy* and its website.

I came to support Task Force recommendations 33, 34, and 35, Ranked Choice Voting and Instant Runoff Voting. *Accurate Democracy* references several excellent studies which found Ranked Choice Voting is, overall, the best voting system to elect a leader or council with the strength of a strong mandate from the electorate.

They gain strength from their low levels of wasted votes, their resistance to manipulations by parties, candidates, or voters and from a strong tendency to elect leaders who have both a strong core of supporters and a wide appeal to the electorate.

Thank you for your work.

Robert Loring
5911 Springfield Drive
Bethesda, MD 20816

Benefits of **Instant Runoff Voting (IRV)**

- **A majority winner** from one election, so no winners-without-mandates and no costly runoff elections.
- **Higher voter turnout**, it often drops in runoffs.[i]
- **Less divisive campaigns**, as a candidate tells rival factions why she is their best backup choice.[ii]
- **No hurting your first choice** by ranking a backup, as it does not count unless your first choice has lost.
- **No lesser-of-two-evils** choice, as you can mark your true first choice without fear of wasting your vote.
- **No split-vote** worries for a faction as votes for their least popular candidate move to each voter's backup.

Benefits of Fair Representation

- **Fair shares** of reps go to the competing groups, so **Diverse candidates** get a real chance of winning. so **Close races** for swing seats are on most ballots, so **Real choices** for the voters and high **voter turnout**.[iii]
- **Women** get elected about three times more often.[iv] so **Majority rule** improves – also by few wasted votes, real choices, turnout and reps with equal support. so **Policies match** public opinion better.[v]

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i Voter Turnout in Runoff Elections, Stephen G. Wright, *The Journal of Politics*, Vol. 51, No. 2 (May, 1989), pp. 385-396

ii Benjamin Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management*, 2001, Cambridge U. Papua New Guinea: Electoral Incentives for Inter-Ethnic Accommodation, http://aceproject.org/ace-en/topics/es/esy/esy_pg

iii Refs 1, 2, 9 Page 60 statistics compare stable democracies.

iv Idem 1; Page 60, Statistcs of nations. @ d_stats.htm

v John D. Huber, G. Bingham Powell, Jr., "Congruence Between Citizens and Policymakers in Two Visions of Liberal Democracy," *World Politics* v46 #3 (April 1994), 291-326.

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RIGHT TO VOTE TASK FORCE
OPPOSE RECOMMENDATIONS -   Margaret Montuori   Bethesda, MD

I believe in the sanctity of the vote. Recently in this country the right to vote has been put behind making a purchase, driving on the highway, having an x-ray or boarding an airplane all of which require photo ID. Where is our respect for voting?

For same day voting, the issue still goes back to the need at some point for verification. For me this leads to the heart of the matter of voting in this day and age. That is the need for people who want to vote to prove this is who I am, this is what I look like, this is where I reside and I am a citizen of these United States. If this exercise to participate in voting is truly a hardship that individual should be accommodated at taxpayer expense. To me this one time verification exercise is a small civic duty to perform in exchange for voting in this country.

Their improvement to online voter registration is truly a work of fiction. The task force recommends 1) having electronic signatures on file & 2) persons without this technology would send their signature in on a piece of paper. WHAT? So the ultimate choice is to trust what some person puts down on a piece of paper and sends through the mail? WHERE ARE THE SAFEGUARDS AND VERIFICATION??? The committee sights signing for packages & credit cards as examples of electronic signature technology. There is a vast difference between signing for UPS and signing for Capitol One. Credit card transactions, insurance paperwork, medical procedures, military ID, travel ID - the signatures at the end of these transactions all required a vetting process. None of them escaped scrutiny. Why should voting?????????

Voting for noncitizens. The four Constitutional amendments that address voting all include the same phrase, "The right of citizens of the United States to vote...." This task force says that the U.S. Constitution "does not specifically prohibit noncitizens from voting". The founding fathers didn't write out that Martians couldn't vote either that doesn't mean they were included under our Constitution. In a state that sanctions and funds illegal immigration it does not surprising to see this recommendation. But their circular argument based on what is claimed to be omitted in the Constitution does not extend voting rights to noncitizens.

Registering persons who have not yet reached the legal age of majority and felons is also nonsense. Let's concentrate on teaching students proper civics classes and felons are free post incarceration and probation to register to vote.

If a citizen, including the indigent, needs help in getting proper identification, whether for voting or any other societal need, they should be able to reach out to the appropriate government office. That would be worth the tax dollar. I find these recommendations to be biased, suspect, over reaching & ineffective. Of the approximate 60 "recommendations" most receive a 10 to 1, 9 to 1, 11 to 1 consensus. This is a group of like-minded people determined to force their agenda and are acting under the cover of darkness called the Montgomery County "Right to Vote Task Force". To the Montgomery County Council – QUIT WASTING MY TAX DOLLARS!

Concerned Citizen

Hello, my name is Lewis Porter. I am a 62 year old life-long resident of Montgomery County. I would like to speak to one of the 59 recommended proposals by the "Task Force on Voting "- the online voting proposal ones.

The founders set up the voting system and it was a much better and safer system for voting than we have today. With the ridiculous Gerrymandering of our voting districts now the founders would not even recognize them. The bars were closed on Election Day and the people in the local towns or counties would go their polls to cast their vote. If you were absent you could not vote. Voters picked their elected leaders that would then gather in the state to vote for our federal leaders. What you have been doing today in regards to voting is senseless and wasteful. It is also open to all kinds of fraud and corruption.

 What makes you think we can trust that you will take issue with any voter fraud, you won't take issue with Illegal aliens competing against me in the market place. As a small Business owner I have had to work extremely hard to compete with the Illegal that pay no income taxes or fees to work here and you the elected government have failed to take issue with that and you know it. So it is your responsibility and charge that we have a safe and sound voting system and that you protect my vote as a legal citizen but it hasn't been.

 You want to up-date the system to modernize to an on-line system. ARE YOU KIDDING ME? A system that would be more open to fraud not less. Even the giant companies with their billions can't keep fraud from happening to their customers on-line!

 Election Integrity Maryland under True the Vote has pointed to massive voting fraud already in play in our state and they have brought it to the State Board of Elections awareness, however, the board has been very slow to take any action to correct the problems. Law suits are pending, I believe, and is that what it takes to fix it - why?

Stop the existing fraud first.

Lewis Porter

301-384-7641

Montgomery County, Maryland

Opposition to "Right To Vote Task Force" Recommendations

With respect to the "Report and Recommendations of the Right to Vote Task Force", I write in opposition to the Report. I object most especially to the recommendations to change substantively voting requirements so as to allow to vote in Maryland non-federal elections persons not citizens or those under eighteen years of age. I also object to the recommendations to loosen the procedures surrounding voter registration.

With respect to non-citizen voting, the Minority Report states the case quite well and I would commend it to the Council. Although well-stated, the Minority Report does lack the emotion which this issue correctly raises. Let me try to capture that here.

Citizenship is not just a piece of paper or a bureaucratic process. It is, instead, at the core of our identity as Americans and, historically, the right to vote has been integrally bound up with it. Beginning with the American Revolution and down through to the present day, our fellow citizens have sacrificed their reputations, their welfare, their property and even their lives in its defense. Citizenship, and the exercise of the concomitant right to vote at every level, represents a commitment to reject all ties to other countries and to embrace America. In 1857, when my Irish forbearer applied to become a naturalized U.S. citizen, he swore "...on his solemn oath...that he would support the Constitution of the United States and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state and sovereignty whatever, and particularly the Queen of England...." That is what becoming a citizen means. Through it and because of it, an individual becomes a citizen entitled to exercise one of our most cherished rights – the right to vote. To demand anything less of those who would vote is to cheapen the right and to dishonor the memory of those who have gone before us, most especially those who gave their lives in its defense.

As the Minority Right notes, those non-citizens who want to vote are not without recourse: they can apply to become naturalized U.S. citizens.

The recommendation flies, of course, in the face of federal immigration law and federal primacy in that area. I must note I find this disregard of law to be out of character for a state and county which rely on their citizens' respect for the law to insure obedience to the multiplicity of laws which they impose upon their citizens.

With respect to lowering the voting age to sixteen, I think the Minority Report again summarizes well the case against it. I'd only add that the recommendation seems unusual for Maryland lawmaking in that it flies in the face of the trend in Maryland, albeit unusual, to treat our teenagers as children. We burden their ability to drive at age sixteen with onerous procedural requirements. Although they are allowed at eighteen to join the military and give their life for their country, we deem them too young and irresponsible to drink alcohol. So at sixteen they can't freely drive a car and they can't drink but we're going to let them vote - where's the sense in that?

With respect to the issue of procedural changes, we do not need to loosen the procedural requirements to register and vote. Maryland already has the most lax procedural voting laws in the nation. What's needed is to tighten up on these procedures. Recent referrals to Maryland authorities by Virginia authorities of numerous cases of apparent double voting by Maryland residents show that voter fraud is on the rise. We need to protect the integrity of the Maryland vote, not adopt changes that would undermine it.

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Something must also be said about the Task Force's overall approach. The Task Force was charged with addressing the issue of why voter turnout was low in the most recent election. In other words, it was asked to determine why there was such a low turnout among the existing voter pool and to recommend changes. The above recommendations do not address that issue. Instead, they propose to expand the existing voter pool. As such, they are outside the scope of the Task Force's initial charge and must be rejected on that point alone.

Respectfully,

Paul Schilling

4515 Delmont Lane

Bethesda, MD 20814

301-493-8499

Testimony of Drew Spencer
Presented to Montgomery County Council, September 23, 2014

Introduction

I am a citizen has followed the progress of the Montgomery County Right to Vote Task Force with interest. As an advocate for ranked choice voting as a means of empowering voters and improving the quality of elections and as an attorney who regularly is involved in cases involving representation and the Voting Rights Act, I want to do whatever I can to inform the County Council of the benefits of ranked choice voting. Although my residence is in Prince George's County, I am employed in Montgomery County, and so the quality of Montgomery County elections and governance is of great importance to me. In addition, as a Maryland voter, I have particular interest in those recommendations of the task force that may impact the state as a whole. I am especially interested in seeing my state legislative district elect its three house members and one state senator by ranked choice voting, as recommended for the county council's four at-large seats and five district seats in the task force report.

Summary

I am testifying in support of the recommendation of the Right to Vote Task Force that Montgomery County adopt ranked choice voting for its own elections and that it encourage the Maryland General Assembly to adopt ranked choice voting for state elections. Based on my experience in voting rights cases, I focus particularly on the benefits of ranked choice voting for the County's at-large seats and for Maryland's three-seat districts, starting with primary elections. The current "plurality-takes-all" method for at-large seats dilutes and weakens votes by allowing a single group – less than a majority of voters – to effectively decide outcomes. Ranked choice voting for nominations to the County's four at-large seats would mean that **at least 80%** of a party's primary voters would actually help nominate a preferred candidate. Ranked choice voting would also encourage candidates to campaign positively to every base of voters and to avoid any personal hostility toward rival candidates. In short, the use of ranked choice voting in primary elections for multi-seat offices would make voting more meaningful and the nominees at once representative of more voters and stronger. If the county were to adopt a form of public financing that led to an increase in viable candidates, ranked choice voting would be the best means to accommodate this increase in candidates without "vote-splitting" and unrepresentative outcomes.

Why the Current "Plurality-Takes-All" Method Should Change

The right to vote means more than the right to put a piece of paper into a box: it requires that the votes cast be meaningful and undiluted. This is especially so in primary elections, where smaller groups of more

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dedicated and well-informed voters participate. If Maryland is to retain its strong political party system, it must do so in a way that allows the grassroots of each political party to be fully represented. This means that the majority rules but that every significant voice is given representation.

The current "plurality-takes-all" method of nominations dilutes the votes of primary election voters. This becomes plain in the context of racially polarized voting. A number of cities and counties include some number of at-large seats elected by this same plurality-takes-all method, and in places where there is significant political discord between racial groups, representation is consistently denied to all racial minority groups. For that reason, courts routinely strike down the use of plurality at-large voting in cities and counties with racially polarized voting as violating the Voting Rights Act.

In the absence of racially polarized voting, vote dilution becomes less stark, but it is every bit as present. When every candidate can be elected by the same plurality of votes – which is always true when every voter can cast a number of votes equal to the number of seats elected – then voters understand that if they are not a member of that plurality, then their votes are little more than pieces of paper put into a box. These voters appreciate that the campaigns do best when they do not waste their resources on such prospective voters, and turnout remains unsurprisingly low.

In the context of the Voting Rights Act, the most common remedy is to switch from at-large elections to districts, with at least one district drawn to put a previously excluded racial minority community into a majority position in that district. This effectively diversifies these city councils, but it is a remedy ill-suited to the problem of vote dilution in Montgomery County's primary elections, where racial minority voters are relatively dispersed. However, there is a tradition of election methods in U.S. cities that retain at-large elections without diluting votes: the use of ranked choice voting at-large. This approach both creates more opportunities for racial minorities to elect preferred candidates while encouraging all candidates to reach out to all voters to be a first, second or third choice.

Why Ranked Choice Voting Is the Right Solution

Ranked choice voting would empower voters to achieve genuine representation in at-large nomination contests. It would mean that more voters would break down the zero-sum nature of elections where one plurality of voters can win while all others lose and instead allow nearly every primary voter to actually cast a meaningful vote that will help decide which candidates will be nominated.

With ranked choice voting, primary voters would be able to rank candidates in order of choice. Initially, only first choices would be considered, so voters can rank candidates freely without fear that listing second and third choices will hurt their first choice. If most voters support a single popular candidate who is certain to win, then their ballots will be able to also partly count as support for their next choices, ensuring

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that a majority of voters will help elect a majority of the nominees. Voters supporting less popular candidates will also have their ballots count for next-choices if those candidates cannot win, ensuring that voters can simply rank candidates honestly without resorting to any sophisticated tactics. In the final tally, no candidate can win nomination without at least 20% support, ensuring that more than 80% of voters have helped elect someone.

By allowing groups of voters to nominate their own favorite candidates, ranked choice voting ensures that a majority of voters will nominate a majority of candidates, and by allowing all voters to weigh in on all candidates by ranking them in order of choice, it also creates a more unified slate of candidates. For this reason, ranked choice voting is particularly apt for primary elections, where in-fighting can weaken the slate of candidates ultimately nominated. When voters rank candidates in order of choice, campaigns do best when they reach out to all voters, even those that will rank their opponents first.

Critically, ranked choice voting allows more individuals to participate in the process directly as candidates, a fact that will become particularly relevant should Montgomery County adopt a form of public financing that will attract larger fields of candidates. In plurality at-large races, more candidates means more negativity, as similar slates of candidates worry about less viable candidates siphoning off votes. This negativity weakens the eventual nominees and discourages voters from coming out to positively support the candidates they honestly prefer. With ranked choice voting, votes will coalesce around the strongest slate of candidates without the need for sophisticated tactics. That means that more candidates simply means more diverse voices and more issues being raised of importance to voters. That participation expands voter choice without threatening to undermine the strength of votes or the unity of the nominees.

Conclusion

Ranked choice voting empowers voters and prevents vote dilution from plaguing at-large elections. I applaud the task force for recommending its use in Montgomery County and for asking the County to promote its use statewide.

I especially recommend that the County Council begin exploring the use of ranked choice voting beginning with the primary elections for its four at-large seats. At the same time, I urge the County Council to follow the task force's recommendation of encouraging the Maryland General Assembly to promote ranked choice voting in its three-seat districts, also beginning with primary elections.

I favor the use of ranked choice voting for all elections, but it will be both easiest and most impactful in primary elections, especially for multi-seat and at-large elections.

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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

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.