

A light blue map of Maryland is centered in the background of the top half of the cover.

# MARYLAND INCLUSIVE DEMOCRACY TOOLKIT

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*Local Policies and Practices for a Better Democracy*



***PROMOTE***  ***OUR VOTE***

# Let's Promote Our Vote

★★★ Think nationally and act locally in the spirit of a Constitutional right to vote ★★★

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## In the Spirit of Having Every Voice Matter...

Promote Our Vote was born out of an effort to build a grassroots call for an explicit, individual right to vote in the United States Constitution. This movement is being advanced through "Right to Vote" resolutions passed by local governments, which call on Congress to enshrine voting as a right and lay the groundwork for the highest degree of legitimacy, inclusivity, and consistency in our democracy. This work is essential if we are ever to achieve free, fair, and accessible elections for all at the national level.

Meanwhile, this Inclusive Democracy Toolkit is built to aid and empower Maryland localities—which are uniquely positioned to make innovative improvements to local elections without state permission—to address rapidly declining voter turnout at the local level and instill a culture of civic engagement in communities. In the spirit of a Right to Vote amendment, this toolkit is a resource for city councils and community leaders as they work to achieve high and equitable voter turnout, meaningful local elections, and a more reflective democracy. The solutions to our nation's stagnant democracy will be born out of local action in a community like yours.

## The Toolkit

This toolkit is built to make democratic innovation accessible to any action-minded city council, community organization, local leader, student, parent, or teacher who recognizes that our democracy is falling short of its potential at the local level. From passing a Right to Vote resolution to implementing ranked choice voting, and every policy and practice in between, this toolkit serves as a menu of options for local action. It also is intended to function as a catalyst for other unique innovations that are born out of community discussions around the right to vote. These discussions serve as an impetus to identifying and remedying local barriers to voting and civic engagement.

We have ideas for positive change, and we know you do as well. It's time to make those ideas a reality, and this resource serves to empower those in a position to affect change. The Promote Our Vote team is here to help. If you are ready to act, have questions about our ideas, have ideas to share, or could use some support, we want to hear from you. Let's build local democracies that reflect a commitment to voting as a right, that work for their communities, and that are worth participating in. Let's Promote Our Vote.

# A 'Right to Vote' Resolution

★★★ Establish voting as a fundamental right, and call on Congress to do the same ★★★

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## Background

The right to vote is the foundation of democracy, as evidenced by the fact that nearly every established democracy in the world provides an explicit constitutional right to vote. Surprisingly, the U.S. constitution provides no explicit right to vote, leaving voting vulnerable to politicians' whims and some citizens with fewer rights than others. While various federal constitutional amendments have expanded protections of the right, none of those amendments establishes voting as a fundamental right. The result is that some voters are left on the outside looking in and facing increasingly frequent and substantial burdens at the ballot box.

Enshrining an explicit right to vote in the Constitution would guarantee the voting rights of every citizen of voting age, ensure that every vote is correctly counted, and defend against attempts to enfranchise ineligible voters and disenfranchise eligible voters. It would empower Congress to enact minimum electoral standards to guarantee a higher degree of legitimacy, inclusivity, and consistency across the nation, and give our courts the authority to keep politicians in check when they try to game the vote for partisan reasons.

## Local Action

Passing a right to vote resolution is a symbol of unity with the growing groundswell of cities—big and small—which are calling on Congress to establish voting as a right in the U.S. Constitution. Building a grassroots movement in support for a right to vote amendment is essential if it is ever to become a reality. A right to vote resolution lays the ideological groundwork for further action to achieve free, fair, and accessible local elections, where participation has reached historically low levels, and age and racial disparities are highest.

While there are no tangible implications for local elections with a resolution of this nature without further action, starting a conversation about voting as a right serves as the impetus to a constructive dialogue around how to build a healthier democracy and increase voter turnout in local elections. Once a community comes to a consensus that voting is indeed a right first and foremost, and not just a privilege or responsibility, the conversation around advancing other pro-suffrage and engagement practices and policies should reflect that commitment. If voting is a right—we at Promote Our Vote feel it certainly should be—there is then a responsibility on behalf of a city council to ensure that every voice can be heard, and that local democracy is given the attention and value it deserves.

# Voting Rights for 16 and 17 Year Olds

★★★ Establish voting rights for 16 and 17 year olds in municipal elections ★★★

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## Background

Voter turnout is incredibly low across the nation, but even lower among young voters. CIRCLE, a leader in youth civic engagement, estimates that eligible voters ages 18-29 voted at a rate of about 22.2% in the 2014 midterm elections, compared to the already historically low national rate of 36.4%. The 18-29 demographic made up only 13% of those who voted in 2014, yet makes up 21.2% of the citizen population. In Maryland, 18 to 24 year olds were registered at the lowest rate among eligible voters in the 2012 presidential election. These trends in turnout are even more exaggerated in municipal elections, which highlights the need for policy action to increase voter turnout— specifically among young voters where turnout is lowest.

Currently, nearly half of states allow 17-year-olds to vote in primaries if they will be 18 at the time of the corresponding general election. On an international scale, several nations have expanded suffrage to 16 and 17 year olds with success--the most recent example being the Scottish independence vote in September, 2014. In May of 2013, Takoma Park, Maryland became the first U.S. voting jurisdiction to expand suffrage to residents ages 16 and 17 in general municipal elections. In Takoma Park's 2013 municipal election, turnout among eligible voters under age 18 was double that of eligible voters ages 18 and older.

## Policy Action

It is time to engage young voters earlier: Voting rights should be expanded to 16 and 17 year olds in municipal elections. Empirical evidence suggests that the earlier in life a voter casts their first ballot, the more likely they are to develop voting as a habit. By lowering the voting age to 16, young people will be engaged meaningfully in the democratic process *while* they are taking civics courses, and *before* they leave their home communities for college. This is key for young voters, who have a much more difficult time registering and voting once they leave home.

While one's first reaction might be to question the ability of young voters to cast a meaningful vote, research shows that 16 and 17 year olds are as informed and engaged in political issues as older voters. It is time that they are empowered to put that knowledge to good use at the polls, and make voting a habit in their formative years. These young citizens are old enough to drive, work without restrictions on their hours, and pay taxes--they should also have a voice in their local government. To truly recognize voting as a fundamental right and address the low voter turnout that currently plagues young voters, municipalities should lower the voting age to 16.

# Civic Inclusion for Apartment Residents

★★★ Update housing codes to ensure civic inclusion of multi-unit housing tenants ★★★

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## Background

Voter turnout trends across the nation indicate that older, whiter, and wealthier residents are more likely to vote than other segments of a community. Part of the problem is that residents who live in multi-unit housing—and are disproportionately lower-income and minority residents—are not engaged in the democratic process by candidates as they campaign door-to-door. According to the National Multifamily Housing Council, 68.9% of American apartment dwellers made less than \$50,000 per year in 2013. It is also important to understand that this is a significant segment of potential voters: 14.1% of Maryland residents live in apartment buildings, which means that approximately 818,617 people are being left out of pre-election dialogue with candidates. This has negative implications for how many people turnout, who is represented at the polls, and ultimately, who is represented at each level of government. This example of civic exclusion in the campaign process presents localities with another opportunity to make a simple statutory improvement and engage more of the community in local elections.

## Policy Action

Cities can promote civic inclusion of all residents by updating municipal housing codes to ensure that qualified candidates running for office can reach voters in apartment dwellings. A simple statute permitting candidates and their volunteers to campaign door-to-door, after providing proper notice to landlords and tenants, would allow for the face-to-face contact with candidates that most house-dwelling residents receive. Similar statutes in Minnesota and Takoma Park (MD) have granted access to multi-unit dwellings as a tool for civic inclusion. Minnesota, in particular, has used this statute to counter traditionally low voter turnout among residents of apartments, nursing homes, and college dormitories without controversy for nearly thirty years.

Though declining participation in municipal elections poses a significant obstacle to local governance, it presents an opportunity to challenge entrenched practices and build a more inclusive city government. Solutions to low participation must not only expand access but also improve engagement to traditionally underrepresented groups. This measure has the potential to engage a large segment of the resident population in local elections in a much more personal way, as well as bring local issues to their doorstep instead of waiting them to join the fray on their own. Extending candidate access to multi-unit dwellings demonstrates a commitment to civic inclusion and serves as a simple, yet critical step toward more engaging and representative elections.

# Civic Information Packets for Renters

★★★ Provide voter registration forms and other election information to all new tenants ★★★

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## Background

Voter participation among renters, particularly those who live in multi-unit housing, has long lagged behind voter turnout among homeowners. In fact, homeowners and long-term residents (5 or more years) were nearly twice as likely as renters, especially those who have moved within the past year, to vote in recent Presidential elections. Renters tend to be younger and more racially and economically diverse than homeowners. Because they are typically more transient, renters are often less knowledgeable of polling locations and voter registration requirements in their new communities. As roughly one in three Marylanders rent homes, this has negative implications for how many people turnout, who is represented at the polls, and ultimately, whose voice and interests are represented at each level of government.

## Policy Action

Cities can promote civic inclusion of all residents by requiring landlords to distribute City-supplied electoral information packets to all new tenants in a timely manner. A simple statute that updates the obligations of landlords in the existing municipal housing code to include distribution of election information would ensure that more transient residents are encouraged to engage in civic activities and invest in their communities. Each packet should include voter registration forms, polling location information, upcoming election calendars, and other resources regarding the municipal election process. The packet should be accessible on the City's website for downloading and printing by landlords and tenants and available in English, Spanish, and other widely-spoken languages as necessary.

Similar statutes in cities like Madison (WI) and East Lansing (MI) have established an explicit right to civic inclusion for renters with the hopes of encouraging participation among underrepresented groups. In particular, these statutes act to counter traditionally low voter turnout among apartment residents, nursing homes, and college dormitories, which experience high turnover among occupants.

More inclusive and engaging local elections require both structural reform and more concerted outreach efforts. Providing all new tenants with civic information engages many currently underrepresented residents in a targeted and personal way and serves as a simple yet crucial step toward more meaningful participation in local elections.

# Same Day Voter Registration

★★★ Allow voters to register on Election Day and increase access to the polls. ★★★

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## Background

Low levels of voter turnout in the U.S. are often the product of simple obstacles to the vote. Many eligible voters do not vote simply because they are not registered, which stems from a multitude of reasons: They may wrongly believe they are registered, may only become interested in an election after the registration deadline has passed, or are unaware of registration deadlines. Many previously-registered voters lose their eligibility to vote because they have moved (thus, they cannot vote in their old jurisdiction, and must re-register) or because they have changed their name (often after marriage). Others are never added to the voter rolls because of bureaucratic blunders including both human and computer errors. In Maryland, voters must register 3 weeks prior to state and national elections. Thus, when voters first learn of their registration status upon arriving at a polling place on Election Day, their opportunity to participate in the democratic process may have already passed.

## Policy Action

Implementing Same Day Voter Registration for local elections will allow any qualified resident of the state to go to the polls or an election official's office on Election Day, register that day, and then vote. This allows people who mistakenly believed they were registered the opportunity to still participate in their city elections. Since these often do not take place at the same time as state and national elections, voters that participate in local elections can also ensure they are ready when Election Day arrives for state and national elections.

In states that use SDR, there is evidence of significant increases in voter participation. In addition, voter mobilization efforts can continue until the day of an election, allowing campaigns more time to encourage voters to turnout. According to the public policy group Demos, average turnout rates in states with SDR are 10-12 percentage points higher than national averages, illustrating SDR's ability to lower barriers to voter participation<sup>1</sup>. Implementing SDR at the local level in Maryland is an excellent way to increase participation, and should have positive implications for future elections as well.

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<sup>1</sup> Voters Win With Same Day Registration: A Factsheet. *Demos*. Retrieved , from [http://www.demos.org/sites/default/files/publications/Voters\\_Win\\_2010\\_demos.pdf](http://www.demos.org/sites/default/files/publications/Voters_Win_2010_demos.pdf)

# Ballot Usability Testing

★★★ Ensure intuitive, voter-friendly ballots ★★★

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## Background

Poorly designed ballots negatively affect voters' ability to express their choices. In cases where ballot design is unclear, voters may improperly mark their preferences, resulting in votes that are miscast or discarded completely. The infamous "butterfly ballot" used in Florida's 2000 Presidential election illustrated the potential consequences of a confusing ballot design. Beyond the confusion in deciphering voter's intentions with that troubling ballot, the number of "overvotes," or ballots with multiple punches, exceeded 19,000..

Even beyond that particularly memorable incident, voter error is far more prevalent than anyone would like it to be. The highly decentralized election system employed in our country provides ample opportunity deviations and peculiarities among the hundreds of different ballots used from one voting jurisdiction to the next, such that even experienced voters are prone to spoiling their ballots. Beyond the impact on the votes that are cast with them, poor ballot designs also contribute to dismal rates of voter turnout.

## Policy Action

Usability testing reviews ballot design and corrects ineffective ballot formats. A usability test involves a mock voting session to gauge a voter's understanding of the ballot. Presenting draft ballots to voters prior to an election will ensure that disadvantages associated with certain ballot designs are discovered before the ballots are finalized. Furthermore, publicizing the results of usability testing will promote communication about best practices across jurisdictions, with the potential to facilitate a more standardized format that voters will become familiar with.

The University of Baltimore User Research Lab submitted a usability testing report on the online ballot marking system to the Maryland Board of Elections in January of 2014, in which they recommended simpler language in directions and a more intuitive visual interface based on feedback from test subjects. Municipalities can similarly improve the voting process by providing ballot design well ahead of an election, and eliciting similar feedback from voters. This should improve the ballot that is used on Election Day, and is helpful in communicating ballot directions to the public prior to voting. Usability testing will ensure voters' preferences are correctly translated into election results.



# Restoration of Voting Rights

★★★ Establish voter re-enfranchisement laws for persons with felony convictions ★★★

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## Background

An estimated 5.85 million Americans are denied the right to vote because of laws that prohibit people with felony convictions from voting. Furthermore, such laws have a disproportionate impact on racial minorities. According to the Sentencing Project, one in every 13 African Americans are barred from voting due to felony convictions. The United States is the only country that permits permanent disenfranchisement of persons who committed a felony even after completion of their sentence. In Maryland, an estimated 60,000 residents with felony convictions are unable to vote because of their parole or probation status, despite completing their sentence.

## Policy Action

Currently, the state of Maryland allows voting rights to be restored after the completion of a prison sentence as well as completion of any parole or probation periods. However, Maryland municipalities have an opportunity to expand voting access further by restoring voting rights to individuals who have served their sentence and have completed a pre-release program, but are still serving parole or probation. It is also important to ensure persons convicted of a felony are aware of their voting rights and limitation during both the conviction and release process, so that they do not inadvertently violate restrictions, or miss an opportunity to exercise their voting rights.

Restoring voting rights is good for people with a felony conviction and good for communities. Voting is among the most important of civic duties, and allowing people with a felony conviction to have a voice in democracy is a small step in reintegrating them into the rights and responsibilities that come with living freely in society. It also provides low-income and minority communities--who are disproportionately disenfranchised by felony convictions--with a better opportunity to elect candidates who represent their interests.

# Comprehensive Voter Guides

★★★ Providing voters with accessible, nonpartisan information on candidates and key issues ★★★

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## Background

Voters often lack access to factual, nonpartisan, and multilingual material about topics that affect their lives. Inaccurate and incomplete political information is widespread throughout election cycles. Campaigns, candidates, and media frame the dialogue surrounding key issues in strategically partisan and sometimes misleading ways. In fact, a 2010 study conducted by the University of Maryland concluded that nine in ten voters encountered misleading information during the midterm elections that year. The quality of information received by voters directly contributes to the outcome of elections, and confusion surrounding key issues restricts a voter's ability to cast a meaningful and informed ballot. Additionally, eligible voters who speak English as a second language often lack access to election information in their native tongues and vote at traditionally lower rates than their counterparts. Inability to access factual, nonpartisan, and multilingual information on candidates and issues contributes to low voter turnout.

## Policy Action

A comprehensive nonpartisan voter guide would provide voters with reliable and accessible information regarding upcoming elections. The voter guide would combat issues of inaccuracy and manipulation by candidates, campaigns, and media. The guide should include a list of candidates running for each office, responsibilities and powers of each office, and either a candidate-submitted overview of their platform or a list of questions and responses regarding key policy issues. Voter guides should be mailed to registered voters on record and available for downloading on the Board of Elections' website in English, Spanish, and any other appropriate languages. Several organizations, including the League of Women Voters, currently produce non-partisan voter guides to assist citizens preparing for upcoming elections; a City-led effort to distribute factual, nonpartisan, and accessible voter guides would empower all registered voters to cast an informed ballot.

# Minimize Wait Times

★★★ Reduce the burden of standing in line at the polls. ★★★

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## Background

Long wait times inconvenience voters and often dissuade potential voters from casting a ballot. A survey conducted during the 2008 election cycle cites long lines as a significant deterrent to nearly 2.6 million people, or roughly one in ten voters nationwide. In 2014, the Presidential Commission on Election Administration set the parameters for what constitutes a “long line,” stating that “no voter should have to wait more than half an hour in order to have an opportunity to vote.” Held to these standards, Maryland fares poorly in comparison to other states. During the 2012 Presidential election, many Marylanders waited more than an hour to, both during early voting and on Election Day.

## Policy Action

A number of predictable factors, including populous jurisdictions, ballot length, and available resources at polling locations, contribute to long wait times. As such, simple steps can be taken to minimize voters’ wait times. Voters waiting in line should be given something to occupy their time, such as a sample ballot or literature on state and local ballot questions. In more populous jurisdictions and during peak voting times, elections administration should begin an additional line at the voting machines rather than delay voters waiting to check in by keeping everyone in the same line.

In the case of long wait times, election judges should regularly update voters on the progress of the line and explanations for delays. Finally, a dual-judge system should be used throughout the check-in process; currently, four Maryland counties with high peak time check-in rates use the dual-judge approach to streamline the check-in process and handle large volumes of voters. These various practices decrease the burden on voters at the polls and contribute to a substantially more pleasant voting experience. Minimizing the perceived “costs” of voting will lead to increased voter participation and retention.

# Non-Citizen Resident Voting Rights

★★★ Establishing non-citizen resident voting rights for municipal elections. ★★★

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## Background

The Department of Homeland Security reported an estimated 13.1 million legal permanent residents in the United States in 2011. In 2012 and 2013, one million people became legal permanent residents each year, bringing the numbers up to 15 million legal permanent residents. In Maryland alone, there were almost 26,000 people obtaining or already obtained legal permanent residency. These legal residents work, pay taxes, serve in the military, and contribute to the wellbeing of our American communities. While permanent residents are an active and thriving population in our country, the federal law currently bans legal permanent residents from voting in federal elections, unless specifically authorized by a state constitution, state statute, or local ordinance. Non-citizens are currently incapable of voicing their opinions when voting for school boards, mayors, and bills that affect their family's daily life. In some jurisdictions, anywhere from 10 to 50 percent of the adult population is barred from voting because they are non-citizens<sup>1</sup>.

In localities like these, the disenfranchisement of non-citizens can create unrepresentative elected officials resulting in unreflective policy making. Political exclusion can have direct consequences on residents' livelihood, as studies show that immigrants score lowest in indicators of wellbeing, including employment, housing, education, and health. Given the economic and social impact of elections, non-citizen's inclusion in the voting process is essential in order to uplift and engage a segment of the community that is marginalized in civic life.

## Policy Action

To achieve a more inclusive government, suffrage rights on the local level should be extended to non-citizen residents. This is possible under the Illegal Immigration Reform and Immigrant Responsibility Act which allows state legislatures to pass legislation that permits non-citizens the right to vote. Additionally, at the local level, elected officials can pass city council resolutions that allow for non-citizen resident voting. In Maryland non-citizen voting ended in federal and state elections in 1851 when the Maryland Constitution set out U.S. citizenship and Maryland residency as prerequisites for voting eligibility. Maryland municipalities, however, have the authority to set their own voting eligibility concerning residents voting rights. Because local governments in Maryland have control over eligibility requirements to vote, individuals can encourage their local government to allow for non-citizen voting. By allowing non-citizens to vote, local governments can more accurately reflect the needs of those living in the community.

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<sup>1</sup> Hayduk, Ron. *Democracy for all: Restoring Immigrant Voting Rights in the US*. NY: 2006. Routledge