

TO: Tom Moore, Rockville City Council
FROM: Danielle Moise, FairVote Legal Team
RE: Rockville Policy Initiatives
DATE: July 30, 2013

INTRODUCTION

The city of Rockville, Maryland holds elections every two years, at which time the mayor and the four city council seats are up for election.¹ Currently, elections are held during odd-numbered years and do not sync up with any federal elections. There are 36,840 registered voters in the City of Rockville, 76% of the eligible population.² In the 2011 city election, however, voter turnout was only 17% of registered voters, which is consistent with past city elections.³ Voter turnout varied between districts, with District 6 yielding only 8% voter turnout and District 9 bringing out 23% of voters to the polls. Research has found that areas with a high number of voters living in apartment buildings, such as District 6, tend to have lower voter participation, and vice versa. Research has also found that ethnic minorities tend to participate in city elections at a much lower rate than their white counterparts.⁴ It is estimated that voter participation will decline in the coming years due to the addition of several apartment buildings and Rockville becoming a majority-minority city.⁵

We believe that it is not too late to change this trajectory. With the implementation of policies targeted to increase voter turnout, such as the creation of a Right to Vote task force, which would focus on increasing minority participation, moving city elections to even-numbered years, and legislation to ensure that candidates have access to apartment buildings, there is a good chance that voter participation will actually increase in the coming years.

DISCUSSION

I. Moving city elections to even-numbered years would increase voter participation.

Rockville city elections are independent of federal elections, as they are non-partisan events, held on odd-numbered years. Disparate turnout rates between local and federal elections make the issue of when to hold city elections contentious. Federal elections, and presidential elections in particular, have a much higher turnout rate than the average local election. In the 2012 Presidential election, voter turnout neared 70% in Montgomery County.⁶ This is compared to mere 17% turnout in the most recent Rockville election. In the city election held this November, voters get the chance to answer several questions regarding this issue in the form of advisory referenda. Advisory referenda are posed as ballot questions but are only meant for informational purposes for the incoming mayor

¹ City of Rockville: Election 2013, www.Rockvillemd.gov/index.aspx?nid=966 (last visited July 23, 2013).

² R. A. Schrack, *The Future of Rockville* (2012).

³ R. A. Schrack, *2011 Absentee Ballots* (2013).

⁴ R. A. Schrack, *The Future of Rockville* (2012).

⁵ *Id.*

⁶ Elizabeth Waibel, *Commission Recommends Changes to Rockville's Government*, *Gazette.Net* (Dec. 21, 2012) <http://www.gazette.net/article/20121221/NEWS/712219594/0/gazette&template=gazette>

and city council. They do not have to adopt any of the measures that the voters recommend.⁷

One ballot question asks if voters would be in favor of extending councilmember terms from two to four years, and the other asks whether voters would be in favor of moving the elections to every four years to coincide with presidential elections. In order for the city elections to be synced with presidential elections, voters would need to answer both of the ballot questions affirmatively, and the incoming mayor and city council would have to adopt the policies that the voters recommend. While extending term lengths to four years and syncing elections with presidential elections is a great idea, because it would instantly triple the turnout rate in local elections, it is unlikely that the measure will pass. This is because changing the length of councilmembers' terms has previously been voted down. Additionally, some voters seem to be concerned that syncing city elections with presidential elections will encourage partisanship. These voters do not want Rockville elections to become partisan because partisan elections are rarely competitive in Montgomery County. Republicans often feel ignored and the majority of campaigning is done during the Democratic primary.

An alternative solution, rather than extending term lengths and syncing city elections to presidential elections, would be to simply move the municipal elections to even-numbered years. This would not require changing the lengths of councilmember's terms, but would still accomplish the goal of increasing overall voter turnout in municipal elections. City elections would now sync up with federal congressional elections, which tend to have a higher turnout, as well as presidential elections, every two-election cycles. We would expect to see turnout of about 50% in midterm election years⁸ and about 70% in presidential election years.⁹

One possible criticism of moving elections to even numbered years may be that city elections will now be decided by a large number of voters who would not have otherwise voted in a city election if it were not on the same day as a federal election. Critics may feel that it is important to have "high quality" votes. The quality of a vote may depend on whether or not the voter owns property, has kids or plans to stay in the community for a long time. This argument rejects basic democratic principles. The purpose of elections is to get as many people involved in the process as possible and to elect representatives that share the electorate's opinions and values. This can only be accomplished if a large portion of the electorate is voting, as would be the case if city elections were moved to even-numbered years.

The City of Baltimore also recognized the disparity between voter turnout in their federal and local elections. As a result, the city council recently decided to move their city elections from odd-numbered years to even-numbered years. Their next election will now be delayed one year, and held in November 2016, on the same day as the next presidential election. Proponents point out that this will both boost turnout in city elections as well as save the city \$3.7 million, the cost of putting on an independent local

⁷ City of Rockville, *Rockville City Election Ballot to Include Charter Questions*, June 21, 2013, available at <http://www.rockvillemd.gov/CivicAlerts.aspx?AID=192>

⁸ Maryland State Board of Elections: Statewide Turnout, available at http://www.elections.state.md.us/elections/2010/turnout/general/2010_Congressional_District.html#State

⁹ Waibel, *supra*.

election.¹⁰ It is not clear, however, how this would affect the partisanship of local elections though because Baltimore already has a partisan system in place, unlike Rockville.

II. Passing legislation to grant candidates access to apartment buildings would increase voter participation.

According to the most recent data, 21,234 people, 34% of the entire Rockville population, currently live in apartment buildings¹¹ in the City of Rockville. These people tend to participate in city elections at a lower rate compared to residents living in single-family homes¹². The average voter participation rate in city elections for people living in apartment buildings is only 10%. This problem is expected to get even worse with the addition of new apartment buildings that will cater to young people commuting into the city.¹³ To ensure that apartment residents know about upcoming city elections and the candidates who are running, it is critical that political candidates have access to the buildings in which they live.

State election law mandates that candidates must be able to disseminate campaign materials in multi-resident buildings in Montgomery County.¹⁴ While this is an important step to ensure that apartment residents can get information about the candidates, they should be entitled to all of the same access that people living in single-family homes receive. Candidates should be able to go door-to-door in apartment buildings.

In 2012, Minnesota passed a law that prohibits the denial of candidates to access multi-unit buildings.¹⁵ As a result, candidates running for all levels of public office have the ability to reach their constituents, regardless of where they live. This law has been uncontroversial but has had an enormous impact on participation in elections. For example, apartment residents played a decisive role in the outcome of state constitutional amendments that were up for a vote on the ballot. Advocates feel that since they were able to talk to apartment residents and explain the amendments in person, that it played a huge role in the final vote on Election Day.

FairVote suggests that the Rockville City Council take the initiative and pass an ordinance similar to 211B.20, the law that was passed in Minnesota. An ideal ordinance would prohibit any person from denying access to an apartment building by a qualified candidate. The candidate should be required to provide 24-hour notice of his or her arrival and should only be allowed into the buildings during reasonable hours in the 90 days preceding the election in which he or she is running. This would ensure that residents living in apartment buildings have the same opportunity as residents living in single-family housing to speak with their possible representatives about the upcoming elections.

¹⁰ Annie Linskey and Julie Scharper, *Next Baltimore Election Delayed for 1 Year*, The Baltimore Sun (Apr. 02, 2012), http://articles.baltimoresun.com/2012-04-02/news/bs-md-ci-election-move-20120402_1_presidential-cycle-gubernatorial-schedule-city-elections

¹¹ Apartment building includes high-rise apartment buildings, mid-rise apartment buildings, garden apartments and retirement communities.

¹² R.A. Schrack, *The Future of Rockville* (2012), pg 1.

¹³ *Id.*

¹⁴ Section 1-303 of the Election Law Article, Maryland Code (2003, 2007 Supp.).

¹⁵ Denial of Access by Political Candidates to Multiple Unit Dwellings. Minn. Stat. § 211B.20 (2012).

III. Creating a Right to Vote task force comprised of representatives from minority organizations would increase voter participation.

Research has found that ethnic-minorities vote at a rate much lower than the non-ethnic majority in city elections. This is a major problem because it is important that all citizens feel that they are a part of their government. Currently, 45% of the Rockville population is an ethnic-minority, and the city is predicted to have a majority-minority population within the next five years.¹⁶ It is important that we find a way to encourage this large segment of the population to vote.

Several local jurisdictions in the Netherlands noticed that they were experiencing this same problem and developed an innovative solution that could be adapted to Rockville and implemented there as well.¹⁷ The local jurisdictions in the Netherlands decided to create advisory councils comprised of representatives from local minority organizations that meet to discuss common issues affecting minorities in the area and then report to local officials. While the advisory council does not have any decision-making power, its members work closely with the administration and provide a forum of communication for the electorate to the elected officials.

FairVote recommends that Rockville adapt this approach and implement a Right to Vote task force, whose job it will be to study minority issues and engage ethnic minorities in the democratic process. We suggest that the Right to Vote taskforce be comprised primarily of members from minority groups. Members of the Right to Vote task force and the groups that they represent are likely to be more engaged in the process once they feel that they really have a voice, and will be more likely to vote in upcoming local elections. The task force can also make recommendations for getting out the vote among ethnic minorities. For more information on how to implement a Right to Vote task force, please visit www.promoteourvote.com.

CONCLUSION

If all of the above policies are implemented, there is a good chance that voter participation in local elections will increase, rather than decrease, in the coming years. If you would like any more information, please go to www.promoteourvote.com or contact Patricia Hart at hart@fairvote.org or Danielle Moise at dmoise@fairvote.org.

¹⁶ R.A. Schrack, *The Future of Rockville* (2012), pg 4.

¹⁷ Antoine Buyse, *Breaking the Cycle of Indifference: Participation of Ethnic Minorities in Local Politics* (2001), www.humanityinaction.org/knowledgebase/17-breaking-the-cycle-of-indifference-participation-of-ethnic-minorities-in-local-politics.

APPENDICES

Appendix A: Advisory Referenda Language

Three advisory referendum questions will appear on the November 5 ballot, with response options of yes, no or no opinion:

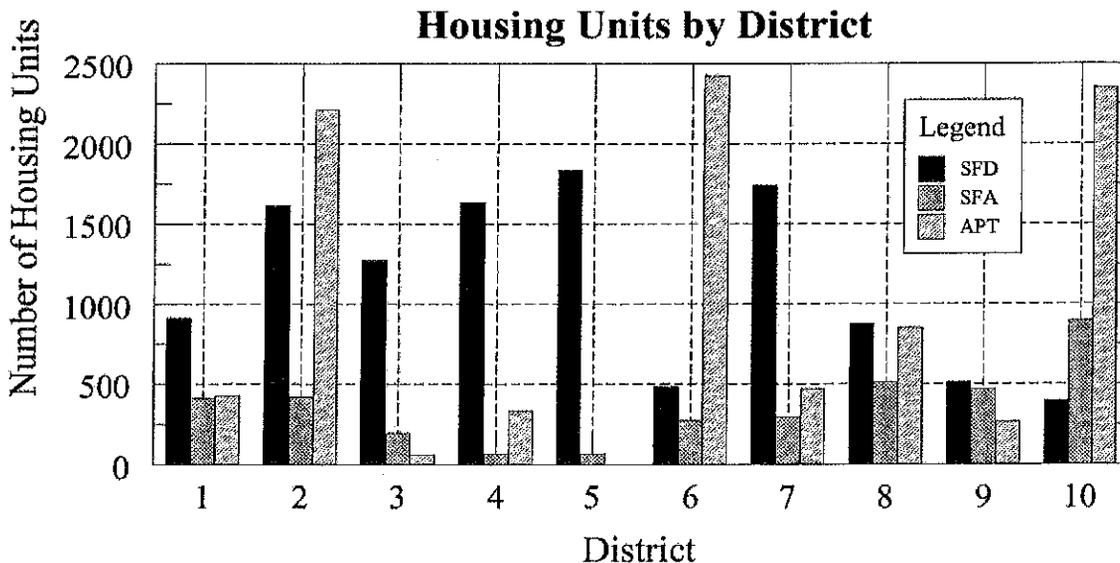
- In the City of Rockville, the term of office for the Mayor and the Councilmembers is currently two years. Do you favor increasing the term from two years to four years?
- City of Rockville elections are currently held every two years, in odd numbered years. Do you favor moving the City elections to be held every four years to coincide with the Presidential Election?
- The City of Rockville is currently governed by a Mayor and four Councilmembers. Do you favor increasing the membership of the Rockville Mayor and Council to a Mayor and six Councilmembers?

Future Mayor and Councils may consider the outcome of these advisory referendum questions but are not required to change the Charter in response to the votes. The questions were recommended for the ballot by the City's Charter Review Commission, which presented a report to the Mayor and Council in January.

City of Rockville, *Rockville City Election Ballot to Include Charter Questions (2013)*, available at www.rockvillemd.gov/CivilAlerts.aspx?AID=192.

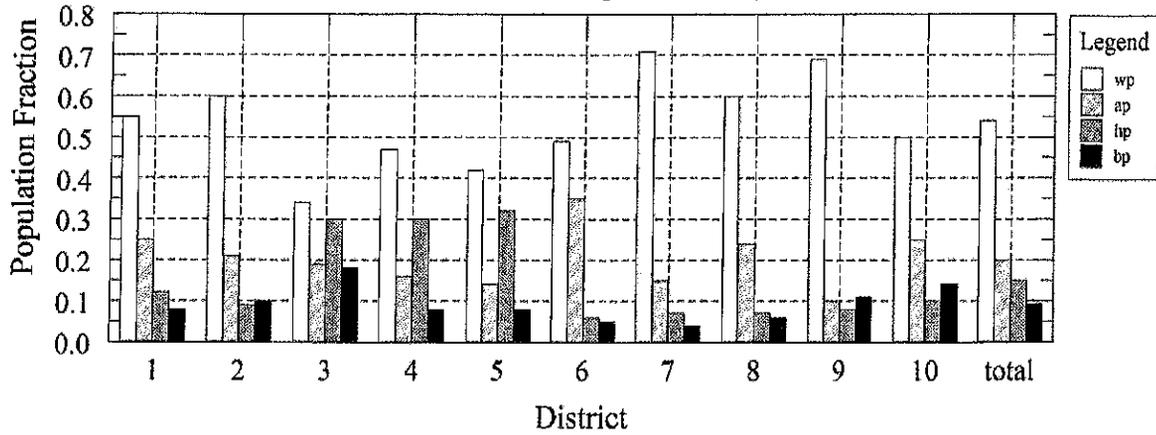
Appendix B: Relevant Demographic Data in the City of Rockville

Housing:



Ethnic Composition:

Ethnic Fraction of Population by District



R.A. Schrack, *The Future of Rockville* (2012).

Appendix C: Rockville Voting Districts 2011

