



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

September 25, 2024

Dear Mayor Ashton and Members of the City Council:

On behalf of the Board of Supervisors of Elections (BSE), I am sending you the BSE's recommendations for the 2027 Rockville Municipal Election. When I appeared before the Mayor and Council on June 10, 2024 to present the BSE's report on the 2023 Election, I mentioned that the BSE would be offering a detailed set of recommendations for the 2027 election. The attached document sets forth those recommendations.

As you will see, our recommendations are grouped into three categories. The first includes recommendations for actions by the Mayor and Council; the second includes recommendations for the BSE and City staff; and the third consists of suggested amendments and additions to Chapter 8 of the City Code.

I look forward to appearing before you again this fall to present these recommendations, highlight the most significant among them, and answer any questions that you may have.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick, Chair
Board of Supervisors of Elections

MAYOR
Monique Ashton

COUNCILMEMBERS
Kate Fulton
Barry Jackson
David Myles
Izola (Zola) Shaw
Marissa Valeri
Adam Van Grack

CITY MANAGER
Jeff Mihelich

CITY CLERK, DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor Ferrell

CITY ATTORNEY
Robert E. Dawson

BSE Recommendations for the 2027 Election

For the Mayor and Council

Recommendation	Comment
Use VBM to conduct the 2027 election	Because Rockville has successfully used VBM in its two previous elections and by doing so nearly doubled voter turnout
Establish a third vote center on the east side of Rockville Pike	To increase voter participation in a part of the City in which turnout was lower than in most other areas
Require greater participation by the Office of City Attorney, including attendance at BSE meetings during an election year and physical presence on Election Day and during canvassing	Because during the 2023 election, in a departure from prior practice, the City Attorney was absent during critical periods, forcing the BSE to address and resolve legal issues without guidance from his office.
Provide a stipend to BSE members who serve a full year of \$2,500 for Board members and \$3,500 for the chair	Because Article III, Section 2(a) of the City Charter contemplates payment to BSE members and because the BSE, unlike other boards and commissions, performs a governmental function – the conduct of City elections

For the BSE and City Staff

Recommendation	Comment
Prepare a handbook for prospective candidates providing guidance and describing common pitfalls	To make running for office a bit less daunting and to avoid common errors made by candidates, e.g., using personal funds to pay campaign expenses
Work with IT Department to ensure that properties have not been improperly excluded from the database of Rockville voters	Because in the 2023 election, as a result of an error made at the county level, registered voters living at the Bainbridge apartments did not receive ballots
Make necessary arrangements with the USPS to retrieve ballots postmarked on or just before Election Day	Because in the 2023 election, despite a USPS promise to sweep postal facilities on Election Day for voted ballots, several ballots postmarked on, or the day before, Election Day were not delivered on time
Provide vendor with mailing addresses of Rockville voters who have opted for web delivery in state and federal elections	Because the data provided by the MD BOE to the vendor does not – and in 2027 will not – include those addresses
Reach out to residents in newly added properties and communities	To ensure that the residents of those properties and communities are fully

		aware of the election and their right to vote
Eliminate from ballot return envelopes the space in which to date the required oath		To avoid the claim, made in other jurisdictions, that return envelopes incorrectly dated must be deemed void
Recommended Amendments to Chapter 8 of the City Code		
Section	Change	Comment
Entire chapter	Rewrite entire chapter	To make it internally consistent and easier to understand and apply and to follow the pattern set by other election laws
8-1	Expand definition of "campaign material" to include robocalls, pre-recorded messages, and communications with audio components	To make clear that non-tangible campaign materials must include the disclaimers required by Section 8-101(7)
8-1	Insert definition of "committee"	Because one organization argued, with supporting authority, that without a definition of "committee" Rockville's campaign finance laws were unconstitutionally vague
8-1	Delete definition of "absentee ballot"	Because VBM eliminates the need for absentee ballots.
8-1	Insert definitions of "contribution" and "expenditure" with exceptions for those items not deemed reportable (e.g., volunteer activity, candidate personal expenses)	Because virtually every other campaign finance law in the U.S., including the FECA, follows this pattern
8-6(a)	Close registration to vote in City election 60, rather than 45, days before the election	To allow additional time to check the voter information provided by the state to the vendor for errors and omissions
8-41(a)	Substitute for provision specifying location of vote centers and drop boxes a provision stating that vote centers will be established and drop boxes placed at locations recommended by the BSE and approved by the M&C	Because changed circumstances may render the locations currently specified in the Code inappropriate or unavailable
8-41(c)	Reduce the number of notices and reminders from 4 to 3	To reduce costs and because the 4 th mailer goes out after voter information has been sent to the

		vendor and therefore cannot be used to update the voter database
8-42(a)	Delete provisions on absentee voting	Because VBM eliminates the need for absentee voting
8-44(a)(1)	Eliminate Certification of Person Assisting Voter	Because certification serves no purpose and the need for the certification cannot be verified
8-71(a)(1)	Clarify when one becomes a "candidate"	To eliminate confusion caused by conflicting provisions of the chapter
8-72	Require slates to disband after each election cycle	So slates cannot collect contributions in support of one group of candidates and use those funds years later to support a different group of candidates
8-73	Adopt provisions on independent expenditures that would: 1) require persons to register within 48 hours of making independent expenditures of at least \$X; 2) file a report within 48 hours of making independent expenditures of at least \$2X; 3) disclose in those reports the identities of their largest contributors; and 4) name a Rockville resident as an agent for service of process	This provision would mimic the treatment of independent expenditures under Maryland Code, Election Law, Section 13-306, although presumably with lower amounts triggering the obligation to register and report. The requirement of naming an agent for service of process would facilitate enforcement and prevent evasion of service.
8-74(b)	Eliminate the requirement of maintaining a petty cash ledger	Because campaign committees do not actually maintain, or need to maintain, petty cash ledgers
8-81(a)(1)	Require committees to file their first pre-election campaign finance reports 45, rather than 30, days before the election	Because committees begin collecting contributions and making expenditures earlier in the election cycle
8-81(a)(4)	Change the due date for annual campaign finance reports from November 8 to January 15 or 31	Because virtually every other campaign finance law in the U.S., including the FECA, follows this pattern
8-83(a)	Increase the maximum late fee for filing campaign finance reports from the current maximum of \$360	Because a maximum penalty of \$360 does not provide an adequate incentive to file timely reports
8-83(c)	Create a more streamlined and rational procedure for imposing	Because the current system essentially requires the BSE to wait

	and collecting late fees from those that do not file timely campaign finance reports	at least 60 days, which allows candidates and others to avoid disclosure prior to Election Day
8-101	Require text messages to offer recipients choice of opting out of receiving future political messages	To protect residents who object to receiving unwanted political text messages
new	Add a new section describing the authority of the Board of Supervisors of Elections, including the authority to: 1) conduct municipal elections; 2) determine adequacy of nominating petitions and certify the candidacy of nominees; 3) issue forms for reporting and other purposes 4) review and determine adequacy of campaign finance reports; 5) supervise canvassing of ballots; 6) investigate violations of Chapter 8 of the City Code; 7) issue municipal infraction citations to those who violate Chapter 8 of the City Code; and 8) certify election results.	To resolve questions regarding the authority of the BSE, which might arise in litigation
new	Add a provision making it a crime to threaten an election official or an election worker, or an immediate family member of an election official or election worker, because of that official's or worker's role in administering the election process	This provision would mimic the Protecting Election Officials Act of 2024, Maryland Code, Election Law, Section 16-904, enacted by the state of Maryland