



The Center for
Voting and Democracy

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**TESTIMONY OF DAVID H. MOON, PROGRAM DIRECTOR
FAIRVOTE – THE CENTER FOR VOTING AND DEMOCRACY**

MONTGOMERY COUNTY CHARTER REVIEW COMMISSION
OCTOBER 24, 2005

SUBJECT: Proposed Charter Amendments to the Structure of the County Council

Introduction: Thank you to the members of the Montgomery County Charter Review Commission for holding this hearing on potential changes to the size and structure of the Montgomery County Council. I am Program Director of FairVote - The Center for Voting and Democracy, as well as a licensed attorney in the State of Maryland and a Montgomery County native. FairVote is a national non-partisan, non-profit organization, based in Takoma Park that studies elections and advocates reforms to promote increased participation and fair representation. We have particular expertise in electoral systems design, as well as areas such as voting rights, and electoral competitiveness.

Throughout the nation, we have spent the last thirteen years working with numerous communities to educate the public on how to implement modern electoral systems that boost turnout and civic engagement, while ensuring that racial and ethnic minorities are fairly represented. We have worked with jurisdictions of all sizes and types from around the nation who shared common problems stemming from our reliance upon winner-take-all election systems. Our work has taken us from Cambridge, Massachusetts; to Amarillo, Texas; to Burlington, Vermont; and many other communities in between. In recent years, we have taken an interest in improving democracy in our own backyard.

The Changing Face of Montgomery County: The Montgomery County of today is not the County that I grew up in. The cement factory in Bethesda has given way to high-rises and a revitalized downtown, while Silver Spring has undergone a massive facelift over the last decade. All the while, the intervening decades have witnessed Montgomery County shifting to an increasingly diverse community with over one-third of its voters being from a non-white community. According to the United States Census Bureau's 2004 population estimates, the County now contains a 15% African American population, a 13% Asian population, and a 13% Hispanic of Latino population. Throughout all of this change, however, the racial and ethnic composition of the council has remained shockingly homogenous. Since the creation of the council in 1948, only one African American has been elected to an at-large seat. This has prompted some, such as Councilmember Phil Andrews to comment in the press that "if this were Mississippi, you would be jumping up and down, saying how can you tolerate this system.... How do you defend a system that has produced one minority in a half-century?" But because the county's minority population is not concentrated in any one area, Councilmember Steve Silverman rightly noted that it would be nearly impossible to carve a council district where a majority of residents are non-white.

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It is this dynamic that lies at the heart of the problem of representation in Montgomery County, and it is precisely the reason why FairVote stands before you today to ask you to move the debate about the structure of the County Council, beyond the false dichotomy of single member districts versus at-large, winner-take-all.

The Problem with Single Member Districts: Single member districts necessarily impose geography as the primary factor in representation, thereby requiring cohesive voting groups to live in compact densities in order to receive their fair share of representation. This solution works for many urban minorities, but Montgomery County does not have such a demography that makes this work. Likewise, single member districts force governments to prioritize local representation over the benefits of having candidates seek support countywide. Lastly, single member districts can grant political power unevenly, as they often grant representation to 51% of voters within a district, but leave the remaining 49% without a representative that shares their views.

The Problem with At-Large, Winner-Take-All: As a result, Montgomery County has chosen to use a hybrid single member and at-large system for Council elections. At-large, winner-take-all, however, allows a 51% majority to control 100% of the at-large seats – thereby skewing the overall makeup of the body. Setting the threshold for election of 51% of the total countywide population also makes it exceedingly difficult for racial and ethnic minorities to ever receive their fair share of the at-large council seats – a fact that is demonstrated by the history of representation in Montgomery County. Furthermore, many voters, in tacit recognition of the limitations of at-large, winner-take-all systems engage in strategic voting where they waste their at-large votes and only vote for one of the four candidates they are entitled to vote for. Nevertheless, at-large elections have the benefit of creating incentives for candidates to reach out to voters throughout the county.

The At-Large, Proportional Voting Solution: These goals of countywide representation, local representation, and fair minority representation are not mutually exclusive. Around the nation, over 100 jurisdictions employ at-large proportional voting systems (also known as modified at-large systems) to remedy exactly the problems facing Montgomery County. These systems, where politically cohesive groupings of voters earn seats in proportion to their share of the voting population, are used in communities ranging from Peoria, Illinois; Cambridge, Massachusetts; and dozens of counties and cities in Texas, North Carolina, and Alabama. There are various voting systems that achieve this, but essentially what they do is lower the threshold in at-large elections so that candidates win seats proportionally. This would mean Montgomery County voters could elect five district representatives as under the current system, but the candidates running for the four at-large seats would each need roughly 25% of the countywide vote in order to win, rather than the current 50% that shuts out racial and ethnic minorities.

Two such at-large proportional voting systems used within the United States are cumulative voting and choice voting. Under **cumulative voting** – voters would vote for up to four at-large candidates, and their votes would be evenly distributed among candidates they support. Under **choice voting**, voters would rank candidates in order of choice (1st, 2nd, 3rd, etc.). Once a voter's first choice is elected or eliminated, excess votes are

counted for subsequent choices until all seats are elected. A variation of this system, instant runoff voting, is on the ballot for use in Takoma Park municipal races in the November 8th election. The reform has garnered the endorsement of all current elected officials and candidates for office, as well as County Councilmembers Tom Perez and George Leventhal. It is time to open the debate about representation in Montgomery County and to consider these fair reforms.

For more information, please visit <http://www.fairvote.org/pr>

Additionally, we have provided a manual about municipal electoral systems design for each member of the County Charter Review Commission. The manual discusses the various types of electoral systems that exist and their pros and cons. Though the focus of the manual is on City Council election methods, the exact same principles apply to County Council elections.

Sincerely,

David Moon, Program Director
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