

## BALLOT QUESTIONS – GENERAL ELECTION, NOVEMBER 6, 2018

(Civic Education Edition – updated 10/19/18)

In November, Montgomery County voters will be asked to mark their ballots FOR or AGAINST two amendments to the Maryland Constitution and three amendments to the Montgomery County Charter. The proposed amendments are presented to voters as questions at the end of their ballots. To be enacted, state and county ballot questions require approval by a simple majority of the people voting on the ballot question.

Maryland citizens do not have the right to “citizen initiative,” petitioning a state issue to the ballot. However, they do have the right to “referendum” by using a petition to ask in a ballot question for a “veto” of a recently-passed General Assembly law. In Montgomery (and other charter counties), residents can place a county charter amendment on the ballot, with a petition of 10,000 registered voters. The state legislature or a county council can also propose a change that requires approval by the voters at the next general election.

This year, there were no citizen-initiated ballot questions at either the state or county level, with all the state questions coming from General Assembly or County Council legislation. However, County Questions A and B were recommendations of the Montgomery County Charter Review Commission to the County Council, which approved both questions for the ballot. The Commission researches and evaluates charter issues raised by the Executive, Council members, other government officials and the public. A description of the Commission and its recent reports are available at [www.montgomerycountymd.gov/crc/](http://www.montgomerycountymd.gov/crc/).

Ballot questions are written in legal language because, if approved, they become part of a law, state constitution or county charter. Voters often find it hard to understand the meaning of the amendments and whether to vote for or against the question. To inform voters about these changes to our basic governmental documents, the League provides background on all the ballot questions in this Fact Sheet, in our *Voters’ Guide* and at [Vote411.org](http://Vote411.org).

The text for each amendment as it will appear on the ballot is listed first in the box. The explanation follows with a description of and proposed changes to the current law, the origin of the question, the arguments FOR and AGAINST the change, and what a vote FOR or AGAINST the change would accomplish. The League of Women Voters strives to provide impartial, nonpartisan information on candidates and ballot issues.

### STATE CONSTITUTIONAL AMENDMENTS

#### Question 1

Constitutional Amendment (Ch. 357 of the 2018 Legislative Session)

Requiring Commercial Gaming Revenues that are for Public Education to Supplement Spending for Education in Public Schools

The amendment requires the Governor to include in the annual State Budget, as supplemental funding for prekindergarten through grade 12 in public schools, the revenues from video lottery operation licenses and any other commercial gaming dedicated to public education in an amount above the level of State funding for education in public schools provided by the Bridge to Excellence in Public Schools

ORGANIZATIONS AND INDIVIDUALS ARE INVITED TO DUPLICATE THIS FACT SHEET WITH ATTRIBUTION GIVEN TO LWVMC. BEFORE REPRODUCING, PLEASE CONTACT THE LEAGUE OFFICE AT 301-984-9585 OR [LWVMC@EROLS.COM](mailto:LWVMC@EROLS.COM) FOR CORRECTIONS OR UPDATED INFORMATION, OR CHECK OUR WEBSITE, [LWVMOCOMD.ORG](http://LWVMOCOMD.ORG), FOR THE MOST UP-TO-DATE VERSION.

Act of 2002 (otherwise known as the Thornton legislation) in not less than the following amounts: \$125 million in fiscal year 2020; \$250 million in fiscal year 2021; \$375 million in fiscal year 2022; and 100% of commercial gaming revenues dedicated to public education in fiscal year 2023 and each fiscal year thereafter. The amendment also requires the Governor to show in the annual budget how the revenues from video lottery operation licenses and other commercial gaming are being used in a manner that is in addition to the level of State funding for public education provided by the funding formulas established by the Bridge to Excellence in Public Schools Act. The State Constitution currently authorizes video lottery operation licenses for the primary purpose of raising money for public education.  
(Amending Article XIX, Section 1(c)(1) and (g), and adding Section 1(f) to the Maryland Constitution)

For the Constitutional Amendment     Against the Constitutional Amendment

**Current Law:** Maryland voters approved a constitutional amendment (Article XIX) in 2008 authorizing video lottery operations for the “primary purpose” of raising money for public education. The funds must be used to support programs in public schools such as early childhood education, career and technical education, high school courses for college credits, training for public school teachers, improvement of school buildings and capital projects at community colleges and state-supported colleges and universities.

**Proposed Change:** This amendment would require that beginning in 2020, the Governor must include specified amounts from gaming revenues in the state budget for public education. These amounts must be in addition to, and not a substitute for, any other state funding for public education. The amendment would also repeal the provision that allows gaming revenues to be used for capital projects at community colleges and state-supported colleges and universities.

**Origin of the Ballot Question:** The 2018 session of the Maryland General Assembly passed legislation (SB 1122) proposing an amendment to the Maryland constitution to add more specific requirements for how gaming revenue is used in the state budget to fund public education. A bill to amend the Maryland constitution does not take effect unless it is approved by the voters at the next general election.

**Arguments FOR the amendment:**

- It ensures that gaming revenues are directed to public education as intended and approved by voters.
- It addresses concerns that the state was using gaming revenues to substitute for education funding that was already required by law, rather than increasing the total amount of education funding.
- It creates a “lock box” to ensure that gaming revenues are in addition to other public education funding and cannot be used as a substitute for already required funds.

**Arguments AGAINST the amendment:**

- The amendment would reduce the state’s flexibility to use gaming revenues for other state programs.
- The amendment would eliminate the use of gaming revenues to fund capital projects at community and public colleges.

**A vote FOR Question 1 means** the Maryland constitution would be amended to specify that revenue from gaming be added to other state funding for public education and cannot be used as a substitute for other required education funding.

A vote **AGAINST Question 1** means the current provision in the Maryland constitution would remain in effect, under which gaming revenue is used for public education but those funds may be in place of other mandated state funding for schools.

### Question 2

#### Constitutional Amendment (Ch. 855 of the 2018 Legislative Session) Same-Day Registration and Voting at the Precinct Polling Place on Election Day

Authorizes the General Assembly to enact legislation to allow a qualified individual to register and vote at a precinct polling place on Election Day. The current law requires voter registration to close before Election Day.

(Amending Article 1, sections 1 and 2, and adding Section 2A to the Maryland constitution.)

For the Constitutional Amendment     Against the Constitutional Amendment

**Current Law:** Maryland law requires that voter registration close 21 days before an election. An exception allows people to register and vote in person during early voting at an Early Voting Center. They must provide proof of residence such as a driver's license or other specified identification. Under current law a person may not register to vote at a precinct polling place on Election Day and vote on the same day.

**Proposed Change:** The Maryland constitution would be amended to authorize the legislature to pass a law permitting people to register to vote at a precinct polling place on Election Day and to vote on the same day.

**Origin of the Ballot Question:** The 2018 session of the Maryland General Assembly passed legislation (HB 532) proposing an amendment to the Maryland constitution to allow people to register to vote on Election Day and to vote the same day. A bill to amend the Maryland constitution does not take effect unless it is approved by the voters at the next general election.

#### **Arguments FOR the amendment:**

- Voting is a fundamental right that should not be lost due to failure to comply with a registration requirement.
- Same-day registration and voting already takes place during early voting. On-the-spot validation of a voter's documentation is conducted before the voter is allowed to vote. These procedures could also be used for same-day registration and voting on Election Day.
- Fourteen other states allow same-day voter registration and voting on Election Day and have not reported problems.

#### **Arguments AGAINST the amendment:**

- Permitting people to register and vote on Election Day could lead to voter fraud.
- Requiring people to register in advance is not burdensome, as the registration forms are readily available.

A vote **FOR Question 2** means that the Maryland constitution would be amended to allow the legislature to enact a law permitting people to register to vote at a precinct polling place on Election Day and vote the same day.

A vote **AGAINST Question 2** means that the Maryland constitution would not be amended, and people would need to register to vote before Election Day.

## MONTGOMERY COUNTY CHARTER AMENDMENTS

### Question A

#### Charter Amendment by Act of County Council Redistricting Procedure - Composition of Redistricting Commission

Amend Section 104 of the County Charter to remove party central committees from the process for selecting the Redistricting Commission that is appointed by the Council every ten years to review the boundaries of Council districts, and providing that the Redistricting Commission must:

- be composed of 11 County residents who are registered voters;
- include at least one, but no more than four members of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election;
- include at least one member from each Council district.

For       Against

**Current Law:** The Redistricting Commission has nine members, chosen by the County Council. Every ten years after the national census, the Council must choose a new Redistricting Commission. The Central Committees of each political party that polled at least 15% of the total vote cast for all candidates for the Council in the preceding regular election (currently the Democratic and Republican parties) each submit a list of eight candidates. The Council chooses four from each list. Each list must contain at least one individual who resides in each Council district. The Council also chooses a ninth member of the Commission.

**Proposed Change:** The amendment increases the size of the Redistricting Commission from nine to eleven registered Montgomery County voters. It allows the Council to appoint voters registered as Unaffiliated or with a recognized "third" party (currently Green or Libertarian). The Democratic and Republican Central Committees will no longer nominate candidates. Registered voters may apply to be on the Redistricting Commission without having to be pre-screened by the central committees. The amendment gives the Council more flexibility in the number of Democrats and Republicans to appoint - "at least one but no more than four members each" - rather than four each as currently required. The Redistricting Commission would still have to include at least one member from each Council district.

**Origin of the Ballot Question:** The Charter Review Commission recommended this change so voters of Montgomery County will be more fairly represented on the Redistricting Commission. In 1968 when Section 104 was added to the Charter, most voters registered as Democrats or Republicans. Today 22.5% of voters register as Unaffiliated with any party or with a "third" party (Green or Libertarian) but they cannot serve on the Redistricting Commission.

#### Arguments FOR the amendment:

- Opening membership on the Commission to all county voters, including those registered as Unaffiliated, Green or Libertarian in addition to Democrats and Republicans, more accurately reflects the current Montgomery County electorate.

- More political diversity on the Commission may result in more moderate voices, less partisanship and more willingness to compromise.
- Removal of the Democratic and Republican Central Committees from the nomination process may result in Commission members with a county-wide rather than partisan orientation. Central committee nominees may put too much value on the interests of their parties.
- The Redistricting Commission is the only Council-appointed or County-appointed commission that limits membership to partisan political groups such as Democrats and Republicans.

**Arguments AGAINST the amendment:**

- The central committees may perform a useful role in screening party members for membership on the Commission.
- The self-nominated Commission members may not reflect the views of the Democratic and Republican Central Committees.
- Together, Democratic and Republican voters represent the largest share of the Montgomery County electorate (Democrats 58% and Republicans 18%) and should have a dominant voice in redistricting decisions.

**A vote FOR Question A means** the County Charter would be amended to enlarge the Redistricting Commission to eleven registered voters and create the opportunity for Unaffiliated or "third" party (currently, Libertarian or Green) voters to be members of the Commission. It also removes the role of the Democratic and Republican Central Committees in nominating Commission members and allows the Council more flexibility in the number of Democratic and republican members to appoint (at least one but no more than four each).

**A vote AGAINST Question A means** the County Charter would not be amended. The Redistricting Commission would continue to consist of nine members, with eight members (four Democrats and four Republicans) chosen from lists of nominees provided by the Democratic and Republican Central Committees.

**Question B**

Charter Amendment by Act of County Council  
Property Tax Limit – Votes Needed to Override

Amend Section 305 of the County Charter to require an affirmative vote of all current Councilmembers, rather than the specific nine votes currently required, to levy a tax on real property that will produce revenue that exceeds the annual limit on property tax revenue set in that section.

For       Against

**Current Law:** The County Council is composed of nine members. Currently, “an affirmative vote of nine, not seven Councilmembers” is required to approve an increase in the real property tax rate that is above an increase in the Consumer Price Index (CPI). If there is a vacancy on the Council, there would be fewer than nine Councilmembers and no way to raise the real estate tax rate above the CPI increase during the period of the vacancy, even if all the Councilmembers supported the change. Current law does not cover situations in which the Council has fewer members than the specified nine.

**Proposed Change:** The ballot language recommends changing “an affirmative vote of nine, not seven Councilmembers” to “an affirmative vote of all current Councilmembers.” Replacing the specific number of nine with “all current” Councilmembers would permit the Council to approve a property tax

increase above the CPI increase no matter how many members are on the Council, as long as all of them agree.

**Origin of the Ballot Question:** The Charter Review Commission proposed this change. The current provision requiring “an affirmative vote of nine, not seven Councilmembers” was approved by voters in 2008. Before that time, an increase in the property tax above the CPI increase required only a supermajority of seven Councilmembers. The current language makes it impossible for the Council to increase property taxes above the CPI increase without the unanimous approval of all nine members.

**Arguments FOR the amendment:**

- If the amendment is passed, the votes of all Councilmembers would still be needed to raise the property tax above the CPI increase, even if a vacancy reduced the number of Councilmembers.
- The proposed amendment does not change the intent of the 2008 referendum approved by the voters. The vote to raise the property tax above the CPI increase still requires approval by all Councilmembers.

**Arguments AGAINST the amendment:**

- A vacancy on the Council occurs only rarely, and may be filled fairly quickly by appointment.
- The language of the proposed amendment may be unclear in that “current Councilmembers” is not defined.

**A vote FOR Question B means that** the County Charter would be changed to require the support of all Councilmembers to approve a property tax increase above the CPI increase, rather than the currently specified nine members. It would allow the Council to approve such a property tax increase if there are fewer than nine Councilmembers. The current charter states that such a tax increase requires the support of nine members, even if a vacancy reduces the number of members below nine.

**A vote AGAINST Question B means that** the County Charter would not be changed and the current language requiring a vote of nine Councilmembers to approve a property tax increase above the CPI increase would be retained. If there are fewer than nine Councilmembers, the Council would be unable to approve a property tax increase above the CPI increase until a change is made to the Charter or the Council has nine members again.

**Question C**

Charter Amendment by Act of County Council (section 401 of the County Charter)  
Merit System -- Councilmembers' Aides

Amend Section 401 of the County Charter to permit each Councilmember to have one or more aides as non-merit employees, rather than the one confidential aide currently permitted.

For

Against

**Current Law:** Each Councilmember is permitted to have only "one confidential aide" who is not covered by the merit system rules for county employees. Other Council staff are employed under the merit system that governs the human resource management of county employees, and includes rules for hiring, discipline, dismissal, appeal rights, salary and benefits.

**Proposed Change:** The new language would allow a Councilmember to hire more than one aide outside of the merit system. It also removes the word “confidential” in the text describing the aides, to make it consistent with current practice. This provision applies to the staff who work directly for an individual Councilmember. Each individual Councilmember typically employs a staff of four or five, consisting of a Chief of Staff and Legislative Aides.

**Origin of the Ballot Question:** The Council proposed this amendment to give Councilmembers flexibility to hire one or more aides quickly rather than going through the more time-consuming merit process. The merit system rules, designed to ensure fair treatment of applicants and employees, can slow the hiring process and delay making necessary staff changes. In addition, the merit system’s categories of qualifications may not adequately describe the skills, knowledge and abilities that Councilmembers require in their personal staff.

**Arguments FOR the amendment:**

- The change would allow Councilmembers to hire and dismiss their personal staff without delays that may result from following the merit system rules.
- Each Councilmember could choose the applicant best suited to work with him or her rather than one who fits a category described in the merit system rules.
- It would eliminate the word “confidential,” an outdated term.

**Arguments AGAINST the amendment:**

- The non-merit aides would not have the protections that the merit system provides, such as rules about suspension, demotion, dismissal and appeal rights.
- Hiring outside the merit system may create an appearance of hiring based on connections and political affiliation rather than on merit.
- Hiring outside the merit system could result in less diverse staff.
- Councilmembers may choose to hire all or most aides outside the merit system.

**A vote FOR Question C means** the County Charter would be amended to allow Councilmembers to hire more than one non-merit system aide.

**A vote AGAINST Question C means** the County Charter would not be amended and Councilmembers will remain limited to hiring one non-merit aide.

**GENERAL ELECTION NOTES**

Check your registration at <https://voterservices.elections.maryland.gov/VoterSearch>

Request an absentee ballot:

<https://elections.maryland.gov/voting/absentee.html>

Early Voting is available from Thursday, October 25 through Thursday, November 1, 2018

Early voting centers are open from 10 a.m. through 8 p.m.

Locations and directions at [www.montgomerycountymd.gov/elections/index2.html](http://www.montgomerycountymd.gov/elections/index2.html)

General Election Day is Tuesday, November 6, 2018, from 7 a.m. through 8 p.m.

Find your local precinct at <https://voterservices.elections.maryland.gov/PollingPlaceSearch>

This Fact Sheet was prepared by Making Democracy Work Committee members: Mary Lanigan (Chair), Karen Lechter, Karen Logsdon, Isabel Marbury-Mauro, Laura Noell, Barbara Sanders (Lead), Ralph Watkins, and Marge Wexler.