

2014 GENERAL ELECTION: BALLOT QUESTIONS and ENCOURAGING/EDUCATING VOTERS

In November, all Montgomery County voters will be asked to mark their ballots “For” or “Against” two amendments to the Maryland Constitution and one Montgomery County Charter Amendment. The ballot text for each question is boxed below, followed by an explanation of each issue. The remainder of the Fact Sheet focuses on ways in which we, as individuals and as part of the League, can help educate county citizens on candidates and issues and on the importance of voting in the General Election when we elect almost every state and county official, as well as representatives to the US Congress.

Question 1

Constitutional Amendment (Ch. 422 of the 2013 Legislative Session) Transportation Trust Fund - Use of Funds

(Amending Article III by adding Section 53 to the Maryland Constitution)

Limits the use of Transportation Trust Funds to the payment of principal and interest on transportation bonds and for constructing and maintaining an adequate highway system or any other transportation-related purpose. Also prohibits the transfer of Transportation Trust Funds into the General Fund or a special fund of the State, except for: (1) an allocation or use of highway user revenues for local governments or (2) a transfer of funds to the Maryland Transportation Authority or the Maryland Transportation Authority Fund. Transportation Trust Funds may be used for non- transportation related purposes or transferred to the general fund or a special fund only if the Governor declares a fiscal emergency and the General Assembly approves legislation, by a three-fifths vote of both houses, concurring with the use or transfer of the funds.

- For the Constitutional Amendment**
- Against the Constitutional Amendment**

Origin of the Ballot Question: In 2013, the Maryland General Assembly passed SB 829, which proposed a constitutional amendment that would place restrictions on the transfer of funds from the Transportation Trust Fund to other funds. In order to become law, it must be approved by a majority of voters state-wide.

Present Practice: Current law requires the use of Transportation Trust Funds (TTF) for purposes related to transportation including state highways, motor vehicle administration, BWI Airport, Port of Baltimore and transit services. Revenues allocated to the TTF include motor fuel taxes, vehicle titling taxes, vehicle registration and a portion of rental car sales, corporate income taxes and federal aid. A percentage of the TTF revenues are distributed to local governments to develop and maintain local transportation projects. Revenue may not be transferred or diverted from this fund to the General Fund or any other special fund unless legislation is enacted to authorize the diversion and the TTF is repaid within five years.

Often a Governor submits a budget that is not in line with previous legislation passed by the legislature so the governor also submits a Budget Reconciliation and Financing Act (BRFA) that contains language that alters previous legislation, sometimes for a limited period of time, in order to enact a balanced budget. In recent years, a significant portion of the local share of highway user revenue has been diverted to the General Fund to help balance

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the state's budget. This was done with the consent of the General Assembly through the Budget Reconciliation and Financing Act (BRFA) of 2009. Before this act was passed, the formula that allocated highway user revenues required 70% to go to the Maryland Department of Transportation and 30% to local jurisdictions. This 2009 BRFA and BRFAs passed in 2010 and 2011 reduced the local share of highway user funds and transferred a portion of those revenues to the General Fund. In 2013 and 2014, there was no language in the BRFA to require the transfer of Transportation Trust Fund revenue to the General Fund. A simple majority is all that is required to pass a BRFA.

Proposed Change: This amendment to the Maryland Constitution would prohibit the transfer of funds from the Transportation Trust Fund to the General Fund through simple legislation such as a BRFA. The only way that revenue from the Transportation Trust Fund could be used for General Fund or special fund purposes would be if the Governor declares a fiscal emergency and the transfer is approved by a three-fifths majority of both the Maryland Senate and House.

Pros: By making it harder to use Transportation Fund Revenue for anything other than transportation, it would be far less likely that these funds would be used for anything other than the purpose for which they were collected. Transportation infrastructure is important for safety and economic development.

Cons: A minority of members of the General Assembly could block the transfer of Transportation Fund Revenue to the General Fund or other special funds, even if the Governor declared a fiscal emergency. General Fund revenues go towards programs such as education, health care, public safety and environmental protection.

A vote for the constitutional amendment means: It would be more difficult to use monies raised for transportation for anything else because it would require a declaration of a fiscal emergency and a three fifths vote in each chamber of the General Assembly.

A vote against the constitutional amendment means: If the Governor recommends a transfer of funds from the Transportation Trust Fund to the General Fund or another special fund, it could be done by a majority vote of both Houses of the General Assembly.

Question 2
Constitutional Amendment (Ch. 261 of the 2014 Legislative Session)
Special Election to fill Vacancy in Office of Chief Executive Officer or County Executive

(Amending Article XI-A, Section 3 and Article XVIII, Section 2 of the Maryland Constitution)

Authorizes charter counties to provide for special elections to fill a vacancy in the office of chief executive officer or county executive, and exempts a special election to fill a vacancy in the office of chief executive officer or county executive of a charter county from the constitutional requirement that elections for State and county officers be held on a specified four-year cycle. Under existing law, charter counties may only authorize special elections to fill vacancies on the county council.

For the Constitutional Amendment

Against the Constitutional Amendment

Origin of the Ballot Question: The 2014 session of the General Assembly passed legislation proposing a constitutional amendment to: 1) permit, but not require, Baltimore City and counties that have adopted charter home rule to provide that a vacancy in the office of County Executive would be filled by a special election; and 2) permit the holding of such a special election at a time other than the Tuesday after the first Monday in November in years

that the Governor is elected. Because the proposal would amend the Maryland Constitution, it must be submitted to the voters at this election for approval. The amendment would affect Baltimore City, Anne Arundel, Baltimore, Cecil, Dorchester, Harford, Howard, Montgomery, Prince George's, Talbot, and Wicomico counties and, after a new charter goes into effect on December 1, 2014, Frederick County.

Present Practice: Although the Maryland Constitution permits charter counties to fill vacancies in county councils by special elections, there is no such provision for filling a vacancy in the office of County Executive. Provisions for filling vacancies vary among the counties, with some providing that another official would succeed to the position in the event of a vacancy and others providing that the county council may choose a replacement.

Proposed Change: The amendment would permit charter counties to change their charters to provide that a special election would be held to fill a vacancy in the office of County Executive.

Pros: Because the County Executive plays a significant leadership role in county government, the voters should have the right to choose the person who will exercise the powers of that office. If special elections are appropriate for filling county council vacancies, they are even more appropriate for the more powerful position of County Executive. Although special elections may be costly, the General Assembly has given counties the option to conduct such special elections by mail, which would be less expensive.

Cons: Special elections may be expensive – holding a special primary and then a special general election may cost as much as \$1 million in larger counties. Holding special elections requires time, and the delay in naming a County Executive could disrupt the functioning of executive departments until the successor is elected. Having an automatic succession to office or allowing the county council to choose a County Executive to fill the remainder of a term of a County Executive who resigned or died in office avoids this delay and uncertainty.

A vote for the Constitutional Amendment means: The Maryland Constitution would be amended to permit charter counties to enact laws to require that a vacancy in the office of County Executive be filled by a special election.

A vote against the Constitutional Amendment means: The Maryland Constitution would not be amended and the current law would continue to apply, which would mean that special elections to fill County Executive vacancies would not be permitted and such vacancies would be filled by county council appointment.

Question A

Charter Amendment by Act of County Council District Councilmember Residency Requirement

Amend Sections 102, 104, 106, and 114 of the County Charter to:

- clarify that a candidate for a District Council seat must reside in the district at the time of the primary and general election;
- provide that a Councilmember elected by a district must reside in that district during the member's entire term;
- provide that any change in the district boundaries during a District Councilmember's term does not render the Councilmember ineligible to complete that term;
- clarify that any revised Council District boundaries apply in any special election held to fill a vacancy after the boundaries are amended; and
- clarify that, if a vacancy occurs, the Council appointee, or the candidate elected in a special election to fill the vacancy, must reside in the district as it exists when the vacancy occurs.

For the Charter Amendment

Against the Charter Amendment

Origin of the Ballot Question: On December 10, 2013, Councilmember Valerie Ervin representing Council District 5 announced her intention to resign on January 3, 2014. Councilmember Ervin had been re-elected as the District 5 councilmember in November 2010 and was a resident of District 5 when she was elected.

In March 2012 the council district boundaries were modified after a review that is required every ten years to reflect changes in population. A question arose as to whether the appointee to fill the vacancy must be a resident of District 5 as it was configured at the time of the previous council election in November 2010 or as configured after the 2012 redistricting. Although much of District 5 remained the same after the redistricting, significant portions of the new district were not part of District 5 in 2010 and significant portions of the former District 5 are no longer contained in the newly configured district.

The *Montgomery County Charter*, Section 106 Vacancies, states that when a vacancy occurs on the council before the end of the member's term, unless the council has provided by law for filling a vacancy by special election, a majority of the remaining members of the council shall appoint a person to fill the vacancy within 30 days. The appointee shall be a member of the same political party as the person elected. If the council has not acted within 30 days, the County Executive shall appoint a person to fill the vacancy within ten days thereafter. If the person was a member of a political party, the person appointed by the County Executive shall be the nominee of the County Central Committee of that party.

In accordance with the *Code of Montgomery County Regulations*, Section 16-17 Council vacancy – election required, if a vacancy on the Council occurs before December 1 of the year before a year in which a quadrennial state election will be held, the vacancy must be filled by holding a special election. Since Ms. Ervin resigned after December 1, the Council was authorized to appoint a person to fill the remainder of her unexpired term. The Council selection was Cheri Branson.

The *Montgomery County Charter*, Section 509, also requires the quadrennial appointment of an 11-member, bipartisan Commission to study the charter and make recommendations on potential charter amendments. Commission members serve four-year terms, and no more than six of the eleven members may be from the same political party.

The Commission researches and evaluates charter issues raised by the County Executive, council members, other government officials, and the public. A report on the Commission's activities must be submitted to the council no later than May 1 of every even-numbered year. The biennial report outlines the issues that the commission considered and recommends charter amendments to include on the General Election ballot. By mid-August, the council determines which charter questions, in addition to those raised by petition, will be placed on the ballot.

During this 2013-2014 cycle, the Charter Review Commission learned of and studied the ambiguity of certain charter provisions governing the appointment of a new council member. To clarify this ambiguity, the commission recommended in its report issued in May 2014 that the charter be amended to clarify that any person who fills a vacancy in a council district must reside in the district as it exists at the time the vacancy occurs. Additional clarifications related to residency requirements were also recommended.

The Council is composed of nine members. Four are considered at-large members and are elected by the voters of the entire county. The other five each represent a different council district, must reside in the district at the time of election, and are elected by the voters of that district only. The proposed amendment affects only those Council members who represent a district.

The Commission studied six other issues related to the current charter. Only the issue regarding residency requirements for district council members was recommended for change and placement on the ballot.

Proposed Change: The language of Sections 102, 104, 106, and 114 of the County Charter will be amended to incorporate the clarifying language regarding residency requirements for council members.

Pros: Including clarifying language in the Charter would result in fewer questions or challenges by candidates, council members and the public and would reduce the need for legal opinions as questions arose.

Cons: Legal opinions to clarify questions about residency requirements and changes in district boundaries could be sought and rendered on a case-by-case basis.

A vote for the Charter Amendment means: new language would be added clarifying residency requirements and the effect of any changes in district boundaries to Sections 102, 104, 106, and 114 of the Montgomery County Charter.

A vote against the Charter Amendment means: the current charter language would be retained in Sections 102, 104, 106, and 114 of the Montgomery County Charter.

ENCOURAGING AND EDUCATING VOTERS

The League of Women Voters has a history of working to expand and protect the right of all citizens to vote. LWV also encourages voting by everyone who is registered. However, beyond registration drives and get-out-the-vote (GOTV) efforts, much of our election year efforts focus on educating voters about the electoral process and the candidates and issues. LWVMC provides both printed and online information and offers a Voters’ Hotline, responding to calls at the LWVMC office during the weeks just before a registration deadline and the election.

We have our work cut out for us – both in terms of education and voter turn-out. The County Council recognized a trend of a diminishing percentage of the county’s registered residents participating in elections after the 2012 Presidential Election. In 2013, the council appointed a Task Force on the Right to Vote to submit recommendations to the council on how to “uphold voting rights and increase voter participation” and to evaluate the 2014 election. Those recommendations are being considered now, and most actions will take time to implement. Unfortunately, the 2014 primary participation rate decreased again – with Montgomery County ranking 22nd of the 24 Maryland jurisdictions with a 17.65% turnout, vs. the state average of 21.81%. However, due to our population size, we have the largest number of registered voters and the highest number of voters on Election Day and as absentee voters. This high number of absentee voters helped raise our Election Night reports of the lowest turnout rate in the state by several percentage points, since the initial report was based only on early voting and Election Day participation.

	2010 Primary		2010 General		2012 Primary		2012 General		2014 Primary	
	Mont	MD								
Eligible Voters	569,234	3,167,846	573,431	3,468,287	581,840	3,177,817	616,016	3,694,660	630,255	3,392,600
Rank of 24	1		1		1		1		1	
Election Day	98,619	687,673	240,130	1,528,716	76,085	492,996	329,726	2,068,531	84,160	561,177
Rank of 24	2		2		1		1		1	
Early Voting	7,585	77,290	26,756	219,624	10,037	76,119	77,939	430,547	18,875	141,566
Rank of 24	4		4		2		1		3	
Absentee	5,735	25287	20,791	87,901	4,767	19,758	39,714	155,181	5,729	22,493
Rank of 24	1		1		1		1		1	
Provisional	1,740	12,731	6,927	37,300	1,101	7,833	13,506	79,803	2,467	14,665
Rank of 24	4		2		3		2		2	
Total Turnout	113,679	802,981	294,604	1,873,541	91,990	596,706	460,885	2,734,062	111,231	739,901
Percent Turnout	19.97%	25.35%	54.05%	54.02%	15.81%	18.78%	74.82%	74.00%	17.65%	21.81%
Rank of 24	24		20		22		20		22	

Figure 1: Montgomery County and State of Maryland Registration and Voter Turnout Statistics, from 2010 through 2014 Primary Election.

Source: State of Maryland. Board of Elections. Voter Turnout by year and election at <http://www.elections.state.md.us/>
 Rankings determined from website statistics by Barbara Sanders

Newspapers, news reports, social media, blogs and political conversations since June are full of speculation about this low turn-out and the prospects for the November election, including the late September state LWV workshop luncheon speaker and the panel that we will hear at the October LWVMC luncheon. However, today it is your turn to think about the whys of this phenomenon and how we might turn things around before our imminent General Election – both individually and as a League – as well as looking at the issue with a longer view in mind.

What Can You Do?

Here are some of the ideas Making Democracy Work (MDW) committee members are suggesting each of us might accomplish before the November 4 Election Day to help the League encourage and educate voters.

A. Encourage Eligible Residents to Register. Tuesday, October 14 is the voter registration deadline. Return a completed application in person or with a postmark by this date to the Montgomery County Board of Elections, 18753 N. Frederick Avenue, Suite 210, Gaithersburg, MD 20879.

Applications are available from the Montgomery County Board of Elections in person, by calling 240-888-9560, at most county libraries and at Motor Vehicle Administration offices or they can be downloaded in English or Spanish at: www.elections.state.md.us/voter_registration/application.html.

You may apply online if you have a valid MD driver's license, learner's permit or state-issued ID card at: <https://voterservices.elections.maryland.gov/OnlineVoterRegistration/InstructionsStep1>.

B. Suggest Registered Voters Check their Records to make name and address changes and find out their voting districts and precinct polling place: Changes may be submitted online by October 14 at www.elections.state.md.us/voter_registration/ or in writing to the Montgomery County Board of Election in person, by mail or by fax. Include both the old and new name, address and /or party affiliation, and your signature.

C. Have an answer to Why Should I Vote? Does my vote make a difference?

If someone asks you this, let them know:

Your vote matters, because...

- It's about money. Your vote tells elected officials how your income and property taxes should be spent.
- It's about education. Your vote conveys your views on quality and performance of the schools.
- It's about transportation. Your vote communicates priorities for balancing the needs of drivers, transit riders, bikers and pedestrians.
- It's about the environment. Your vote tells elected officials your concerns about protecting natural resources and ecosystems.
- It's about your community. Your vote helps leverage decisions on health care, affordable housing, living wages, parks and recreation and safe neighborhoods.

D. Know what to say when they ask -- How should I make my selections? How do I learn about the candidates?

At the beginning of October, the League of Women Voters publishes a non-partisan *Voters' Guide* containing information about the offices, the candidates, the unedited candidate statements responding to questions of community interest, along with the explanations of ballot questions. To find a copy of the *Voters' Guide*:

- Pick up a print copy in libraries, county service centers and retail outlets or inside the October issue of *The Beacon*.
- Go online to mont.lwvmd.org for a link to the document.
- Contact 301-984-9585 or lwvmc@erols.com for more details on other locations.

E. Help us distribute Voters' Guides in the community. We use a lot of our financial resources from members and community donations to print these *Guides*. We need help getting them into voter's hands. We will have a couple hundred copies with us at each unit meeting in October and more are at the LWVMC office. Give them to family, friends and neighbors. Take them to meetings of other organizations, religious congregations, medical offices, hair salons, coffee houses -- ANY gathering place within the community.

F. Help us get out the word to the tech savvy to use www.Vote411.org. This is the on-line, interactive *Voters' Guide* with entries from many states around the country. It allows voters just to look at the races and candidates on their particular ballot, whether in Montgomery County or elsewhere. It contains all the questions and responses asked of candidates --due to limited funds, we can only include some of the questions and responses for most candidates in the printed *Voters' Guide*. The online *Voters' Guide* entries sometimes contain additional information provided by the candidates. Also, candidates responding after our print edition deadline in early September are only online. Directions are included in this October issue of *The Montgomery Voter* on how to work through the site step-by-step. Remember, voters can send their selections for each office through e-mail or print them while online. Post these directions along with the Vote 411.org business card.

- Leave business cards advertising the online along with the printed guides, especially in locations that might have voters from different jurisdictions.
- Put two cards back to back on community bulletin boards in businesses, recreation centers, fitness centers, Y's, etc or places with computer access.

G. Remind everyone to check their sample ballot – they are mailed by the Board of Election to all registered voters in mid-October. Encourage voters to fill out the sample ballot before voting or print a copy of the **Vote411.org** choices to facilitate a smooth process at the precinct or early voting center. The sample ballot has the specific races and districts for their address, their local polling place and all the Montgomery County early voting locations. Smart phones can **not** be consulted at the voting machine in Early Voting Centers or precinct polling places.

H. Remind everyone there are three convenient ways to vote:

1. Vote at any of nine Early Voting Centers. Open from 8 am to 8 pm, Thursday, October 23 through Thursday, October 30, choose an accessible, convenient time and location for you:

- Activity Center at Bohrer Park, 506 S. Frederick Avenue, Gaithersburg, 20877
- Damascus Community Recreation Center, 25520 Oak Drive, Damascus, 20872
- Executive Office Building, 101 Monroe Street, Rockville, 20850
- Germantown Recreation Center, 18905 Kingsview Road, Germantown 20874
- Jane E. Lawton Community Recreation Center, 4301 Willow Lane, Chevy Chase, 20815
- Marilyn J. Praisner Community Recreation Center, 14906 Old Columbia Pike, Burtonsville 20866
- Mid-County Community Recreation Center, 2004 Queensguard Road, Silver Spring, 20906
- Silver Spring Civic Building, One Veteran's Plaza, Silver Spring 20910
- Wheaton Community Recreation Center, 11711 Georgia Avenue, Wheaton, 20902

Check www.777vote.org to view more information on transit access and wait times for each center – the times are updated hourly during voting hours.

2. Vote by Mail from Home or Away. There is no need to go anywhere, no excuse is needed! Applications are available at www.777vote.org, by calling 240-888-9560 or at the Board of Elections. Ballots can be e-mailed to you, but then must be printed and returned by mail or in person. Postmark absentee ballots by Election Day or hand deliver them to the Board of Elections by 8 pm. Absentee ballots can **not** be accepted at Early Voting Centers or at precinct polling locations.

3. Vote at your Local Precinct on Election Day. Polls are open 7 am to 8 pm. To verify the location, visit www.mdelections.org/poll-locations or check your sample ballot above the mailing label. Remember, Early Voting Centers are closed on Election Day.

I. Remind people every vote counts – whether voters make their choices at an early voting center or at a local precinct on Election Day, mail-in or return an absentee ballot in person or mark a provisional ballot when something goes wrong at the polling precinct. Election night results are preliminary – the early voting results are released soon after the polls close at 8 pm, and the Election Day machine tabulations are added to those totals throughout the night

and into the next day. However, absentee and provisional ballots are not all counted for another 10 days. This gives time for the mailed ballots to arrive, for questions about the eligibility of provisional voters to be researched and for the early voting and Election Day results to be verified and audited.

The local Board of Elections certifies its election result by Friday, November 14. After receiving the results from all jurisdictions, the State Board of Elections performs additional reviews and certifies the final winners by Tuesday, December 9 -- 35 days after Election Day. Oftentimes, the winners of several offices are not determined until all the votes are tabulated. In the June primary, this included the District 5 County Council race and the House of Delegate race in District 17.

Discussion Questions

Now it's time to look at the broader picture of turnout. What do you think affects voters' decisions to go vote or stay home? Do you agree with some of the suggestions below that were mentioned in recent discussions? Do you have any new perspectives? Be sure to have your recorder summarize your discussion. The MDW committee members and the LWVMC Board are anxious to hear your thoughts.

A. What do you think are the causes for low voter turnout?

1. **Procedural issues:** Closed primaries when a growing percentage chose not to align with one of the two major political parties? Change in primary date to late June? Voters who do not know about the opportunity to vote early and when or where? ...when and where to vote on Election Day? ...how to vote by mail?

2. **Ballot issues:** Lack of competition in many races? Inability to locate reliable, nonpartisan information about many candidates? Unable to discern differences between the candidates in the information available?

3. **Civic Awareness:** Do voters not understand what these elected officials do? Do voters not know the significance of state and county elections? Do they not know all the life issues (taxes, education, transportation, quality of life) affected by these offices?

B. How could our League work to alleviate these issues to participation?

How should we use our limited funds? Continue printing the *Voters' Guide*? Advertise the *Voters' Guide* as an online resource (Vote411.org or as a pdf on the LWVMC website at www.mont.lwvmd.org) instead of printing? Make limited copies for libraries? Make heavier use of social media to engage a different audience?

Should we continue to engage newly registered voters by direct contact? Should we mail the *Voters' Guide* if we continue with a print edition? Switch to sending a postcard or letter with sources of election and candidate information?

How can we build awareness of the importance of engaging with county and state governments, and, at a minimum, voting for these elected officials? How could we better engage the many avenues of educational opportunities in the county?

In summary, the Making Democracy Work committee recommends reminding ourselves and everyone we encounter that "Voting is not just a right, it is a responsibility of every US citizen!" As one of our favorite posters suggests, "If you don't vote, you deserve whatever turkeys you get." Let's all do our part to encourage more educated voters, so our turkeys this year are confined to our Thanksgiving tables.

The ballot question section of this Fact Sheet was compiled by Nancy Soreng and Ralph Watkins, LWVMD Voters Service, for the state issues and Mary Lanigan and Barbara Sanders on the local one. The Making Democracy Work committee all contributed to the section on voter education and participation, but special thanks are due from Barbara Sanders, chair, to Elaine Apter, Zaida Arguedas, Marcia Bond, Bee Ditzler, Judy Morenoff, Vicky Strella and Ralph Watkins.