

**TO:** Rockville City Council  
**FROM:** Patricia Hart, FairVote Project Director; and Rais Akbar, FairVote Legal Fellow  
**RE:** Voter participation in Rockville city elections  
**DATE:** October 4, 2013

## INTRODUCTION

The city of Rockville, Maryland holds mayoral and city council elections every two years.<sup>1</sup> These elections are held during odd-numbered years and do not synchronize with any federal elections. In 2011, there were 36,840 registered voters in the City of Rockville, which was 76% of the eligible population.<sup>2</sup> In the 2011 city election however, turnout was only 17% of registered voters, a level of turnout consistent with past city elections.<sup>3</sup> Voter turnout varied between districts, with District 6 yielding only 8% voter turnout and District 9 bringing out 23% of its voters to the polls.<sup>4</sup> Such low levels of participation may be explained by certain factors relating to Rockville's demographics, housing distribution, and election calendar. Recent research has also found that ethnic minorities tend to participate in city elections at a much lower rate than their white counterparts.<sup>5</sup> There is also some research suggesting that apartment residents have slightly lower levels of voter participation than do residents of single family homes.<sup>6</sup> It is estimated that voter participation will decline even further in the coming years due to the addition of several apartment buildings, and Rockville becoming a majority-minority city.<sup>7</sup>

We believe this trajectory can be changed. Implementation of policies designed to increase voter turnout – such as access to apartment buildings, and the creation of a Right to Vote task force focusing on increasing minority participation – will likely increase participation overall and equity in participation. No single change would increase turnout as much as shifting elections to take place in even years in coordination with state and federal elections, although we recognize some cities prefer to hold elections where voters are solely focused on city issues.

## 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. Federal elections, particularly Presidential elections, have a much higher turnout rate than the average local election. For example, in the 2012 Presidential election, voter turnout neared 70% in Montgomery County.<sup>8</sup> By contrast, the most recent Rockville election (2011) featured a mere 17% turnout.

It follows then that were city elections to be held concurrently with federal elections, turnout would be much higher, and especially high during Presidential election years. If voter turnout is

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

<sup>2</sup> R. A. Schrack, *The Future of Rockville* (2012), pg. 2, see Appendix B of this memo.

<sup>3</sup> R. A. Schrack, *2011 Absentee Ballots* (2013), pg. 1, see Appendix C of this memo.

<sup>4</sup> R. A. Schrack, *The Future of Rockville* (2012), pg. 1.

<sup>5</sup> *Id.*, pg. 5.

<sup>6</sup> R. A. Schrack, *The Future of Rockville* (2012), pg. 2.

<sup>7</sup> *Id.*

<sup>8</sup> 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>.

the primary factor in choosing an election date – and we realize cities must factor in other considerations – two ideas to consider are 1) extending the length of terms of office for mayor and council members from two years to four and aligning them with U.S. Presidential terms and 2) keeping the terms two years long as they presently are but holding the elections on even-numbered years to align with congressional elections and Presidential elections every other cycle.

*The first of these two is preferable to the second* for two reasons. First, turnout is higher in Presidential election years. Second, the Maryland ballot for elections during the off-Presidential cycle (2010, 2014, 2018, etc.) is densely populated. Maryland elects its governor and every member of its legislature in these elections. Montgomery County elects its county executive and every member of the County Council. This is in addition to the federal congressional races. Alongside all these other contests, city races may well be given scant attention, both by voters and local media. By contrast, in the presidential years (2012, 2016, 2020, etc.), the Maryland ballot will feature a presidential race, a congressional race, a U.S. Senate seat two-thirds of the time, and the city races, which would stand out sufficiently to garner attention from voters and local media.

We also recognize that voter turnout may not be the only factor a city will consider. One possible consequence of joining elections with state and federal elections is that the city might have more difficulty expanding suffrage to residents who cannot vote in state and federal elections. For example, some communities in Maryland allow resident non-citizens to vote, as well as 16 and 17 year olds, and persons under parole. If such a community held an election concurrently with a state or federal election, it would need to be clear that such voters would only get a ballot to vote in the city election.

#### A. Counterarguments and responses

##### i. Changing the electoral calendar would not result in increased partisanship.

The salutary effects on turnout of changing the Rockville electoral calendar are clear. For example, we would expect to see turnout of about 50% in midterm election years<sup>9</sup> and about 70% in presidential election years.<sup>10</sup> However, counterarguments are sometimes advanced, highlighting the negative consequences of aligning Rockville’s non-partisan elections with intensely partisan federal contests.

The Hatch Act of 1939<sup>11</sup> forbids many government employees are from participating in partisan elections. The city has had several officeholders and campaign workers who were federal employees. One current councilmember, John Hall, is a senior attorney at NASA. If Rockville elections were to become partisan, he and others like him would not be able to run for office. That said, it remains uncertain that changing the electoral calendar would truly result in an increase in partisanship. The commitment of the candidates themselves to remain non-partisan will play a role in maintaining the non-partisan character of Rockville elections. Indeed, guidance on the Hatch Act from the Office of Special Counsel states that “[w]hile each case is

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<sup>9</sup> Maryland State Board of Elections: Statewide Turnout, *available at* [http://www.elections.state.md.us/elections/2010/turnout/general/2010\\_Congressional\\_District.html#State](http://www.elections.state.md.us/elections/2010/turnout/general/2010_Congressional_District.html#State).

<sup>10</sup> Waibel, *supra*.

<sup>11</sup> 5 U.S.C. § 7321 – 7326, *see* <http://www.osc.gov/hatchact.htm> for more information on who is covered and what restrictions on political activity are imposed.

fact specific, the [Merit Systems Protection] Board has consistently held that it [*the partisan or non-partisan nature of the election*] is less about the title used, and more about the actions of the candidate.” (emphasis added)<sup>12</sup>

- ii. The proposed changes are not barred by the previously expressed preferences of the Rockville electorate.

One possible argument against shifting the Rockville electoral calendar is that voters have already expressed their view on this proposal and rejected it. However, this argument is faulty for reasons this memo will set forth below.

Rockville ballots sometimes present voters with referenda questions. In 2003, one such question asked voters whether they were in favor of extending the terms of council members from two years to four.<sup>13</sup> Sixty-four percent of voters voted to retain the two year term.<sup>14</sup> These results may seem to conclusively bar extensions of term lengths, but in fact opposition to such a change among the Rockville public is likely overstated.

While questions on the ballot are presented as referenda, they are in fact *advisory only*, intended to inform the mayor and city council of the public’s views on matters. Neither the mayor nor the council is bound by the results of these referenda. They remain free to adopt measures in accordance with the referenda, or contrary to the same, or to take no action at all. There has not been a ballot question on this topic since 2003, and public opinion may have changed over the past decade. Furthermore, the fact that the referenda are presented *in the very same low turnout elections that reformer seek to remedy* calls into question whether the views expressed are truly the views of a majority of Rockville’s population at all.

In the city election to be held this November (2013), voters will have a chance to consider the issue of low turnout in Rockville city elections. On the ballot will be three questions.<sup>15</sup> The first asks if voters would be in favor of extending councilmember terms from two to four years; the second asks whether voters would be in favor of moving the elections to every four years to coincide with presidential elections; and the third asks whether the council should be expanded from four seats to six.<sup>16</sup> For each of these questions, voters can indicate if they are in support, in opposition, or have no opinion. The “no opinion” option was unavailable in 2003, but will be now, which allows for a finer granularity in determining the Rockville public’s views on the matters at issue. Regardless of the results, the city’s policy makers will be free to make changes to the electoral calendar as they feel advisable, though of course there may be political pressure to not contravene the public’s expressed view too cavalierly.

- iii. Fair elections should not be limited to “high quality” votes.

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

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<sup>12</sup> Hatch Act Frequently Asked Questions, available at <http://www.osc.gov/haFederalfaq.htm>, last viewed 24 Sept. 2013

<sup>13</sup> R. A. Schrack, Rockville Election Analysis 2003, <http://www.rocknet.org/government/Election03/elec2003.html>

<sup>14</sup> *Id.*

<sup>15</sup> City of Rockville, *Rockville City Election Ballot to Include Charter Questions*, June 21, 2013, available at <http://www.rockvillemd.gov/CivicAlerts.aspx?AID=192>.

<sup>16</sup> *Id.*

to have “high quality” votes. The quality of a vote may depend on whether or not the voter owns property in Rockville, has children, 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.

## 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 buildings<sup>17</sup> in the City of Rockville. These people tend to participate in city elections at a slightly lower rate compared to residents living in single-family homes.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> 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.

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<sup>17</sup> Apartment building includes high-rise apartment buildings, mid-rise apartment buildings, garden apartments and retirement communities.

<sup>18</sup> R.A. Schrack, *The Future of Rockville* (2012), pg 1.

<sup>19</sup> *Id.*

<sup>20</sup> Section 1-303 of the Election Law Article, Maryland Code (2003, 2007 Supp.).

<sup>21</sup> Denial of Access by Political Candidates to Multiple Unit Dwellings. Minn. Stat. § 211B.20 (2012).

III. Creating a Right to Vote task force dedicated to studying participation and civic engagement, particularly from Rockville's minority populations, will improve local democracy.

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 ethnic minority, and the city is predicted to have a majority-minority population within the next five years.<sup>22</sup> 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.<sup>23</sup> 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](http://www.promoteourvote.com).

IV. Establishing support for the proposition that voting is a fundamental right deserving of explicit constitutional protection would foster greater civic engagement.

We understand that Rockville does not have a history of weighing in on national issues, but we wanted to urge you to consider having a right to vote resolution asserting support for the proposition that voting is a fundamental right and deserves explicit constitutional protection. This position was recently adopted by Montgomery County in a resolution (attached as Appendix D) that all nine members of the council sponsored. A resolution of this nature puts jurisdictions on record that they take an uncompromising view of voting as a right and defines the values that govern specific actions to be undertaken pursuant to that resolution. We believe that within a year, several dozen cities, school boards and universities will pass such resolutions. We hope that these efforts will contribute to a growing nationwide movement to adopt an amendment to the US Constitution proclaiming an affirmative right to vote.

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<sup>22</sup> R.A. Schrack, *The Future of Rockville* (2012), pg 4.

<sup>23</sup> 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](http://www.humanityinaction.org/knowledgebase/17-breaking-the-cycle-of-indifference-participation-of-ethnic-minorities-in-local-politics).

## **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](http://www.promoteourvote.com) or contact Patricia Hart at [hart@fairvote.org](mailto:hart@fairvote.org) or Rais Akbar at [rakbar@fairvote.org](mailto:rakbar@fairvote.org).

## **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](http://www.rockvillemd.gov/CivilAlerts.aspx?AID=192).

## Appendix B

### The Future of Rockville

R. Schrack 1 August 2012

#### Overview

This report will show the current data for housing and ethnic composition for the ten election districts of Rockville. This data has never before been available. The election results show that the relative voter participation fraction for each district varies from 0.08 in district 6 to 0.23 in district 9. The pattern of these participation fractions remains roughly the same from one election to the next. The origin of this pattern will be shown to be the housing and ethnic composition unique to each district. This information will then be used to predict the future based on Rockville city projections of population, ethnic fraction, and housing unit growth in the city for the next twenty years. The result is unsettling. Our projected participation of voters in twenty years will drop to 11%. The basic cause of this is the failure to integrate all members of the community into our civic life.

#### Housing

Rockville started to grow from a small county seat in 1950 when the G. I. Bill financed a rapid growth in affordable housing. For the most part the housing was Single Family Detached homes that were owner occupied. As land became more expensive, other housing forms were built, Single Family Attached (townhouses), apartments, and in two cases, garden apartments. In many cases apartments (multi-family housing) were rented. When sold to the resident, units in multi-family housing are called condominiums. The following table shows an inventory of housing compiled by the city in June 2011.

Type	Groups	Units	Residents
Single Family Detached (SFD)	11,259	11,259	32,841
Single Family Attached (SFA)	3,555	3,555	8,789
Apartments	42	8,951	18,660
Garden Apartments	2	427	863



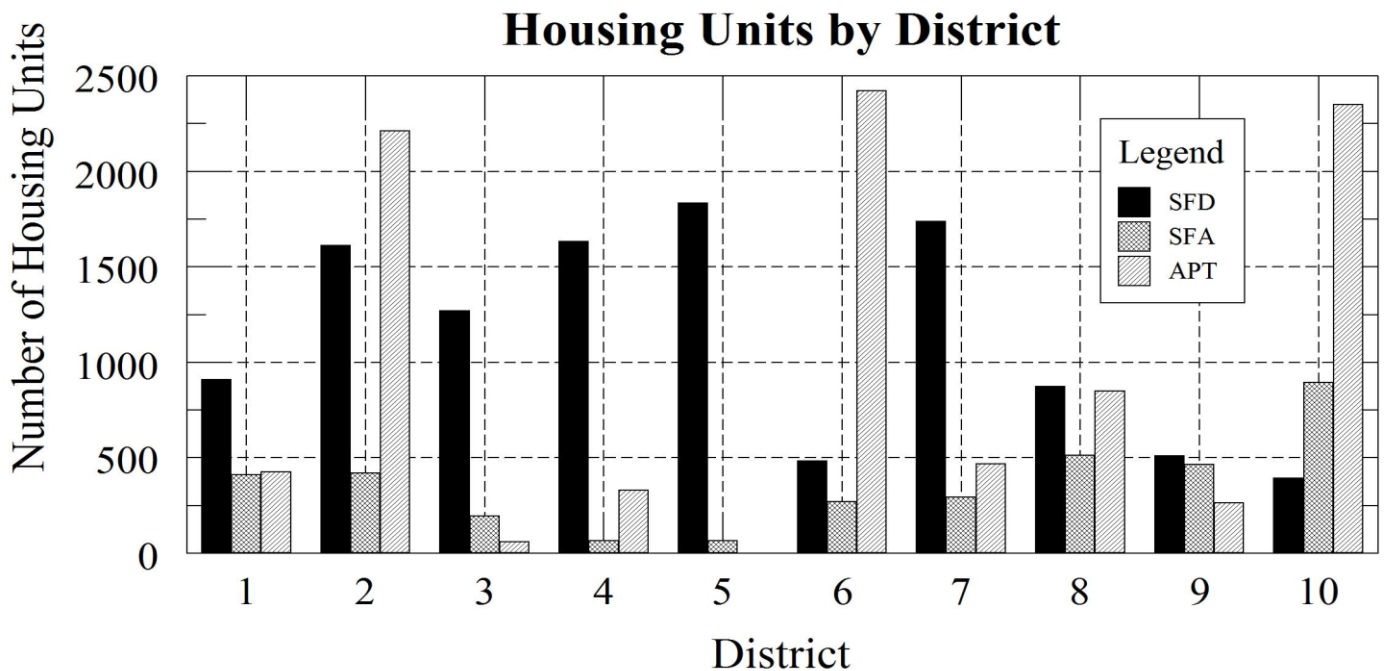
In addition to the residents shown above, there are 1,708 living in retirement communities. Garden apartments will be combined with apartments in future calculations. The data in the city publication were used to develop the bar graph below showing how housing categories are distributed in the 10 voting districts of the city. A map of the city election districts is included as the last page of this report. This is the first time the following data has been available.

Note that the major apartment sources are Town Center (2), Congressional towers (6), and King Farm (10). Of the current 8951 apartment units, only a small minority have been built in the last 5 years.

There is very little vacant land left in Rockville and land prices in general are such that almost no single family detached or single family attached homes will be built in the future. Almost all future housing in the city will be in multi-family buildings in Town Center, Twinbrook Commons, and along Rockville Pike.

In an attempt to estimate future student and voting populations in the city, the following table estimates the current sources of these populations from different housing types. The number of **Housing Units**, **Population per Unit**, **School Children per Unit**, and **Children per Unit** were obtained from the city and the Montgomery County Public schools. These values were then used to calculate the number of **Adults per Unit**. The census value for population 18 and over is 48,062 in good agreement with our value shown here of 48,345. The number of registered voters in the 2011 election was 36,840. This is 76% of the eligible population. The national average was 71% in the 2008 election.

Type	Units	Pop/U	SC/U	C/U	A/U	Adults
SFD	11,259	2.915	.58	.8	2.1	23,644
SFA	3,555	2.597	.27	.37	2.2	7,821
Med Rise Apts	9,378	2.095	.20	.27	1.8	16,880
High Rise Apts	0	2.095	.11	.16	1.9	
Total						48,345



Is there any difference in voting participation between Single Family Detached (SFD) and Single Family Attached (SFA or Townhouses)? A study was made of the registration and voting patterns of Single Family Detached and Single Family Attached households in groups that are similar in socio-economic level in the New Mark Commons subdivision. There are 185 Single Family Detached homes and 202 Single Family Attached homes in New Mark Commons. The voter list showed relative registration levels of 95 and 97% for the two types of homes. Voter participation (votes/registered voters) and the associated statistical uncertainties for the 2011 election are respectively  $0.32 \pm 0.04$  and  $0.25 \pm 0.04$ . They are in statistical agreement and about twice the city average of 0.17 for non-apartments. The city average participation is 0.10 for apartments. In the future no distinction will be made between SFD and SFA. They will both be considered under the heading of single family residences or houses.

It is interesting to also compare the participation levels between rental apartments and owned apartments called condominiums. There is usually no difference physically between the two types. A builder that constructs a multi-family unit usually tries to sell them at first. If there is no market for the units, he will rent them. Just as New Mark commons is an upscale subdivision with higher than average voter participation, so too is King Farm where there is a good collection of both apartments and condominiums close together. The following table shows the results for apartments, condominiums, and single family homes (both SFA and SFD), in King Farm.

Type	Registration	Vote in 2011	V/R
Single Family Homes	3118	401	0.13
Condominiums	332	50	0.22
Apartments	1073	199	0.19

The results are unusual in that the voter participation (V/R) for apartment and condominium residents is about twice as high as expected for the rest of the city and the participation of homeowners is lower than average. In any case, the participation results for apartment renters and apartment owners are well within statistical uncertainties. Until better data are obtained, it will be assumed that there is no difference in voter participation because of ownership for residents in multi-family units.

The wave of the future may be seen in multi-family developments in the last few years. Representative of these are the Fitz, The Alaire, The Crest, and the Westchester. They are located

near Metro stations; they are upscale in price and designed to appeal to younger people. The following table shows the data. Type indicates **C**ondominium (owned) or **A**partment (rental). Subsequent columns show the number of **units** in the development, the resident **population**, the number of **registered** voters, and the number of **votes** from that development in the 2011 election.

Name	Type	Units	Pop.	Reg.	Votes
The Fitz	<b>C</b>	221	463	214	5
Alaire	<b>A</b>	279	585	131	1
The Crest	<b>A</b>	146	306	102	4
The Westchester	<b>A</b>	192	402	171	0
Total		838	1756	618	10

Only 35% of the residents are registered, compared to over 76% for the general population. The voter participation is only 1.6%, less than 1/10 of that for the rest of the population in the 2011 election. These are young people on the go, not interested in settling down and starting families. The elementary school yield of these apartments is 3 per 100 units, a little below the value the Montgomery County Public School system expects from high rise multi-family units. There is high demand now for this type of housing and this will represent most of our new population in the years ahead. The data shown above will be used to show how this will affect the political life of the city.

### **Ethnic composition**

The 2010 census showed the continuing increase in Rockville’s ethnic population going from 26% to 45 % in the last 20 years.

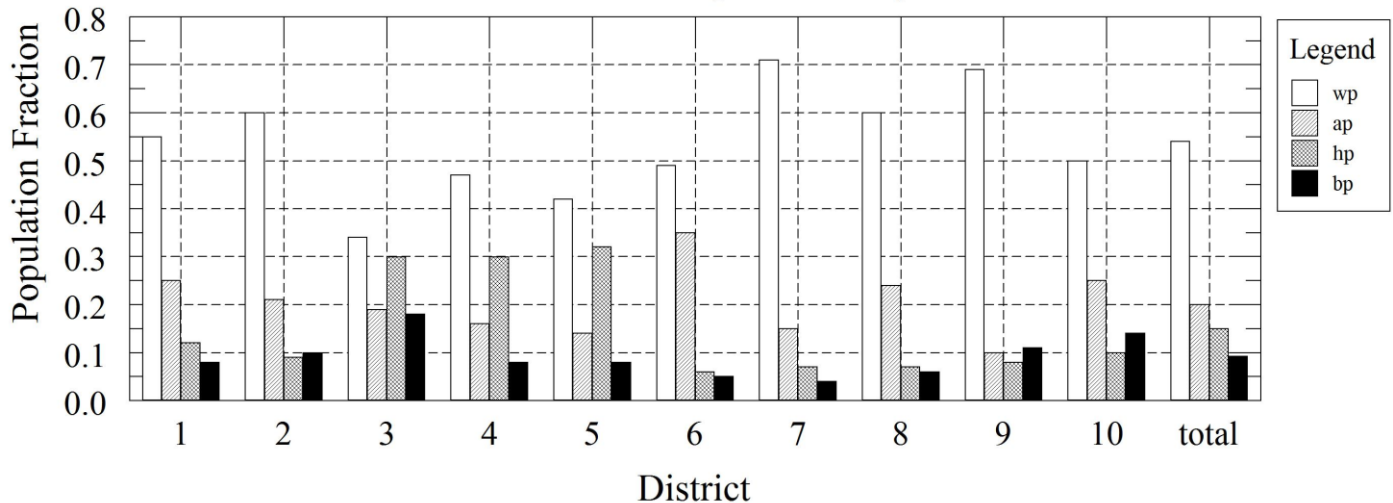
The 2010 census tells us the present relative fractions of the four main ethnic groups, **White**, **Asian**, **Hispanic**, and **Black**:

<b>W</b>	.55
<b>A</b>	.21
<b>H</b>	.14
<b>B</b>	.10

The bar chart below shows the ethnic composition in 2010 for the 10 districts of Rockville. There are four bars for each district. The first non-shaded bar is for the White or Non-Ethnic population, the second the Asian population, the third bar for the Hispanic population, and the fourth bar for

the Afro-American or Black population. The final group marked total shows the overall value for Rockville. These values were derived from data in the demographics section of the city website and are the results of the 2010 census. This is the first time the following data has been available.

### Ethnic Fraction of Population by District



The Asian and Hispanic fractions have strong growth rates and in the future and for most districts there will be no overall growth in population because of fixed number of housing units available thus there will be a redistribution, mainly at the expense of the White or Non-Ethnic population. New construction of upscale apartments in districts 2, 5, and 6 will be the only districts with a major change in the population size

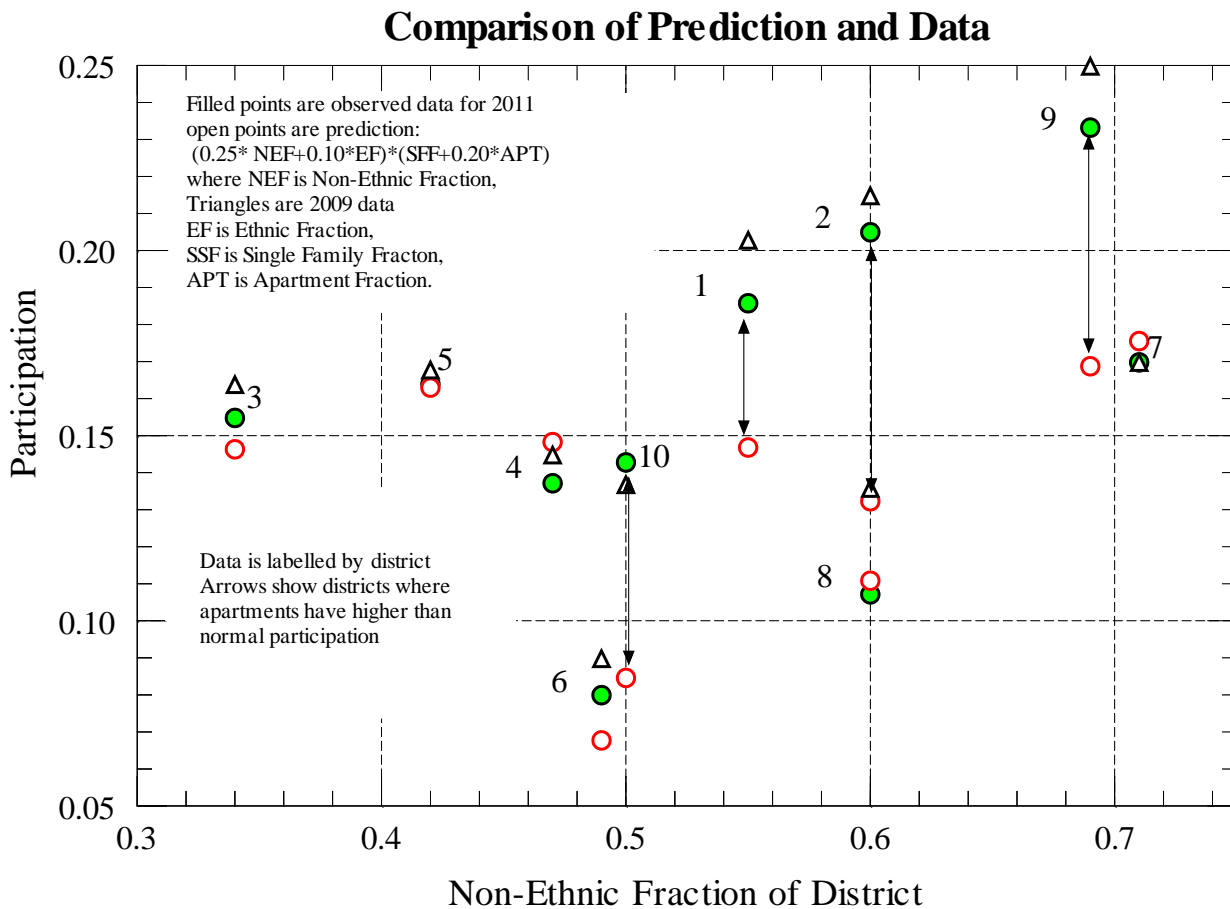
### The Participation Puzzle

As mentioned in the overview, the pattern of participation in the ten different districts and the persistence of the pattern has long been a mystery. The ability to understand and calculate the voter participation for each district rests on the data on housing and ethnic distribution that have been discussed in the previous parts of this report. A key to understanding the process is to realize that the final value of the participation is a product of the participation probability related to ethnic factors times the participation probability due to housing factors. The solution presented is possible only because it was possible to make some simplifying, but valid assumptions. That the assumptions were valid in most cases is attested to by the amazingly good agreement obtained for most districts between observed and calculated participation values.

At the top of the next page the plot shows the voter participation plotted against the relative

number of white (non-ethnic) voters in the district. The district number is shown next to the filled data values. Three sets of data are shown, the 2011 election results (filled circles), 2009 (open triangles) and a prediction for 2011 (open circles) based on a formula shown on the plot. In some cases the plotted points are on top of one another (as in districts 5 and 7) so all the data points are not visible. The first thing to notice is that the data for 2009 and 2011 are usually within about 5% of one another showing that there are characteristics of each district that do not change greatly from one election to another. Note that the participation values have a strong correlation with

white (non-ethnic) voter population.



There are a large number of variables that could influence the participation of a voter. Among them: gender, age, wealth, children, ethnic group, type of residence, owned or rented, etc., etc. Some are much more important than others. In the beginning of the report housing types were discussed and evidence was presented that housing type was important and it was shown that housing could be reduced to two types, single family homes (where the resident directly pays his real estate taxes to the city) and residents of multi-family buildings which are called apartments (whether or not they are owner occupied) where the taxes are paid indirectly through rent or a condominium fee.

Likewise, all ethnic groups have been lumped together in distinction to non-ethnic (or white). Using only these two categories with two choices in each, the formula predicts the participation of voters quite well for 6 districts out of the 10. It is too much to expect one formula to cover all districts. As was pointed out earlier King Farm (district 10) shows very unusual characteristics in that apartment participation is greater than single family home participation. Other districts may have other unusual differences.

The formula assumes that ethnic participation is only 40% of the participation of the white population. This means that a targeted program to encourage ethnic participation could double the level of city wide participation. The formula also indicates that apartment dwellers currently contribute, on average, about 20% of the number of votes they could. The case is even worse for the

new upscale apartments that appeal to young adults. Understanding the present situation is helpful in predicting the future. The report will now take what we have learned and using some guesses about the future population try to show the participation levels that can be expected if current trends continue

**The Future**

As has been pointed out, there will be virtually no new single family residences constructed in Rockville. The graph on the left is based on predictions of future housing growth made by the city but here explicitly shown as apartments in multi-family buildings. The graph also shows the number of single family homes having no growth after 2010. The graph and the city prediction both assume that the current moratorium on residential construction will soon be dropped.

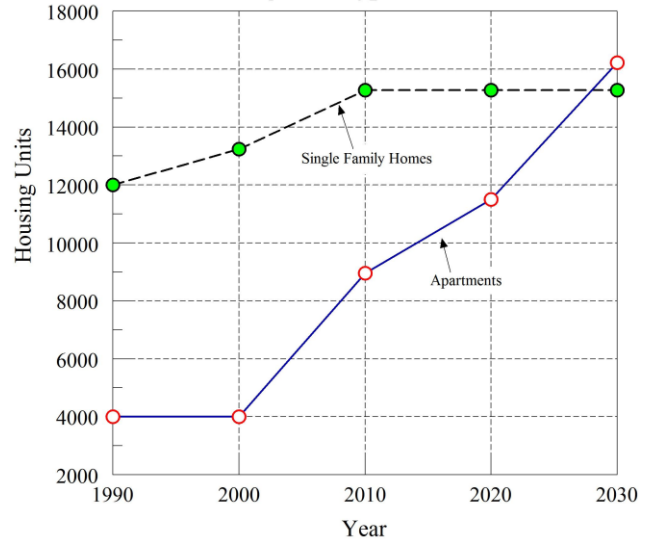
The next graph on the right shows the rise of the ethnic population and its projected continued rise in the future. The ethnic population in the school system and birth rates indicate that this continued rise can be assumed without further immigration. From the graph it can be seen that in less than five years the ethnic population will be in the majority.

The data from these two graphs can then used in the formula that was shown to work quite well in predicting the district participation levels to make predictions for the future.

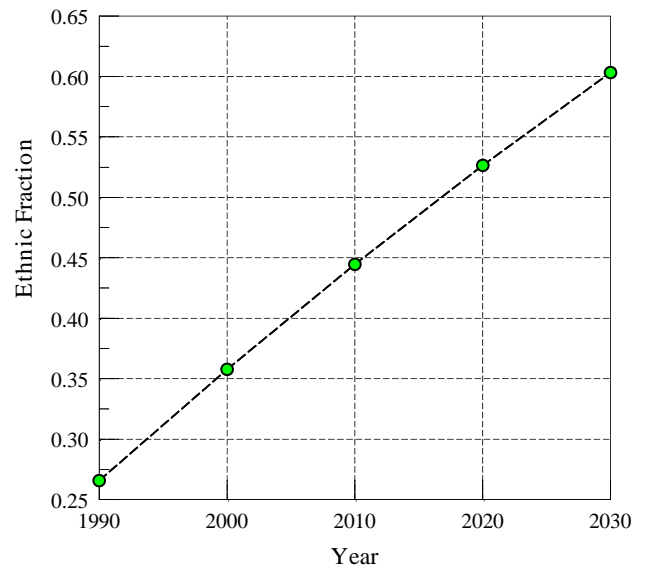
The bottom graph on the right shows the end result. The graph line marked "votes" shows that in future elections the absolute number of ballots cast in the elections will drop. Likewise the participation levels will also drop. By 2030 the participation levels will drop to 11%. That this result is independent of whether or not the moratorium is dropped can be inferred from the low participation of residents in the new upscale apartments.

These drops in votes and participation will take place despite new residential construction simply because of the change in composition of the population that will inhabit the currently existing single family homes.

**Housing Unit Types in Rockville**

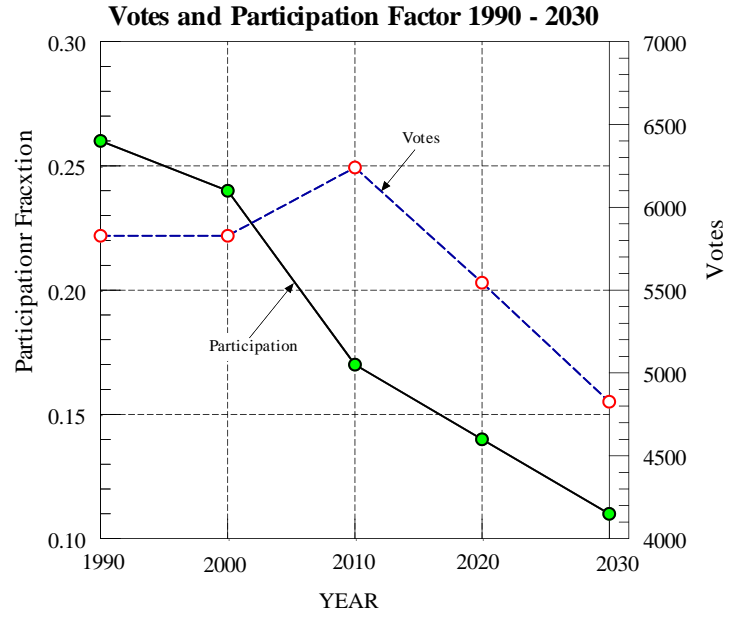


**Rise in Ethnic Fraction**



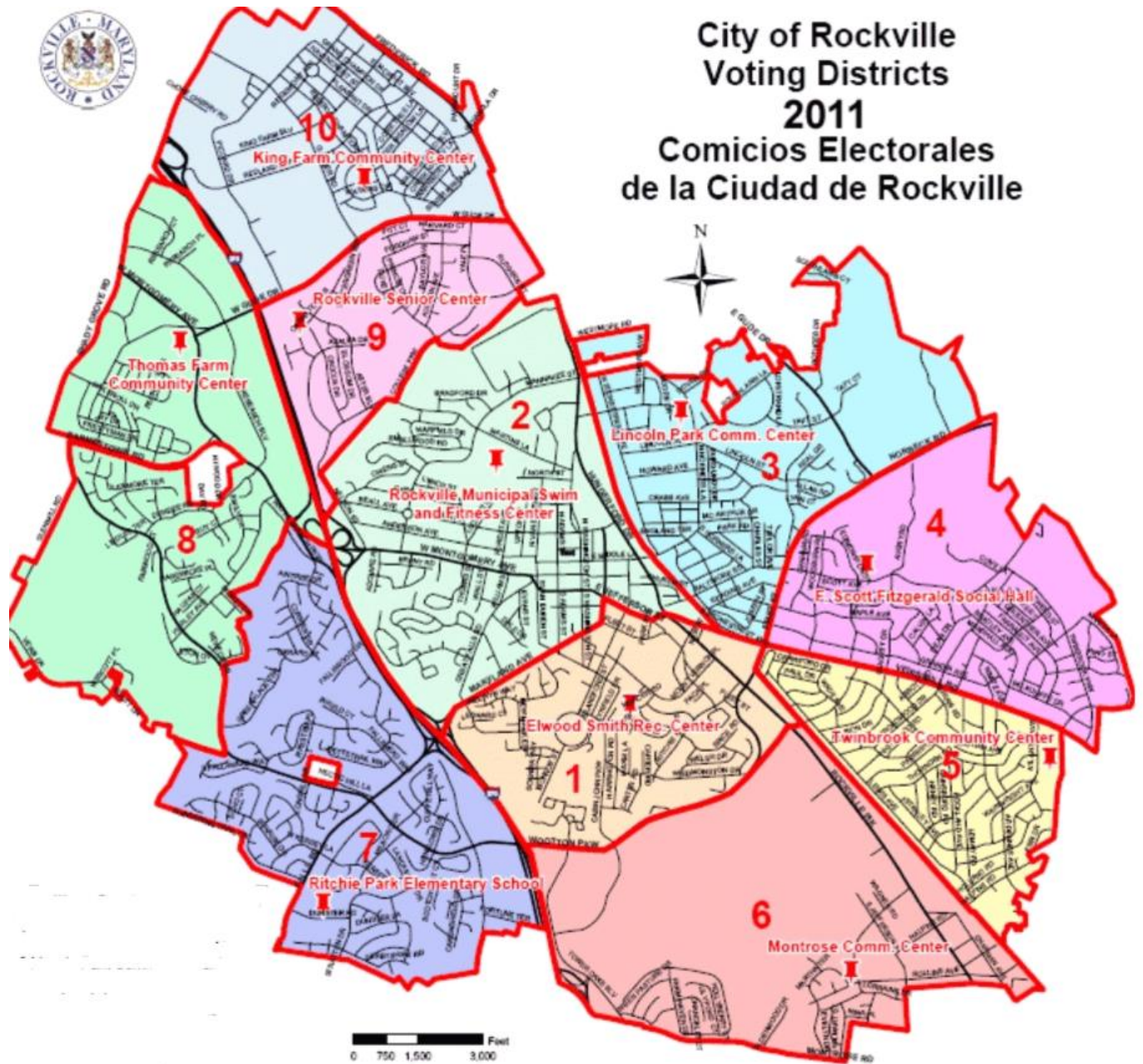
The limitation on the growth in the number of single family homes is beyond city control. There is just not the land available at a price that can be afforded. The change in ethnic population of the city is beyond city control.

But the city can improve city accommodation to the needs of our ethnic communities and be more inclusive of them in our civic life. That inclusion will gradually improve the probability of voting by ethnic minorities. ■





# City of Rockville Voting Districts 2011 Comicios Electorales de la Ciudad de Rockville





## Appendix C

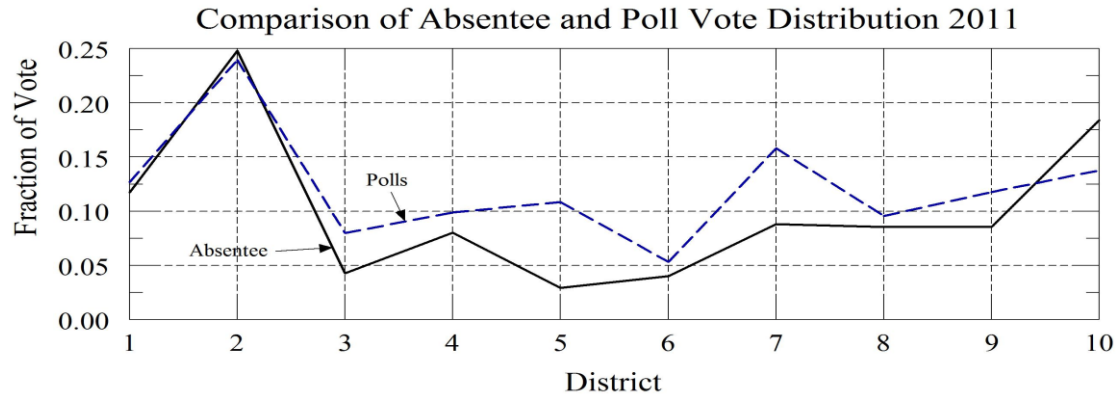
### 2011 Absentee Ballots R. A. Schrack 2 July 2013

Absentee ballots cast in 2011 are of interest because there were over 400 cast, about twice as many as the previous year. They came in quite early compared to previous years, and their rate would have indicated a very heavy voter turnout in the general election when compared to previous elections. In the last few days before the election the rate of absentee ballot arrivals dropped and the general turnout at the polls on election day was not high., about 17% participation, in rough agree with the previous election. In addition the mayoral winner in the absentee ballots was the reverse of the polling place results. The following table compares the results of the absentee ballots and the polling place ballots

Candidate	Absentee	%	Polls	%
Gajewski	223	54	2622	46
Marcuccio	185	45	3067	54
Mayor missing ballots	5	1	71	1
Francis	74	18	820	14
Gottfried	171	41	2656	46
Hall	263	64	3781	65
Moore	180	44	2835	49
Newton	245	59	3732	64
Onley	203	49	2751	47
Pierzchala	209	51	2884	50
Trahan	49	12	732	13
Council Missing Ballots	234	14	3083	12

There were no reversals in the council races but there some notable differences in the Poll results compared to the absentee ballots.

The graph below shows a comparison by home voting district of the fraction of votes by absentee and polling place ballots. In the crucial heavy vote areas of districts 1 and 2, the participation rates are almost identical. In Gajewski's home district of 10, the absentee participation is noticeably higher. For districts 3 to 9, the absentee ballot is clearly lower than the poll ballot .



The Polls pattern shown in the graph is very stable from one election to the next and is explained in a paper entitled “The Future of Rockville”.

The question naturally arises - what else beside voting absentee, if anything, sets these 400 voters apart from the 6000 others who voted at the polls. ?

The following table shows some measures of the group and comparison to the poll voters.

Measure	Absentee	Polls	All Reg.
Average age (years)	66	62	50
Length Residence (years)	26	26	15
Male	43 %	48%	47%
Female	57%	52%	53%
Voted in 2009	58%	71%	16%
Voted in 2012 Primary	50%	47%	13%
Voted in 2012 General	97%	97%	73%
Democrat	63%	62%	60%
Apartment Dweller	25%	12%	22%
V in both 2009 and 2012	58%	69%	15%

Note that the last row is for a person that voted in both the city and the county elections. The absentee voters have much in common with polling place voters compared to the general registration list. Absentee voters seem to have higher chances of living in an apartment.

The data for this paper were derived from the voter lists reported in March 2013. Because the voter lists are in constant flux, the lists do not have all the voters that participated in the 2009,

2011, or 2012 elections. For instance, 413 voters voted absentee in 2011 but only 375 of them remain on the 2013 list. 5827 voted at the polls in 2011 but only 5653 remain on the 2013 list. It would thus be better to do this analysis as close to the election as possible. The problem is that the lists are not available. The full Rockville voter lists, including the absentee ballot voters was not available until March of 2013.■

**Appendix D**

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: Council President Navarro, Council Vice President Rice, Councilmembers Andrews, Berliner, Elrich, Ervin, Floreen, Leventhal, and Riemer

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**SUBJECT:** Affirming the Council's Commitment to Increasing Voter Participation, Improving Election Practices, and Supporting an Affirmative Right to Vote

**Background**

1. Voter turnout in Montgomery County was 66% of registered voters in the 2012 presidential election and 51% of registered voters in the 2010 gubernatorial election.
2. In the United States, less than 60% of eligible voters participated in the 2012 presidential election.
3. Of the 119 nations that elect their public officials using democratic elections, the United States is one of only 11 nations that does not have the right to vote in its constitution.
4. The 15th, 19th, and 26th Amendments to the U.S. Constitution provide that the right to vote shall not be denied or abridged based on race, sex, and age respectively, and the 24th Amendment prohibits poll taxes. However, these amendments do not guarantee Americans an explicit right to vote.
5. In the 2000 decision, *Bush v. Gore*, a majority of the Supreme Court wrote: "The individual citizen has no federal constitutional right to vote."
6. In 2013, the Supreme Court ruled in *Shelby County v. Holder* that the coverage formula in Section 4 of the Voting Rights Act (VRA) is unconstitutional, thereby

invalidating the formula used to determine which states are covered by Section 5 of the VRA.

7. Section 4 of the VRA was an effective tool in curbing racial discrimination in elections in 1965; and continued to be a critical instrument for free, fair and accessible elections, helping block laws making it more difficult to vote for nearly a half century.
8. With Montgomery County's proud tradition of civic and community activism, the Council has a history of supporting a variety of efforts to increase participation in and access to the democratic process.

### **Action**

The County Council for Montgomery County, Maryland approves the following resolution:

1. The Council calls on Congress to propose an amendment to the U.S. Constitution that would grant an individual right to vote to every American citizen of voting age.
2. The Council calls on Congress to restore Section 4 of the Voting Rights Act of 1965 by creating a new coverage formula to determine which states and local jurisdictions should have voting changes reviewed for potential discriminatory impact.
3. The Council calls on Congress to give residents of Washington, DC full representation and voting rights in the House of Representatives and United States Senate.
4. The Council supports Maryland's recent expansion of early voting and the adoption of same-day voter registration. We support placing new early voting sites at locations that are easily accessible by public transportation.
5. The Council establishes a Right to Vote Task Force to:
  - a. Review all local laws and practices that may affect the right to vote;
  - b. Review and recommend changes at the local level to uphold voting rights and increase voter participation;
  - c. Develop plans and take action to promote early voting and same-day registration and make recommendations to the Council on any policies or actions needed to strengthen these efforts;

- d. Develop plans for a voter registration program designed to register eligible high school students and support voter education programs to increase citizenship knowledge and participation in the democratic process;
  - e. Review Maryland election laws and regulations and recommend legislation that would strengthen the right to vote in Montgomery County, including whether the General Assembly should adopt automatic voter registration, allowing eligible voters to “opt-out” of the voter registration database instead of “opt-in”; and
  - f. Review with the Montgomery County Board of Elections the strengths and weaknesses of our election practices and regulations after the 2014 general election.
6. The Task Force consists of up to 15 members appointed by the Council. The members of the Task Force should include representatives of political parties and those not registered in any party. Not more than two-thirds of the members may be registered to vote in the same party. The Council must designate a Chair and Vice-Chair for the Task Force. The Chair and Vice-Chair must not be from the same party.
  7. The Task Force must issue an interim report by February 28, 2014 and a final report with recommendations by May 31, 2014. The Task Force must submit a report by February 28, 2015 that evaluates the efficacy and implementation of its recommendations during the 2014 general election.
  8. Copies of this resolution will be sent to the Governor, Montgomery County’s State Legislative Delegation, and Maryland’s Congressional Delegation.

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Linda M. Lauer, Clerk of the Council