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September 30, 2022

Mayor and Councilmembers
111 Maryland Avenue
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RE: Report of the Rockville Charter Review Commission

Dear Mayor and Councilmembers,

I am pleased to submit the Report of the Rockville Charter Review Commission, as required by Resolution 9-20, adopted by Mayor and Council on November 2, 2020.

Despite the Commission's diligence and hard work, there remain topics under Part B of Resolution 9-20 that were not yet addressed. If the next Mayor and Council wants to address the remaining topics identified in the Resolution, it may wish to appoint a new Charter Review Commission to provide recommendations on the remaining topics.

I would like to thank each of the Charter Review Commission members for their service in support of this important contribution to the operations of the City of Rockville. The Commissioners spent many hours in over 40 public meetings considering and debating these topics of public interest.

On behalf of each Commissioner, I express our sincere appreciation for the opportunity to serve the City of Rockville and its residents.

Respectfully submitted,

Kevin L. Owen
Chair
Rockville Charter Review Commission

CC: Sara Taylor-Ferrell, City Clerk/Director of Council Operations
Cynthia Walters, Deputy City Attorney
Rockville Charter Review Commission

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PART I

2022

CHARTER REVIEW COMMISSION REPORT

City of Rockville, Maryland

Report of the 2022 Charter Review Commission

September 30, 2022

Mayor and Council
Bridget Donnell Newton, Mayor
Monique Ashton
Beryl L. Feinberg
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City of Rockville Charter Review Commission

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John Becker
Harold Hodges
Jack Kelly
Anita Powell
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Introduction

The Mayor and Council established a Charter Review Commission on February 24, 2020, to review certain provisions of the City Charter and make recommendations to the Mayor and Council. The Commission was charged with sixteen primary topics related to the municipal government formation, the operations of the Board of Supervisors of Elections ("BSE"), and increasing voter participation. The Commission was also requested to address nine additional topics regarding a wide variety of city operations and public policy issues. The resolution creating this body also tasked the Commission with preparing and delivering a final report to the Mayor and Council by June 30, 2022.

This Commission was beset by challenges throughout its operations. Foremost, the 2022 Commission was tasked with more issues to consider than the ten issues assigned to the 2002 Commission and the five issues assigned to the 2012 Commission. The most significant challenge faced during the Commission's tenure was operating during the COVID-19 pandemic which limited Commission proceedings to online video conference meetings. Additionally, this Commission had membership turnover during its duration, including the need to appoint two new Commissioners in 2021 and a new Chair of the Commission in March 2022 – a process which delayed progress by six weeks. Despite these hurdles, the 2022 Charter Review Commission was successful in preparing a report on the sixteen primary topics, completing the bulk of its work by the June 30, 2022, deadline.

Issues considered by the Commission were:

a. Expanding the size of the Council;
b. Term limits of the Mayor and Council;
c. Staggered terms of councilmembers;
d. Representative districts and the boundaries for Districts;
e. The addition of a "resign to run" provision;
f. The process for filling a vacancy in the office of mayor and vacancy in the office of councilmember;
g. Alternative voting systems;
h. Translation of election information in various languages;
i. Alternative methods of advertising the election;
j. Increasing the number of members of the Board of Supervisors of Elections;
k. Lengthening the term for the members of the Board of Supervisors of Elections;
l. The appointment process for the members of the Board of Supervisors of Elections;
m. The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings with the Mayor and Council and timely responding to information requests;

n. Any additional topics raised during the vote by mail election, for example, ballot harvesting;
o. Provisions that may increase voter turnout; and,
p. Provisions in the election code for internal consistency with the Charter and vice-versa.

To address this wide variety of topics, the Commissioners were designated to one of three subgroups: Mayor & Council Subgroup (chaired by Commissioner Marissa Valeri), The Franchise Expansion and Voter Outreach Subgroup (chaired by Commissioner Izola Shaw), and The Board of Supervisors of Elections Subgroup (chaired by Commissioner Jack Kelly). These subgroups were tasked with researching and preparing subgroup reports, which formed the basis of the Commission's deliberations and ultimate recommendations. The subgroups' research and reports are contained in the Appendices to this Report.

Each Commissioner brought their own talents and perspective to this process. The Commission held forty meetings as a complete body, and the subgroups met countless times. Although the Commission is recommending the City maintain the *status-quo* on several topics (*e.g.*, issues c. and i.), the Commission is also recommending bolder changes to City policy and operations in order to enhance accountability and transparency, increase voter turnout, and advance racial equity and social justice. Notably, the Commission is recommending such reforms as an increase in the size of the Council, implementation of term limits on the Mayor and Council, creation of representative districts, exploring changing the time of the election, and allowing residents who are not United States citizens and those at least 16 years of age to vote in municipal elections.

The Commissioners attempted to prioritize and consider racial inequities and social justice as well as changing demographics as noted in Resolution No. 9-20 and Resolution 10-21. Given the wide array of diversity within the City of Rockville, the Commission encourages the City to do more to listen to the voices of all City residents.

The Commission did not reach unanimous decisions on each of the recommendations. To foster transparency and accountability in our deliberations, the Commission is identifying the position each Commissioner took in voting for each topic. For issues where there was not a unanimous vote, minority statements are included as part of each Issue Report.

Given the short period of time within which the Commission had to consider the issues set forth in the Resolution, the Commission was unable to consider or make recommendations on the additional topics listed under part B of Resolution No. 9-20. The Commission urges the Mayor and Council to appoint a new Charter Review Commission by the end of 2023 to take up those important issues for consideration.

Acknowledgements

The Commission expresses appreciation to the Mayor and Council for providing the Commission's members the opportunity to engage in this important exercise of civic responsibility.

We thank the residents of the City of Rockville and everyone who took time to participate in the Commission's town hall discussion and submitted comments in response to the public questionnaire on matters of concern.

Most importantly, we cannot express the enormity of our gratitude to the City staff. During the course of the Commission, they went above and beyond to assist Commissioners and ensure that we received the resources and support needed to be successful in our endeavors. From staying late nights and working long hours, to going in person to assist a Commissioner struggling with WebEx, City staff were invaluable and indispensable. Their professionalism, knowledge of City operations, dedication, and hard work was instrumental in the completion of this monumental task. The Commission deeply appreciates and sincerely thanks City Clerk/Director of Council Operations Sara Taylor-Ferrell; Deputy City Clerk Danny Winborne; City Manager Management Assistant Melissa Wiak; Former Director of Communications Marylou Berg; Director of Communications Kathy Kirk Dantzler; Deputy City Attorney Cynthia Walters; Judy Penny, Administrative Assistant; and, Michael Szeto, Information Systems Engineer. Without them, this report would not have been possible.

Issue A – Expanding the Size of the Council

Issue Summary

Should the size of the Council be expanded?

Current Practice

There are five seats on the Mayor and Council, one Mayor, and four Council members.

Pros (in favor of expanding the size):

- It could allow for more members of Rockville's diverse cultures and gendered communities to become Councilmembers.
- It increases the opportunity for more residents to be involved with the political process.
- There is no proof that the status quo has been effective. The entire situation that arose from needing to fill a Councilmember vacancy suggests the opposite. The Mayor and Council were deadlocked at 2-2 and ultimately did not fill the seat.
- In the last three decades the City has grown significantly in population and the number of residents per Councilmember would be more in line with other municipalities our size.
- A larger body may be harder to dominate by individual Council members. This may enhance the importance of consensus building in the body and yield more strongly representative behavior. It has the potential to broaden the representation of all residents.
- In 2012 there was strong support to increase the number of Councilmembers.
- It would align the structure of the Rockville government more closely with surrounding municipalities.
- More seats on Council provides more opportunities for people to run and serve. This may increase candidate participation.
- Since City charter enactment, population growth without Council size adjustment has eroded the representative proportion for Council members.
- Increasing Mayor and Council size beyond five enables effective use of sub-committees. Typically, as presently constituted, our Council acts as a body of the whole or as individuals assigned to assorted initiatives.
- The impact of inevitable session absenteeism by individual Council members may decrease within a larger body.
- Having more seats allows new configurations which may achieve a better balance of districting effects.
- It would distribute the work of the council among more members thereby (in theory) lightening the load.
- Comments from the public (interview and questionnaire): Most of the comments from participants were in favor of increasing the size for various reasons:
- Adding two seats would distribute the work of the council among more members.
- The size of the Council should be expanded to both lighten the load of the current

Council members and to potentially broaden the representation of the residents.

- Yes, the Council should be expanded. The City has grown significantly.
- 2012 there was strong support to increase the size of the Mayor and Council, with 4-year terms we might limit 3 terms for the Mayor and 3 terms for the Council.
- I do believe that the city council should expand by a minimum of two persons. This does not have any correlation to diversity and/or equity in the ranks of the elected, but is a reflection of the growing population and size of our city.
- Yes, the size of the Rockville City Council should be expanded to seven (Mayor and 6 councilmembers). A greater number of council seats would allow more and hopefully different members of Rockville's diverse cultural and gendered communities to run for office.
- Yes to expansion; increased opportunities for more residents to be involved with the political process

Cons (against expanding the size)

- Four Councilmembers have been an effective number for decades.
- The cost to support a Council of seven members is approximately 40% (2/5) greater than a Council of five members.
- There is no validated formula that specifies the ratio of residents per elected official--it is purely subjective.
- Adding more members to Council could give those areas of Rockville with high voter turnout even more representation.
- It will make elections less competitive (for 100% competitiveness with six Councilmembers and the Mayor requires a minimum of 14 candidates, not the current 10). More residents will have to seek election to office for elections to remain competitive. That is not likely to happen. In the 1993 election, there was no opposition to the five candidates.
- It will increase the polarization among the Mayor and the Councilmembers (more opinions to vet)
- The importance and authority of individual Councilmembers will be diffused.
- Five elected officials are sufficient to present all sides of an issue, and larger numbers would not, per se, increase the diversity of opinion.
- At times there have not been sufficient qualified candidates seeking office with a Council of 5 members. A Council of seven members presents an even greater challenge. Increasing the number of seats on the Council will make any shortage more acute.

Options for the Mayor and Council to Consider

- To add the question to the ballot for 2027 for voters to decide on the expansion.
- To include it as part of the decision or vote of the Mayor and Council before the next election year, not 2023 because it would be too soon to make the adjustment.

Considerations

Increasing the number of seats on the city council will allow the council to be more engaged with the residents and to learn more about the communities within the city. This could provide more opportunities for people to run for office and to serve their city as well as their communities, especially based on the increased size of the population since 2012. Currently how much does the council know and understand about the history and circumstances of the city they represent? If the number of seats increased from 5 to 7, depending on the outcome of the results from an election, parts of the city that are not represented as well as other parts of the city could be actively involved in city politics by having a seat at the table. Expanding the number of seats could have a possible impact on decisions that require a majority vote and could avoid a vote being deadlock because of the size of the council and not enough votes to move forward. Moreover, increasing the number could allow for the members of the council to meet with the residents where they are and not just when decisions are being made about the place where they live, work or go to school. In the past, each council member had a day set aside to meet with the residents who wanted to have conversations outside of public meetings. To continue this practice by having more seats on the council could allow residents to speak freely with council members who they feel understood their community especially when there is a need in the community or an issue that needs to be addressed. Ultimately, this could enhance the importance of consensus-building between the council and the residents. Finally, If council members engaged more with the residents outside the community they live in, it could provide more insight about voting on issues that come before them. So, expanding the size of the council can prove to really be effective for the City and its mayor and council.

Recommendation

The Charter Review Commission unanimously voted to recommend the number of seats on the Mayor and City Council increase from 5 to 7. This includes only one seat for Mayor and the other 6 seats for City Council.

Comment

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, and Owen voted in support of this recommendation.

Issue B – Term Limits of the Mayor and Council

Considerations

Presently, City Council and the Mayor serve four-year terms that are not subject to term limits. Over the past 20 years, Rockville has experienced an extraordinary change in the demographics of its residents. City population has increased by 50% along with significant increases in African American, Asian and Hispanic-Latino populations

Term limits of three consecutive terms for the County Council was approved by voters in 2016. The text of the County provision states as follows:

> Term Limits - County Council and County Executive
> Amend Sections 105 and 202 of the County Charter to: --limit the County Executive and members of the County Council to 3 consecutive terms in office; --provide that a County Executive and any member of the County Council who will have served 3 or more consecutive terms on December 3, 2018, cannot serve another successive term in the same office; and --provide that service of a term includes complete service of a full term and partial service of a full term.

Option A: Current Practice: The Mayor and Council not be subject to term limits.

Pros

- Requires no change to the City Charter.
- Retains institutional knowledge of incumbent officeholders.
- Deprives voters of a choice of candidates whom they may prefer to continue to stay in office.
- Automatically kicks out effective policymakers who have a proven record of success.

Cons

- Permits a system wherein an office holder can attain and retain power indefinitely.
- Reduces the opportunity for new candidates with new ideas to be elected to office.

Options Other Than the Current Practice

Option B: The Mayor and Council be term limited to 2, 3 or 4 consecutive terms as either Mayor or Council Member.

Pros:

- Changes in demographics and the adopted goals of Rockville Mayor & Council and the determination of the majority of the Charter Review Commission in relation to equity, inclusivity, and diversity fully support limiting Mayor & Council members to three, four-year consecutive terms.

- Term limits in local government may encourage the participation of new comers thereby bringing new concerns, ideas, life experiences that long term elected Mayor and Council members may not possess.
- Term limits fosters the participation in the election process of the diverse groups that are increasing is population as noted above.
- Limiting consecutive terms to three allows long term institutional memory of those elected to office allowing the opportunity to serve a maximum of 12 years.
- Most of the comments from citizens were in favor of term limits.

Cons:

- Term limits are not commonly imposed at the municipal level.
- May cause a loss in institutional knowledge.

Recommendation

Three Consecutive Four-Year Terms for the Mayor and Council

A majority of the Commission supports Option B, limiting consecutive terms of those serving either in the office of Mayor or City Council. Commissioners Hodges, Kelly, Owen, Powell, Valeri, Becker, Shaw, and Wright voted in favor of term limits, but differed on the number of consecutive terms.

The majority of the Charter Review Commission recommends that no later than the 2027, election, three consecutive four-year terms of the Mayor and Council become law for those who are elected by the residents of Rockville. Special note is made of the term "consecutive." If a council member serves three terms, it would not preclude the council member to serve three terms as mayor. After an elected has served three consecutive four-year terms, there is nothing that prevents a person from being elected to serve another; three consecutive four year-terms when elected in the election that follows four years after completion of the last term in office.

Comments

The Majority opinion was supported by Commissioners Powell, Kelly, Becker, Owen, and Valeri.

A minority opinion in favor of not imposing term limits was supported by Commissioner Kram.

A minority opinion in favor of term limits of two consecutive terms was supported by Commissioners Shaw and Hodges.

A minority opinion in favor of term limits of four consecutive terms was supported by Commissioner Wright.

Minority Statements

No term limits

Commissioner Kram.

Term limits, while popular among some voters in some jurisdictions rarely apply to municipal elections. According to the International City/County Management Association, 91% of U.S. municipalities have no term limits. Therefore, the Commission should adopt a proposal in favor of term limits only if there is evidence that such an approach will improve elections and expand the voter franchise for Rockville residents.

In my opinion, no such evidence has been produced.

Because term limits will result in less institutional memory on the elected body as well as diminished combined experience, I believe a cost-benefit analysis would show the damage caused by that loss would not be compensated by some illusory possible advantage. Rockville's elected leadership has credibly overseen the city's finances, managed the COVID-19 crisis and capably managed the city's land-use, among other responsibilities. New councilmembers have joined seasoned ones in each of Rockville's last 4 elections and our current Mayor ran for that position after gaining experience as a councilmember. I don't think any members should be penalized for their continued willingness to serve and their consistent ability to win elections.

For these reasons, I cannot support or endorse a proposal that would leave Rockville bereft of that professional experience.

Two Consecutive Four-Year Terms for the Mayor and Council

Commissioners Shaw and Hodges.

Two-term limits (eight years) represent the best way to rejuvenate the city with new ideas, progress the city forward and generate needed change. They also ensure consistent opportunities for greater diverse representation that will better reflect changing demographics and advance electoral equity. With greater opportunities for representation, two-term limits encourage more communities to participate in the municipal electoral process and increase civic engagement.

Four Consecutive Four-Year Terms for the Mayor and Council

Commissioner Wright.

An elected official providing outstanding service in office should be permitted to continue until the voters say otherwise. However, at some point after many years of consecutive service, when does an elected official become a "career politician." Where is the balance between no term limits and some limit on consecutive terms?

A balance is struck with four consecutive terms as the limit. In general, term limits are not the most useful approach to effect change. Term limits could result in some institutional knowledge lost. And a resident performing exemplary service would be lost to the city. After four consecutive terms, if a Councilmember runs for Mayor and wins, they could serve another sixteen years in office—a total of 32 years serving Rockville as an elected official is long enough. Incentivizing residents to run for office should be encouraged. It is not attractive to face the challenges of seeking elective office knowing that one could only serve for two or three consecutive terms. The quality of candidates suffers when the number of terms is too limited.

Issue C – Staggered Terms of Councilmembers

Issue Summary

Should the City shift to staggered terms for elected officials?

Current Practice

The Mayor and Councilmembers' respective terms begin and end on the same date and are therefore not staggered.

> On the next Tuesday after the first Monday in the month of November in every fourth year beginning in the year 2015, the qualified voters of the City shall elect one (1) person as Mayor and four (4) persons as Councilmembers to serve for terms of four (4) years." City of Rockville Municipal Code, Charter

https://library.municode.com/md/rockville/codes/code_of_ordinances?nodeId=CH_ARTIIIREN OEL_S4ELMACO

Pros: (in favor of staggered terms)

- Institutional knowledge and experience remain consistent
- Allows voters to give quicker feedback if they disagree with the policies of a given Mayor and Council
- Eliminates "election year policy-making"
- Effective means of measuring the public sentiment.
- Having more frequent election cycles without obligating every elected official to the rigors of running for office each time would increase public feedback.
- Increases the frequency for residents to run for office.

Cons: (against staggered terms)

- Cost of election administration increases significantly since multiple elections will be held
- Can be confusing to voters who may not know which Councilmember is up for re-election
- Could cause voters to tune-out all elections as the drumbeat of electoral mailers and yard signs will seem to be never-ending
- Residents are familiar with the current practice of City elections occurring every four years.
- Residents avoid the two-year campaigning cycle—every four years as opposed to every two years.
- There are no additional demands on the human and financial resources of the Board of Supervisors of Elections and the City staff if a City general election occurs every four years.
- Staggered terms could be disruptive to sustained operations of the Mayor and Council
- Uncertainty over which individual officials may be relied upon to be seated in

consideration of business spanning a staggered election could delay action.

- Most staggering schemes yield a complex election dynamic.
- Elected officials not running will be drawn into the election debate and into positions about individual candidates, in effect possibly causing all elected officials to campaign.
- The demands, which are significant for a volunteer organization, on the Board of Supervisors of Elections and City staff would double, especially troubling since vote-by-mail was implemented in the 2019 election.
- Effectively doubles the cost of elections in Rockville.
- Can be confusing to voters who may not know which members of Council are up for re-election.
- Voters may tune-out all elections as the drumbeat of electoral mailers and yard signs will seem to be never ending.
- Eliminates "election year policy making by the Council."
- Institutional knowledge and experience remain consistent.

Considerations

Should the 4-year terms of Rockville elected officials be arranged so that they all do not run concurrently in the same City general election? To stagger the 4-year terms some, but not all, elected officials would run in one City general election and the other elected officials would run two years later in a City general election. The effect is to have elections every two-years as opposed to every four-years, that is, terms are staggered. The 4-year term of the Mayor remains and would be assigned to one of the two-year cycles and then repeated every four years.

Five members of the Council would be divided into two groups, one group of three and one group of two. The group of three could dominate policy and budget, yet the cost of elections would in a four-year period double. That said, when the Council increases in size, say the Mayor and six (6) Councilmembers, this issue should be taken up again.

The 2012 Charter Review Commission was not requested to consider this issue. The 2002 Charter Review Commission addressed the same question. The pros and cons of staggered terms remain unchanged. That Commission unanimously recommended not to have staggered terms. Also, the challenge as to ways to implement staggered terms remains. The 2002 Commission said, "We also note that implementation of staggered terms is problematic. We adopted the assumptions that consistent significance of election cycles and election of a majority of the Mayor and Council in each cycle were both desirable. Yet, proposed schemes for reconciling these were not satisfying, including an objectionable level of complexity to administer, for their effects in City operations, or for electorate comprehension."

Recommendation

The Commission unanimously voted to recommend against the staggering of councilmember elections.

Comment

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, and Owen voted against staggering the terms of Councilmembers.

Issue D: Representative Districts and Their Boundaries

Considerations:

Currently in the City, Councilmembers are elected as at-large representatives. The Commission had a robust, ongoing discussion on the topic presented by Issue D. Should the City consider shifting from at-large Councilmembers to representative districts or a blend of the two? What would the boundaries for the districts be?

It was determined early on in the process that the issue of potential boundaries was one in which the Commission lacked the expertise to explore in depth. However, general principles could be recommended that are utilized by other municipalities in Montgomery County and across Maryland. These principles are that boundaries of districts should be compact, contiguous and of substantially equal population.

Pros: (in favor of representative districts)

- When elected officials live in the community that they represent, they are more connected to the unique needs of a given community.
- Regardless of everyone living within City boundaries, the reality is that there are major differences between communities. There are Census-based quantifiable gaps in economic status, immigration status, English language proficiency, poverty assistance utilization, and age. (See Appendix C Attachment 1)
- The City of Rockville has had times in which a particular neighborhood has been overrepresented by the elected officials. For example, the current Mayor and Council all reside west of 355/Rockville Pike. The last elected official from east of Rockville was Del. Julie Palakovich Carr - she was the sole official during that time from the east part of the City.
- The Mayor and Council should reflect all corners of our City and all communities within the City, and there is currently no way to ensure nor enforce that.
- There is a decided lack of overall diversity in the offices of Mayor and Council, and representative districts could possibly change that.
- Municipalities of comparable size - such as Bowie - already have representative districts. Municipalities that are the County seat in particular seem more likely to utilize representative districts.
- The creation of districts can be achieved using the criteria established in other jurisdictions: compact, contiguous and of substantially equal population.
- There are tools used in other Maryland municipalities that could be used to create the districts.
- When elected officials live in the community that they represent, they are more connected to the unique needs of a given community.
- Any assertion that representative districts would cause elected officials to be parochial in their policymaking is neglecting the fact that it is already parochial and reflects that in their work. Recent examples include:

    - Mayor having to recuse herself from an important discussion due to proximity of property that her household had bought
    - Councilmembers referring to their experiences in their own communities as justification for shaping policy on accessory dwelling units (ADUs)
- Presently, some residents feel there are sections of the City that are under-represented because they either have no voice on the Council or their residents do not have the time or means to bring their issues to the Council. Election districts would assure geographically based representation on the Council for all residents of the City.
- Districts could enable greater geographic diversity in candidates for elective office. residents who are thinking of eventually running for public office.
- Some areas of the City may dominate elections and control the composition of the Council in at-large representation. Districting assures dispersion of such control.
- Districts would enable individuals with more limited resources to run for office. Prior candidates have expressed the difficulties associated with running for Citywide office. With the consistent increase in the City's population, these difficulties will continue. Candidates will either have to have financial resources to mount an effective City-wide campaign or time and personal resources to visit individual residents.
- Election districts comprise a smaller area for a candidate to cover. Campaigns would be less expensive and less physically demanding. As a result more candidates are likely to run.

Cons: (against representative districts)

- It would be challenging to create the districts in an equitable fashion.
- It would require the Board of Supervisors of Elections to increase their workload for the first election in which districts are used.
- Ensures that all candidates must attend to the needs of all areas of Rockville. They can expect to be penalized by the voters if they show a clear preference or ignore one area in the City.
- Empowers citizens to communicate with any Council member for assistance, to express concerns or make comments or proposals.
- Normally has more candidates in an election than seats to be filled, and voters can extend their choices beyond their first choice to other candidates until they have made choices to fill all the seats.
- Fosters more competition for the seats available. Experience shows that competitive elections cause better voter turn-out.
- Places all candidates in competition. The voter is then free to choose from among the candidates whom they feel will make the best team to run the City.
- The idea that only a resident of an area understands its needs might have some validity when large geographical areas with different degrees of urbanization and age distribution are involved. However, Rockville is small in physical size.

- The number of districts needed to reflect all corners of the City and all communities within the City is subjective.
- It is challenging to create districts in an equitable fashion
- In representational districts a candidate is encouraged to promote their area of the city and disregard other areas. This is divisive during campaigning and Council deliberations.
- If no one runs from a district, how will that seat be filled? And, if only one candidate runs for that district, it would be an undesirable, uncontested election.
- It creates an initially intensive workload for the Board of Supervisors of Elections and City staff to implement districts. And the workload is repeated every ten years due to the census.

Options for the Mayor and Council to Consider

1. A blend of representative districts and at-large seats - akin to the current composition of the Montgomery County Council.
2. All Councilmembers would be elected from a representative district.

If representative districts are enacted, the Board of Supervisors of Elections should include one (1) election judge from each district. Again, this appears often in the jurisdictions reviewed during the research on this issue.

An example of the language that could be added to the Charter, should the recommendation be accepted, is below:

Election of Councilmembers

1) By enactment of an ordinance, the City of Rockville shall apportion itself into five (5) council wards each of which shall be entitled to elect one Councilmember to the City Council.
2) The Board of Supervisors of Elections shall designate the boundaries of the wards, each of which shall be compact, contiguous and of substantially equal population. The effective date of the creation of the wards shall be determined by the city council in consultation with the Board of Supervisors of Elections but not to exceed eight (8) years from passage of the ordinance creating this new section in the City Code.
3) In addition to the five (5) Councilmembers elected from wards, two (2) additional councilmembers shall be elected at large to represent the entire City such as the Mayor does.
4) Other than the two (2) councilmembers elected to the office of at-large councilmember, councilmembers seeking office in any of the five (5) wards shall at all times be domiciled in and a resident of the respective ward for which the

councilmember shall seek or hold office. All registered voters may cast votes for the offices of Mayor and councilmembers at-large. Only registered voters residing in one (1) of the five (5) wards may vote for candidates seeking the office of councilmember for the ward in which the voter resides.

5) The city council shall, not less than once after the publication of each decennial census of the population of the United States, instruct the Board of Supervisors of Elections to evaluate the wards of the city to ensure that the representation is reasonably equal, and the Board of Supervisors of Elections shall have the power to change boundaries thereof. The effective date of any change of boundaries shall be determined by the city council in consultation with the Board of Supervisors of Elections.
6) The City Council shall instruct the Board of Supervisors of Elections to assign any geographical area annexed into the corporate limits of the City of Rockville to the appropriate Council district.

Recommendation
The Commission recommends creating representative districts for the City of Rockville. We defer to the Mayor and Council on what that would look like in regard to the inclusion of at-large seats if any.

Comment
Commissioners Becker, Kram, Owen, Powell, Shaw and Valeri voted in support of this recommendation.
Commissioners Kelly and Wright voted in support of the *status quo*.

Minority Statement
Commissioners Jack Kelly and Robert Wright

The current practice should be kept, that is every member of the Council should run at large. The 2002 Charter Review Commission conducted an extensive review, which listed 15 points against representative districts. Most of those points, only two of which (Cons 8 & 12) were mentioned in the current issue, remain valid today, 20 years later. For convenience, the Cons from the 2002 report that were not mentioned are included on pages 32 and 33 of the 2002 Charter Review Commission Report.

We were disappointed in the lack of data provided to support two of the Pros and Cons for this issue; specifically:

- The claim under Pros that municipalities of comparable size – such as Frederick – already have representative districts. In fact, the five Aldermen who comprise the Frederick Board of Aldermen are elected at large. Of the fourteen municipalities sampled by Commissioners Becker, Kelly and Kram for Board of Supervisors of Elections

analyses, only two (Bowie with 58,158 residents and College Park with 32,221 residents) have districts and each has four. Two other municipalities (Hyattsville with 18,267 residents and Laurel with 25,734 residents) have districts, five and two, respectively, that they call wards.

- The claim under Cons that the recommendation "fosters more competition for the seats available." This reads more like a Pro than a Con. The same is true of Cons 3, 4, and 7.

It would have been helpful if this issue had included data from municipalities that have already implemented representative districts that showed the impact of those district on voter turnout, the number of candidates running in each district, and several of the other characteristics mentioned as both Pros and Cons.

Finally, without evidence about how other municipalities have implemented representative districts and the results they've achieved, we find the Cons to be more persuasive than the Pros and support the current practice of at-large elections for members of the Council.

For convenience, the thirteen "Cons" provided for the district representation issue on pages 35 – 37 in the 2002 Charter Review Commission Report that weren't included for the current issue are provided on pages 32 and 33 of that report.

Issue E – The Addition of a "Resign to Run" Provision

The legality of a "resign to run" provision was an important factor from the beginning of the Commission's work. Per the advice and guidance from the City Attorney's office, it was determined that a letter requesting an opinion from the Maryland State Attorney General was necessary as a first step in assessing the legality of such a provision. As of the writing of this report, the Commission is still awaiting the outcome of this first step.

In light of this status, The Commission withheld a recommendation on this issue and urges the Mayor and Council to complete the process in order to determine the legality of a resign to run provision within the City Charter.

Recommendation

The Commission was unable to make a recommendation on this issue as there is a concern whether the City has legal authority to impose such a provision.

Comment

As the Commission did not address the substance of this issue, it did not take a vote on the merits of the topic.

Issue F – The Process for Filling a Vacancy in the Office of Mayor and Vacancy in the Office of Councilmember

Considerations

Filling a vacancy is a two-step process. The first step, determining when the vacancy occurs, governs which process is to be followed. The second step details the two separate processes, either by special election (Section 8-22 of the City Code) or by the remaining members of the Council electing a replacement (Section 8-25 of the City Code). A special election has never occurred in Rockville.

Option A: Current Practice: The general process for filling a vacancy varies depending on when the vacancy occurs, Article III, Section 5, of the City Charter. For both Mayor and Council, if the vacancy occurs on or before November 15 immediately prior to a municipal election year then a special election shall be held. In case of a vacancy in the office of the Mayor and Council occurring after November 15, that is immediately prior to a municipal election year, the remaining members of the Mayor and Council are to elect someone to fill the vacancy for the remainder of the unexpired term.

Under Article III, Section 5(a) of the Charter, a vacancy of Councilmember is filled by majority vote of the remaining members. Under Article III, Section 5(b), if the office of Mayor becomes vacant, the Council must elect a replacement by unanimous vote. If a replacement has not been chosen within one month, the vacancy must be filled, first, by the Councilmember with the highest vote total in the last election, or, if that member will not or cannot serve, the Councilmember with the most seniority on the Council.

Sec. 8-25. - Elections by the Mayor and Council to fill a Councilmember vacancy.

(a) For an election by the Mayor and Council to fill a Councilmember vacancy due to any of the reasons enumerated in Article III, Section 5(a) of the City Charter, the following procedures apply.

(b) The Mayor and Council must publicly announce the vacancy and the process for applying to fill the vacancy and should fill the Councilmember vacancy within seventy-five (75) days of the vacancy occurring or as soon thereafter as practicable. The application period must remain open for a minimum of thirty (30) days.

(c) To apply, applicants must submit a narrative of their relevant experience and background, a statement of their priorities and vision for the City, and a financial disclosure statement. All application materials received by the City, except for the financial disclosure statements, will be publicly posted on the City's website.

(d) All applicants who meet the requirements of Article II, Section 1(b) of the City Charter to serve as a Councilmember will be interviewed by the Mayor and Council. All proceedings for filling a vacancy must be held in open session and

must be televised except that the Mayor and Council may discuss an applicant's financial disclosure statement outside of a public meeting.

Pros:

- Specificity--there is a specific point in time, November 15, in the year immediately preceding a municipal election year that determines which process is to be used to fill the vacancy—special election on or before November 15 or an election by the Council after November 15.
- Specificity—The process to fill a vacancy in the office of Mayor is clearly stated and is definitive.

Cons:

- When a vacancy occurs before November 15 in the year immediately preceding a municipal election, but occurs a few months before November 15, it poses a challenge for the Board of Supervisors of Elections and City staff. They could be preparing for both a special election and a municipal election at the same time.
- The process to fill a vacancy in the office of Councilmember is stated but not definitive. The process needs to be more precise, open, transparent, and definitive. If the Council does not act within 75 days, there ought to be a methodology that by design fills the vacancy.
- Vote-by-mail elections require substantial time to implement. Depending on the timing of the vacancy occurring, the Board of Supervisors of Election and City staff may be challenged to complete a special election in the year immediately prior to a municipal election.
- The period from Thanksgiving Day to New Year's Day is a low productivity period for both the Board of Supervisors of Elections and City staff to prepare for a special election.
- The winner of the city special election must begin immediately to campaign in the city general election, a real disadvantage. And if they lose, the previous months have been for naught for more than the losing candidate.
- If a special election is conducted in the same year as a municipal election, residents would question having two elections in the same year, especially if they occur close together.
- It will be difficult to attract candidates for a special election to be held in the same year as a city general election as they may prefer to run for office only in the municipal election. The campaigning for the special election would mix with the campaigning for the regular municipal election.

Options Other Than the Current Practice

Option B. Amend the Charter to fill vacancies occurring in the first 24 months of a 4-year term by conducting a special election. Vacancies occurring after the first 24 months of a term should be filled via an election by the remaining members of the Council. The election process for

filling a vacancy for Councilmember should be amended to provide for a precise, open, transparent, and definitive administrative process.

Pros

- The Board of Supervisors of Elections and City staff have ample time to complete a special election in the year (or years) immediately preceding the year in which there is a municipal election. Campaigning in a special election and a municipal election do not intermingle.
- As terms are now 4 years the 2002 Charter Review Commission recommended a similar option, hold a special election to fill a vacancy occurring in the first half of a 4-year term. To fill vacancies occurring in the latter half of a 4-year term, the remaining members of the Council should elect a replacement.
- Under Article III, Section 5(b) of the Charter, the process for filling a vacancy in the office of the Mayor is established and definitive when a vacancy occurs after the twenty-fourth month of a term.
- Amending Article III, Section 5(a) of the Charter, allows for establishing a precise, open, transparent, and definitive administrative process for the election of a Councilmember when a vacancy occurs after the twenty-fourth month of a term. This creates a fair and equitable "playing field" for candidates to be considered.

Cons

- When a vacancy occurs after the first 24 months of a term, the electorate doesn't have the opportunity to fill the vacancy.

The process for filling a vacancy in the office of Mayor remains unchanged.

The Charter ought to contain a descriptive process that is precise, open, transparent, and definitive for the election of a replacement for a Councilmember vacancy. It remains the prerogative of the remaining members of the Council to fill the vacancy within 75 days.

If the Councilmember vacancy is not filled within 75 days, then a process ought to delineate a methodology to fill the vacancy. For example,

a) Right of first refusal to the Councilmember candidates in the immediate past municipal election in ranked order of votes received, highest to lowest or
b) Right of first refusal to former Mayors and Councilmembers in ranked ordered from most recent service to farthermost service.

Giving the Board of Supervisors of Elections adequate time to conduct a special election is responsible and reasonable. The recommendation replaces the date of November 15 in the year immediately before a municipal election year as the decision point separating holding a special election to fill a vacancy and an election by the remaining members of the Council to fill a vacancy. The decision point becomes the first 24 months of a term, within that period conduct a special election and after that period an election by the remaining members of the Council.

The 2002 Charter Review Commission was charged with the question of adjusting vacancy provisions. The report by that Commission recommended something similar, "We resolve unanimously to recommend adjusting vacancy provisions if four-year terms are enacted. We recommend applying the principle of electorate choice of a replacement (via a special election) to fill a vacancy occurring in the first half of a term. To fill vacancies occurring in the later *(sic)* half of a term, the Mayor and Council should appoint a replacement."

Recommendation:

The Commission unanimously recommends Option B, that the Mayor and Council create a precise, open, transparent, and definitive administrative process for the election of a Councilmember when a vacancy occurs after the twenty-fourth (24^{th}) month of a term.

Comment

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, and Owen voted in support of this recommendation.

Issue G - Alternative Voting Systems

Issue summary

Voting systems (or electoral systems) are methods used to calculate the votes. There are typically three types of voting systems: (1) plurality systems – such as our current system used in Rockville; (2) majority systems - such as Ranked Choice Voting (RCV) covered in this option; and (3) proportional systems - such as Proportional Approval Voting, covered in the "Considerations" section of this issue. As a point of clarification, vote by mail is not a voting system, since it does not calculate votes - it is an option in which voters cast their ballots. Additionally, vote by mail can be incorporated into all three voting systems, thus not in question per this issue.

Issue G requires the Commission to compare and deliberate on different systems that calculate votes based on the principles of plurality rule, majority rule, or proportionality rule. Considering the City's diversity of not only its demographics, but also political thought - capturing the broadest representation of the electorate (majority system) can better position City elected officials to serve the varying needs of a changing population. RCV is a majority system with well-established precedence throughout the country. RCV inherently incentivizes candidates to work together or find common ground (meaning it broadens policy representation) on issues in the hopes of earning voters' next choices and creates more inclusive campaigns. Also, since ranking better captures nuanced preferences of the voters, the results create bodies that reflect the diverse views and experiences of the electorate.

Since proportional systems tend to achieve broader representation only as they fill a larger number of seats and Rockville only has four at-large council seats, proportional systems may be less optimal to apply to our current electoral structure and represent the changing demographics of our electorate. Additionally, plurality systems can often split votes between similar candidates, which often result in less favorable candidates or those not representing the majority's preference. RCV avoids these scenarios by supporting voters' next choice - thus upholding majority rule.

Some municipalities practicing RCV include: Takoma Park, Maryland; Berkeley, California; Cambridge, Massachusetts; Minneapolis, Minnesota; Oakland, California; Maine (full state); San Francisco, California; San Leandro, California; Santa Fe, New Mexico; St. Paul, Minnesota; Telluride, Colorado; and recently as of last year New York City.

Although these comparisons make RCV appealing, the Commission recognizes that additional research is needed to ensure feasibility and more accurately estimate the cost of resources before deciding to implement this new voting system. Hence, the majority of the Commission recommends *exploring* RCV, instead of *implementing*.

Pros:

- Ranked choice voting ensures candidates win elections with the broadest possible support, upholding the principle of majority rule that legitimizes outcomes for voters and candidates. Without RCV, candidates can win elections with far less than 50% support.
- Candidates are incentivized to work together or find common ground on issues in the hopes of earning voters' next choices and promote more civil campaigns.
- RCV allows voters the freedom to rank candidates in order of choice and maximizes the effectiveness of every vote to ensure that as many voters as possible will help elect a candidate they rank highly.
- RCV allows similar candidates to compete without concerns of splitting votes.
- Since the system better captures nuanced preferences through ranking, the results create bodies that reflect the diverse views and experiences of the voters.
- There is an opportunity to inform voters on RCV through the existing City voter outreach, however considering the low voter turnout the RCV provides incentives for the City to conduct more voter outreach.
- The request of voters is simple – rank the candidates by preference.

Cons:

- Implementing any new method would require a voter education transition period.
- Implementing any new method could raise concerns about administering a new type of election.
- Researching and changing systems has administrative impacts and takes time and resources.

Current Practice

Not explore RCV and plan to retain the current voting system.

Recommendation

Explore Ranked Choice Voting (RCV) for Rockville elections and if deemed appropriate then implement.

Comment

Commissioners Powell, Hodges, Valeri, Shaw, Becker, and Owen voted in the majority to support Option 1: Explore Ranked Choice Voting (RCV) for Rockville elections and if deemed appropriate then implement.

Commissioner Wright voted in favor of Option 2: Not explore RCV and plan to retain the current election method, and provided a minority opinion.

Commissioners Kelly and Kram voted in favor of Option 3: None of the Above, and provided a minority opinion.

Considerations

Although not applicable to Rockville's current electoral structure, the following alternative voting systems may be considered for future elections.

Approval Voting (single winner – Mayoral):

Approval voting is a system which allows voters to select any number of candidates as they like for the Mayoral race rather than just one single candidate. The candidate with the most selections wins. The votes are then tallied normally and there are no changes to the ballot.

Pro:

- This system provides more opportunities for voters to express their approval of each candidate and expresses broader representation.

Con:

- Considering that there have only been two candidates running for Mayor in the past decade, this system may not add significant value in comparison to the current system.

Proportional Approval Voting (multi winner – Council):

Proportional approval voting (PAV) is an extension of approval voting for multiple-winner elections. It allows each voter to vote for as many or as few candidates as they choose. PAV elects candidates to office roughly in proportion to the support they receive through a series of rounds. Although there are various versions of this system, generally proportional approval voting will reweight votes from the highest selected candidate's ballot by ½ the first time they elect someone, then ⅓ for the second time, ¼ for the third time, and so on.

Pro:

- This system provides more opportunities for voters to express their approval of each candidate and can capture broader representation in comparison to the current system.

Cons:

- Proportional methods tend to achieve broader representation as they fill a larger number of seats. If the Mayor and Council decide to increase the number of seats, this system may be more applicable.
- This system was designed to provide more diversity in representing different views often associated with political groups or opposing parties. Since Rockville elections are non-party affiliated there may be less distinguishable differences in which there is a need to apply this system.

STAR (Score Then Automatic Runoff) Voting:

STAR is an electoral system in which voters rate the candidates for a particular seat on a scale of zero to five, with zero indicating no support and five indicating maximum support. The scores

for all candidates are then tabulated and the top two finishers advance to an automatic runoff, at which time a voter's full vote is assigned to whichever of the two finishers scored highest. The candidate with the greater number of voters given a higher score in the runoff is declared the winner.

Pros:

- This system provides more opportunities for voters to express a varying degree of satisfaction for each candidate.
- The results will better inform the City on voters' preferences on the candidates and their overall campaign platform.

Cons:

- Since STAR voting was recently developed in 2014 by the Equal Vote Coalition, it has not been implemented in an election yet and its effectiveness has not been studied.
- This method would have to be modified to apply to the Rockville elections.

Minority Statements

Status Quo

Commissioner Robert Wright.

The Commission, as an advisory body, is to make recommendations on specific issues (questions) as put to it by the Council. To recommend to continue to explore fails that charge. In effect it says continue the current practice but find an alternate way for a recommendation. I believe the Council understands that not given a recommended alternative voting system it has the prerogative to move forward or not, in whatever manner it wants.

I strongly believe in the "one man/woman, one vote" principle. Rank Choice Voting (RCV) gives a man/woman multiple votes under the premise that it should take a majority of the votes cast to win an election.

Additionally, Rank Choice Voting is extremely complicated to explain when voting for four Councilmembers; some voters ballots won't be counted if they did not rank all the candidates on the ballot; you have to constantly educate the electorate; it divides your vote between who you want and who you accept; competency of the winner is never assured; it rewards extremism in the electorate; it's possible to not arrive at a majority; it disconnects elections from issues and can allow candidates with marginal support from voters to win; it disenfranchises voters, because ballots that do not include the two ultimate finalists are cast aside to manufacture a faux majority for the winner.

Alternative voting systems (AVS) are a solution looking for a problem. Rockville does not have an overwhelming number of candidates seeking office in an election. AVS becomes attractive when there are 5 times, or more, candidates then elected offices available. This is not the case in Rockville.

None of the Above Options

Commissioners Kram and Kelly

In 2019, Rockville debuted its latest change to voting designed to enhance voter participation. It worked! The percentage of Rockville voters participating in the 2019 election doubled, albeit at a still troublingly low rate.

Nonetheless, given the robust participation the new system generated, it seems reasonable to allow the next election to take place with the system used in 2019 to see whether voter participation would grow further, particularly as voters grew more familiar with the system.

In addition, since the Issue G paper has identified a number of voting systems in addition to RCV including Approval Voting, Proportional Approval Voting, and STAR, it would be advisable for Rockville to consider all these systems in addition to its current one to determine the best voting system for Rockville for future elections.

Due to our support for an exploration of multiple alternative voting systems, not just RCV, we support Option 3, None of the Above.

None of the Above Option on Municipal Ballots

Considerations

Providing a "None of the above" (NOTA) option on City of Rockville ballots is a means by which voters can provide instant feedback to both incumbents and candidates on the ballot. Implementation would not impact the elections adversely. By no means would the winner of an election be NOTA - the winner would be the individual(s) with the highest vote totals after the NOTA option.

Currently, the only jurisdiction that provides a NOTA option is the state of Nevada. Nevada has had this option since 1976. In June of 2012, the Republican National Committee challenged the Constitutionality of the option. In July of 2013, the United States Court of Appeals for the Ninth Circuit threw out the lawsuit by the RNC thus deeming it Constitutional. There has not been another lawsuit against NOTA since then.

NOTA has only "won" the election twice since it was implemented in Nevada in 1975. Rockville would be poised to be the only jurisdiction in Maryland and the only other jurisdiction outside of Nevada to have NOTA should the City proceed with this option. As a City that proudly leads the way on progressive electoral reform, this seems a natural option to employ.

NOTA eliminates the illusion of an electoral mandate. It could create tangible feedback to candidates and the City on their feelings on the field of candidates and the policies of

incumbents.[1] Currently, winners of the election believe that by winning alone they enjoy a mandate of the residents of Rockville. Leaving aside that this is merely a mandate of the 30% of the population who vote, this could simply be an illusion. Without a clear mandate, elected officials could be forced to engage in more meaningful engagement with the community in order to better assess their needs - a positive outcome for all.

Pros:

- "NOTA voting could allow us to identify patterns of disaffection— and allow voters to express that disaffection—much more clearly than other types of nonvotes."[2]
- Enables the City to have a better understanding of the level of the reasoning behind the candidate choices.
- Allows voters to have the freedom to choose none of the running candidates and provides more voice to voters that the individual(s) are not adequate to govern.
- Promotes the basic human right of freedom of expression when not in favor of all the candidates.
- Can increase voter turnout allowing voters to vote for an option that goes against the candidates, instead of not voting at all.
- This is a simple addition to the ballot.

Cons:

- Like all elections, voters can be influenced by other voters to select the NOTA option without researching the candidate's platform.
- May result in voters staying at home instead of registering their displeasure via NOTA

Recommendation

The Commission recommends the City Implement a "None of the above" (NOTA) ballot option.

Comments

Commissioners Shaw, Hodges, Becker, Valeri, and Powell voted for the Majority.

Commissioners Powell, Valeri, Shaw, Becker and Hodges voted in support of including a "None of the Above" option on the municipal ballot.

Commissioners Wright, Kram, Kelly and Owen voted against including a "None of the Above" option on the municipal ballot.

[1] Voting and Political Representation in America: Issues and Trends [2 Volumes]. (2020). United States: ABC-CLIO.

[2] Damore, David & Waters, Mallory & Bowler, Shaun. (2012). Unhappy, Uninformed, or Uninterested? Understanding "None of the Above" Voting. Political Research Quarterly. 65. 895-907. 10.1177/1065912911424286.

Minority Opinion

Recommendation Against Implementing a "None of the Above" (NOTA) ballot option"

Commissioners Wright, Kram, Kelly and Owen

A "None of the Above" ballot option incentivizes voters to cast ballots without conducting research on the candidates. Although there is an argument that such an option allows voters to express disaffection with an entire slate of candidates, such an argument ignores the fact that voters can already express this sentiment by casting a blank ballot or registering a write in candidate *in lieu* of the slate of candidates on the ballot.

Those in favor of this ballot option assert that the effect of a "None of the Above" option would not impact the overall outcome for candidates as the vote tally for this option does not affect the election outcome. However, as the number of voters in the City of Rockville is significantly fewer than the population of voters in jurisdictions that allow for a "None of the Above" option, such as the State of Nevada, and the countries of Colombia and Ukraine, any number of protest votes could have the effect of drawing down the total pool of votes to candidates that it may ultimately sway the outcome of the election.

Furthermore, a significant number of protest votes during an election may also be perceived as a sign that the otherwise properly elected candidates are somehow illegitimate. Given the ongoing scandals surrounding the 2020 Presidential election, such a concern should not be taken lightly.

Finally, there is evidence that a "None of the Above" option on the ballot benefits incumbent candidates as voters who are attracted to lodge a protest vote would otherwise vote in favor of a challenger candidate.[3]

[3] *The effects of a 'None of the above' ballot paper option on voting behavior and election outcomes*, Duke University, Ambrus, Greiner and Zednik (November 7, 2018) http://public.econ.duke.edu/~aa231/NOTA_voting01.pdf

Issue H – Translation of Election Information into Various Languages

Considerations:

Currently the City Charter does not address nor require that election language be translated in any language other than English. However, the demographics of our City have changed to reflect a highly diverse, multicultural, and multilingual population. Implementing basic language access standards such as those outlined in the U.S. Election Assistance Commission's Language Access program[4] will honor the civil rights of limited English proficiency (LEP) residents.

In Census 2020, Rockville had a total population of 67,117 residents. Of this, 10,790 residents identify as speaking English "less than well".[5] LEP residents are one key to effectively expanding the voting franchise in Rockville. Below is a chart of the languages spoken by Rockville residents who self-identified as speaking English "less than well," phrasing that the U.S. Census Bureau uses.

Languages Spoken by Residents Who Speak English "Less Than Very Well"

Spanish	3,338
Chinese (incl. Mandarin, Cantonese)	2,623
Other Indo-European languages*	1,514
Other Asian and Pacific Island languages	989
Russian, Polish, or other Slavic languages	506
Korean	438
Vietnamese	257
French, Haitian, or Cajun	208
Arabic	195
Other and unspecified languages	195
Tagalog (incl. Filipino)	159
German or other West Germanic languages	100

*The Census defines Other Indo European languages as the following. Further community surveying would be needed to gain more specificity into the needs of Rockville.

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[4] https://www.eac.gov/sites/default/files/languages/Language_Access_Program_Checklist.pdf

[5] U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

- Bengali
- Greek
- Gujarati
- Hindi
- Italian
- Kannada
- Malayalam
- Marathi
- Nepali
- Pashto
- Persian (incl. Farsi, Dari)
- Portuguese
- Punjabi
- Tamil
- Telugu
- Urdu
- Yiddish

It is critical for the City to assess the role of language and culture in the municipal election process and engage in ongoing principled language planning. - indeed, for all aspects of City government. As noted by the Robert Wood Johnson Foundation's *Five Steps to Improving Communications with LEP Populations*[6]; "Ignoring the widespread implications of a quickly-growing multicultural and multilingual society is not in our collective, long-term best interest, nor is offering band-aid responses to this chronic need." The language assistance mandate under section 203 of the Voting Rights Act only requires Montgomery County to provide language assistance to residents who speak Spanish.[7] However, the City of Rockville should always strive to do what is best for residents - not merely do the bare minimum.

City policies should reflect the voice of voters. Continuing to maintain language barriers can:

- Suppress residents' voting power and their ability to participate;
- Result in structurally promoting discriminatory public policy; and
- Can prevent resource allocation to communities most impacted by election language barriers.

Pros:

- Aligns with the City's commitment to advance equity and inclusion, as this provision will diversify the electorate and better represent the changing demographics of Rockville residents.
- Increases civic engagement from communities that have historically been disenfranchised by language barriers.
- Aligns with the County's approach to provide election information in other languages[8].
- Shows a responsiveness to the changing demographics of the City
- Is the first step in the ladder of civic engagement, empowering communities marginalized due to limited English proficiency

Cons:

- Due to a long history of not making election information accessible to voters that experience language barriers and overall low voter turnout, it could take longer than one election cycle to increase the participation from these communities.
- There is potential for initially experiencing diminishing returns in comparison to cost and staff level of effort to invest in translating election information.

In reviewing language accessibility in municipal election materials, another issue that was raised was regarding general accessibility for residents who can read English. To do this, the City could require that election information be written in plain language, regardless of the language, per guidelines issued implementing the Plain Writing Act of 2010, 5 U.S.C. § 105, Pub. L. 111–274, Oct. 13, 2010.[9]

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[6] https://www.rwjf.org/content/dam/farm/toolkits/toolkits/2009/rwjf37285

[7] https://www.justice.gov/crt/file/927231/download

[8] https://www.montgomerycountymd.gov/elections/index2.html

[9] https://www.plainlanguage.gov/guidelines/

Should the Mayor and Council decide to pursue the recommendation to translate election information and update the Charter accordingly, the Commission has drafted suggested options to do so.

The following options and associated practices are drawn in part from the work behind and lessons learned from the 2020 Census and the efforts to promote COVID-19 vaccinations, both of which had an intentional emphasis on equity and navigating language barriers to reach disproportionately impacted communities with accurate health information.

- Regularly conduct an analysis of the city's foreign-born and LEP communities and residents; develop an understanding of the most common languages other than English spoken by Rockville households; rank and prioritize as needed; recognize the difference between longtime residents who are LEP versus migrant and refugee/resettled people and other LEP populations.
- Have each City department create a Language Access Plan to align with Montgomery County government policy.[10]
- Conduct outreach early and often and through multiple modes of communication in the identified languages to build awareness and deepen the relationships between these households and City government (this may include basic civics lessons in addition to election-specific information); leverage each language community's radio, television, newspapers, and social media; consider adding an Outreach Coordinator position(s) to City staff (perhaps recruited from the LEP households).
- Identify and build sustained and trusting relationships with community leaders and organizations that service the City's traditionally hard-to-reach populations, including faith leaders, community groups, and cultural organizations; find opportunities to go on-site with these groups and conduct activities like voter registration at their events.
- Translate all election-related materials and resources into the appropriate languages across all media and modes of communication, including signage.
- Provide language assistance leading up to and on election day, including recruiting bi-/multilingual poll workers for on-site assistance and multilingual ballots
- Educate LEP populations on both their rights and responsibilities related to voting, including topics such as voter intimidation and other interference tactics, voter registration, voter assistance, etc.
- Identify City employees who are bilingual and leverage those skills; recruit bilingual City residents as volunteers on Election Day; invest in telephone interpretation services.

[10] https://www.montgomerycountymd.gov/lep/policiesexpectations.html

Recommendations

The Commission recommends that the City translate Rockville election information into the most frequently spoken languages among Limited English Proficient (LEP) communities.

Comment

Commissioners Powell, Valeri, Kelly, Hodges, Kram, Shaw, Becker and Owen voted in support of this recommendation.

Commissioner Wright voted in support of the *status quo* and provided a minority opinion.

Minority Statement

Commissioner Wright

The Board of Supervisors of Elections (BSE) has several initiatives that include languages other than English and Spanish. The challenge of which languages and which dialects within is better addressed by the BSE and the Office of the City Clerk/Director of Council Operations. Those two entities are substantially more experienced and capable then the Commission addressing this laudable goal. It is disrespectful to suggest the BSE and the City staff need to be reminded that election materials should be written in plain language regardless of the language. The BSE is composed of experienced, professional individuals.

Issue I – Alternative Methods of Advertising an Election

Historically a large percentage of the electorate has not participated in Rockville elections. Although more advertisement tactics were implemented in the last 2019 election and tactics from this election cycle should be continued, the Charter only requires legal notice of an upcoming election. Specifically, the City Charter provides:

> The Board of Supervisors of Elections shall give at least one (1) months' notice of every election, including places for voting, by an advertisement published at least four (4) times during the period of such notice in at least one (1) newspaper of general circulation in the City and by posting notice thereof during such period in some public place or places in the City.

ROCKVILLE, MD, Charter Article III, § 2(d)(2022).

The Mayor and Council asked the Commission to provide comment on alternative methods of advertising an election.

Option 1: Alter the method and timing for the Board of Supervisors of Elections to provide legal notice to the public of upcoming elections.

Option 2: Maintain the current charter and code language providing legal notice of elections.

Comments

Although it is noted that the intent of the Mayor and Council in Resolution 09-20 was likely to request the Commission to comment on the narrow topic of legal notice of upcoming elections, the Commission believed it important to also address the broader importance of publicizing upcoming municipal elections and increasing the access of voters to the candidates.

Although the Charter language is sufficient to provide legal notice, as a practical matter this does not meet the electorate's needs for the City to:

- Broaden community awareness of an upcoming election.
- Provide access to general election information and candidate campaigns.
- Educate and prompt residents who are eligible to register to vote.

The Commission recommends that the Mayor and Council continue and enhance existing election publicity efforts including, but not limited to:

- Mailings
- Digital tactics: web content, email campaign, text alerts, City staff email signature blocks, etc.
- Press releases
- Social media - particularly paid social media

- Videos
- Television ads
- Incorporating notices in other city services (housing, parking enforcement, recreation)
- Moveable electronic message boards at strategic road intersections and near public transit (particularly frequented bus stops)
- Coordinate with multi-dwelling units to share election information

Sharing election information with Rockville multi-dwelling unit occupants

Rockville multi-dwelling unit (apartment building) residents face additional systemic and physical barriers in receiving City election information. The Commission recommends having the City coordinate with these residences to request that City representatives and candidates have access to residents for the purposes of campaigning and publicizing elections.

Pros:

- Aligns with the City's commitment to advance equity and inclusion, as this provision seeks to diversify the electorate and changing demographics of Rockville residents.
- Likely improve voter turnout among communities that experience barriers to receiving election. information, particularly among lower income and newer residents.
- Acknowledges that residents consume and access information through a variety of different ways and channels.
- Supports the election needs of growing populations of multi-dwelling unit occupants. Particularly, renters who occupy 45% of the total number of households in Rockville[11].

Con:

- Will require additional resources and planning.

Recommendation

The Commission was unanimous in maintaining the current language of Article III, § 2(d) of the City Charter regarding the timing and methods of providing legal notice of upcoming elections.

Comment

Commissioners voting in favor: Hodges, Kelly, Valeri, Wright, Kram, Shaw, Owen, Becker, and Powell.

[11] https://censusreporter.org/profiles/16000US2467675-rockville-md/

Issue J – Increasing the Number of Members of the Board of Supervisors of Elections

Considerations

The original Charter in 1954 set the number of members of the Board of Supervisors of Elections (BSE) at three. In 1987, at the recommendation of the 1986 Election Task Force, the number of members was increased to five. In 2022 the number of members of the Supervisors of Elections remains at five.

Option A: Current Practice: The Board of Supervisors of Elections consists of five members appointed by the Council.

Pros:

- Though the City is not required to emulate other Maryland jurisdictions, this number is consistent with the number of members of the State Board of Elections and most of the Maryland county boards of elections.
- Some members of the BSE believe five members are adequate to handle the administrative workload required of the Board most of the time.

Cons:

- Restricting the number of BSE members to five limits opportunities to increase the diversity of the BSE in many ways. As the pool to appoint from is composed of volunteers (expression of interest) the diversity of the BSE could increase if there were more members on the BSE.
- The Chair of the BSE said it would be helpful to have more members to manage the workload leading up to and on Election Day.
- Although training of new members is available, the experience of conducting an election is invaluable. If there were more members on the BSE who have been reappointed, then more individuals would have that experience resulting in a more robust BSE.

Options Other Than the Current Practice

Option B: Retain the BSE at five members but provide for two alternates who may, depending on the duties of their appointments, fill in when a member is unable to attend a meeting and/or provide a pool of members to serve when a regular BSE member is not available.

Pros:

- This practice is consistent with practices followed by Montgomery County as well as other Maryland municipalities.
- This practice creates a pool of additional people who will, as alternates, become familiar with the responsibilities of the BSE and, if needed, assist with the administrative workload required of the BSE.

- This practice would allow for more efficient training of prospective BSE members through simultaneous rather than sequential training.
- This practice would provide an opportunity to expand the diversity of the BSE.
- Depending on how the alternatives are used, this practice may make it easier to assure a quorum at BSE meetings.

Cons:

- Unless alternates are given specific responsibilities, they might have a negative experience with the BSE, which could potentially negatively impact their general view of Rockville volunteer opportunities.
- It may be difficult to recruit volunteers to serve as alternates.
- Training alternates as well as BSE members could overtax BSE resources.

Option C: Increase the size of the BSE to seven members.

Pros:

- Increasing the number of BSE members would provide an opportunity to increase the diversity of the Board.
- Increasing the number of BSE members is consistent with the growing population of Rockville.
- The Chair of the BSE said having seven members would greatly help in distributing the workload on Election Day and in preparing and monitoring vote-by-mail activities.

Cons:

- It may be difficult to attract sufficiently qualified applicants for the additional Board positions.
- Increasing the number of members on the BSE could expand both (1) the Council's workload as it requires additional BSE members be appointed and (2) the number of interactions with staff in the Office of the City Clerk / Director of Council Operations.

Recommendation

A majority of the Commission support increasing the size of the Board of Supervisors of Elections to seven (7) members.

Comments

Commissioners Hodges, Kelly, Kram, Owen, Powell, Becker, and Wright voting for the Majority. Commissioner Shaw voted "None of the Above" and submitted a Minority Statement. Commissioner Valeri abstained.

Training for new appointees to the Board of Supervisors of Elections (BSE) is available. A Commissioner recommended that the leadership structure of the BSE include a Vice Chair.

The pool of potential appointees is composed of residents who have submitted Expression of Interest forms (volunteers). Historically the number of residents in that pool has fluctuated, from none to a few. However, the city benefits when more BSE members have ~~actual~~ experience implementing an election.

Experience as currently defined by the Board of Supervisors of Elections needs further consideration with regards to eligible candidates to serve on the Board. The narrow focus of only individuals who have administered an election narrows the pool of candidates drastically thus eliminating the possibility of meaningful diversity within its membership. New language should be considered and implemented as soon as possible to correct this. Sample language is below.

> Interested individuals should possess a strong affinity for the fair and equitable administration of elections and a desire to learn all aspects of this administration. Extensive training and education will be a necessity should an individual be appointed. The BSE welcomes all manner of experience for interested individuals including lived experience, volunteerism with candidates for elected office, poll watchers or those who have previously administered elections. The BSE does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, veteran status, marital status, or based on an individual's status in any group or class protected by applicable federal, state or local law. The BSE encourages applications from BIPOC (Black, Indigenous, and People of Color), women, disabled people, protected veterans and all other qualified applicants.

Minority Statement

Commissioner Shaw

"None of the Above"

The research presented on issue J offers a narrow argument that by simply increasing the number of seats on the BSE increases "diversity." The research does not define diversity, nor does it identify which communities are historically and currently underrepresented by the BSE's application and appointment processes - and which communities benefit from these processes and experience overrepresentation. The research even fails to provide the current makeup of the BSE (baseline), which is necessary to make claims on how to increase the BSE's diversity.

The concept that by simply increasing BSE seats will increase "diversity" demonstrates a lack of awareness of systemic and structural barriers, the existence of bias, and discrimination that may influence the BSE's application and appointment processes. The research on this issue is devoid of a racial equity and social justice analysis, which considers the lived experiences of many underrepresented communities. Notably absent is an acknowledgement that these factors can play a role:

- Which communities are aware (or are not aware) of open BSE seats?
- Which communities have (or do not have) resources to serve on the BSE?
- Which communities benefit (or do not benefit) from how BSE appointment decisions are made and influenced?

Merely increasing seats without meaningfully considering the barriers preventing underrepresented groups from serving on the BSE may actually increase the representation of majority groups and diminish representation of minority groups - making the BSE not only less diverse, but also less equitable. This was exemplified by our own Charter Review Commission when two former Commissioners resigned and opened two seats – which per this argument should have led to more diversity. However, the two new appointments resulted in a less diverse Commission regarding housing type- halving renters from two Commissioners to one; and making the Commission disproportionally less racially diverse – two demographic types stated in CRC Resolution 9-20.

Any further consideration of this proposal requires a significant racial equity and social justice analysis to avoid causing unintended harm to underrepresented communities and to address gaps in the research.

Issue K – Lengthening the Terms for Members of the Board of Supervisors of Elections

Considerations

This issue was proposed out of an apparent concern that a four-year BSE term might no longer provide the Board sufficient experience in conducting elections after Mayor and Council terms were increased from two years to four years. Term length clearly has an impact on the overall experience that members acquire regarding Rockville's election procedures, but it is only one of several factors that do this. Like term lengths, other factors determined by the Charter include the relationship of BSE terms to election cycles, concurrent terms versus staggered terms, fixed term schedules versus random terms, and automatic term extensions. Actions of the Mayor and Council, e.g., minimizing delays in filling vacancies and reappointing BSE members, also impact the experience available on the BSE. All types of experience are valuable, but experience conducting and assessing prior elections is considered the most valuable.

Before the Mayor and Council terms were increased to four years in 2015, either two or three new BSE members appointed according to the Charter would have theoretically had prior election experience when supporting each election between the years 1993 and 2013. As shown in Table 3, they would also have acquired several years of general BSE experience during their terms.

In 2015, this theoretical situation changed significantly. Beginning with the 2019 election and continuing thereafter, no new BSE members would be able to acquire any prior election experience before supporting an election. The only way for the Mayor and Council to assure that some BSE members have prior election experience would be to reappoint experienced BSE members.

Option A: Current Practice: In 1971, the Charter was amended to extend the terms of the three BSE members from two to four years and to stagger the members' terms. Since that time, amendments to the Charter increased the number of BSE members to five, changed the timing of their appointments, and changed how their terms were staggered.

Pros:

- Requires no change to the Charter.
- Makes it easier for the Mayor and Council to change the composition of the BSE should they wish to do so.

Cons:

- Assures that no new BSE appointees will be able to support more than one election, and gain election experience to support subsequent elections, unless they are reappointed.
- Any significant prior election experience to support an election will require the reappointment of several BSE members with such experience.

Options Other Than the Current Practice

Option B: Extend the BSE terms to five years.

Pros:

- Creates the possibility that a new BSE member could support two elections and acquire election experience for supporting the second election.
- Would be consistent with the terms of Planning Commission members, another commission where member experience is highly valued.

Cons:

- Although this creates the possibility of a new BSE member supporting two elections, this outcome depends on their appointment coming in June of an election year, an odd-numbered year. In this case, incumbents would experience their first election with five months of experience and have that experience to support a second election if they remained on the BSE through the rest of their terms. BSE appointments with five-year terms coming after an election would generate no prior election experience.
- Requires a change to the Charter.
- Also requires BSE appointments to alternate between odd years and even years and will create oddly staggered terms that might prove difficult to keep straight for making new appointments.

Option C: Extend BSE terms to at least eight years.

Pros:

- Assuming that new BSE members serve their entire terms, this would assure that they would support at least two elections and have experience with one prior election when they support their second elections.

Cons:

- Requires a change to the Charter.
- It might be difficult to find BSE candidates willing to commit eight years at the outset of a volunteer role in which they haven't served.
- Would exceed the terms of any other Rockville boards and commission members and be inconsistent with the terms of other State and County boards and commissions.
- Would make it harder for the Council to change the composition of the BSE, should they wish to do so.

Recommendation

A majority of the Commission recommends retaining BSE terms at four years (Option A).

Comments
Commissioners voting in favor: Kelly, Wright, Powell, Shaw, Hodges, Becker, and Kram.
Commissioners Owen voted for Option C and provided a Minority Statement below.
Commissioner Valeri abstained.

Minority Statement
Commissioner Owen.

The majority view of the Commission is to retain the term of BSE appointments at the *status quo* of four years. One of the majority's arguments supporting this position is it "[m]akes it easier for the Mayor and Council to change the composition of the BSE should they wish to do so." It is for this very reason the minority view disagrees with four-year terms.

The currently elected officials should not have the prerogative to appoint the BSE to meet their "wishes." Rather, the BSE is to be an independent body that is free of political influence.

Previously, the Mayor and Council served two-year terms until the terms were extended to four-year terms in 2015, but the BSE member's terms were not extended beyond the current four-year term. This omission creates a scenario in which a currently elected Mayor and Council could adjust the composition of the BSE in a manner that could insert political pressure on BSE members to impede a free, fair, and transparent elections process. As we have seen in 2020, the credibility of the elections process is crucial to a functioning democracy.

To mitigate against this possibility, the minority opinion recommends extending the BSE to serve eight-year terms, thereby permitting members to oversee two election cycles and reduce the opportunity for currently elected leaders from stacking the BSE for mere political gain.

Issue L – The Appointment Process for the Members of the Board of Supervisors of Elections

Considerations

Of all Rockville's boards and commissions, the BSE is the only one created by the Charter and whose membership and appointment requirements are provided there. All appointments, whether nominated by the Mayor or another Councilmember, must be approved by the full Council. The Charter is silent on the authority to reappoint BSE members and there has been some confusion as to whether it is appropriate for the Mayor to act as a member of the Council when nominating new BSE members. Table 6 shows that Councilmembers made 38 of the 40 nominations for new or reappointed BSE members and eight of the nine vacancy appointments made since the 1991 Charter amendments. Table 2 shows nine appointments or reappointments of BSE Chairs by the Mayor and Council from 1998 to 2010, but they are not summarized in their own separate table. The Mayor is considered a member of the Council when nominating new BSE members, but the Council's nominations to fill vacancies and to appoint or reappoint BSE Chairs are clear violations of the Charter.

Option A: Current Practice: The Charter requires that the Council appoint new BSE members, that the Mayor fill BSE vacancies with the approval of the Council, and is silent on the responsibility for reappointing BSE members.

Pros:

- Requires no change to the Charter.
- Is consistent with how some Maryland jurisdictions handle BSE appointments.

Cons:

- Allowing the Mayor to make vacancy appointments to the BSE is inconsistent with, and contrary to, the Charter's intent to eliminate the appearance of undue political influence by a single elected official in appointing other BSE members.
- Creates an incentive for any Mayor to claim that a normal appointment is a vacancy appointment in order to control that appointment. This could create an "optics" problem seemingly giving undue political influence to a single elected official that the Charter sought to avoid for normal BSE appointments.
- Retains the current ambiguity about who has the authority to make reappointments and whether it is appropriate for the Mayor to act as a member of the Council when nominating new BSE members.
- Maintains the inconsistency in the authorities to appoint new BSE members and to fill vacancies.

Options Other Than the Current Practice

Option B: Modify the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Council.

Pros:

- Would give all Councilmembers an equal chance to nominate BSE members, thereby applying the intentionally apolitical nomination philosophy in the current Charter to all BSE members, including persons appointed to fill vacancies.
- Eliminates the inconsistency in the authorities to appoint new BSE members and to fill vacancies.
- Eliminates any questionable vacancy appointments that might cause "optics" problems.
- Is consistent with how most vacancy appointments have been made in practice.
- Eliminates any ambiguity about the authority to reappoint BSE members.

Cons:

- Requires a change to the Charter.

Option C: Modify the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Mayor and confirmed by the Council.

Pros:

- Gives the Mayor the same appointment authority that exists for most other boards and commissions.
- Eliminates any ambiguity or inconsistency in the authorities to appoint new BSE members and to fill vacancies.
- Eliminates any ambiguity about the authority to reappoint BSE members.

Cons:

- Requires a change to the Charter.
- Eliminates the intentionally apolitical nomination philosophy that the Charter currently provides for new BSE members.
- Eliminates any ambiguity about the authority to reappoint BSE members.

Recommendation

A majority of the Commission recommends modifying the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Council (Option B).

Comments

Commissioners voting in favor of Option B: Kelly, Wright, Kram, Becker, and Owen. Commissioners Shaw and Powell voted in favor of the creation of a Board of Supervisors of Elections Nominating Commission and provided a Minority Statement. Commissioner Valeri abstained.

During the discussion of the presented Options A, B, and C, several Commissioners expressed a desire for an independent and impartial Board of Supervisors of Elections. This inspired two alternative proposals for the formation of a BSE. Commissioner Hodges proposed Option D, an elected BSE, but chose not to submit a Minority Statement. Commissioners Powell, Shaw and Valeri proposed Option E, creating a Board of Supervisors of Elections Nominating Commission. They chose to prepare a Minority Statement.

A discussion about the content of the Minority Statement concluded it was not to be written in the format of another option. It is to express the thoughts and reasoning of those present but not voting for any option presented or those voting in the minority.

Minority Statement
Commissioners Shaw, and Powell.

Creation of a Board of Supervisors of Elections Nominating Commission

In order to preserve the necessary independence and impartiality required of the BSE, elected officials must not play a large role in the nomination and confirmation process. Independent commissions are a common practice for state level judicial nominations and redistricting in order to maintain impartiality. The report noted under *Source* outlines in part how an election official nominating commission would work on the state-level. Adapting their recommendations, the below proposal would be one example of how a Commission could be created for the Board of Supervisors of Elections.

- Seven (7) members total including a chair and vice-chair
- Three (3) members appointed by Mayor and Council
- Four (4) members selected by the City Clerk from applications
- Five (5) Commissioners will constitute a quorum
- Chair and Vice Chair selected by Commission
- Reappointments and new appointments to the Nominating Commission to be approved by the Nominating Commission as a whole
- Primary purpose to review applicants and re-appointments to the Board of Supervisors of Elections and approve them accordingly
- Secondary task of developing a fair and just appointment criteria to ensure equitable representation based on the City's racial equity and social justice mandate, in concert with the City's Director of Diversity, Equity, and Inclusion

Source
Johnson, K. (2022). New Models for Keeping Partisans out of Election Administration [Review of New Models for Keeping Partisans out of Election Administration]. The Carter Center and Elections Reformers Network. https://electionreformers.org/wp-content/uploads/2022/01/REV6_with-links.pdf

Issue M – The Required Duties of the Board of Supervisors of Elections to Include Meeting with the Mayor and Council and Participating in Meetings with the Mayor and Council and Timely Responding to Information Requests

Considerations

Shortly before the 2019 election – after the date in September on which candidates were certified by the BSE – the Mayor and Council asked the BSE to appear before them to answer questions about election procedures. At that time, the Mayor and every member of the Council were incumbents and candidates for City office. The BSE felt that answering questions for some candidates and not others would undermine its appearance of impartiality by providing incumbents with what might be viewed as an unfair advantage over non-incumbents. Consequently, the BSE declined to appear, and instead, responded to the Mayor and Council in writing with the reasons for its decision and posted its response on the BSE's website.

The Mayor and Council asked the Commission to provide an independent opinion on whether the Charter or City Code should be amended to require the BSE to meet with the Mayor and Council whenever summoned, or to provide information to them whenever requested.

Option A: Current Practice: Neither the Charter nor the City Code specifically obligates the BSE to meet with the Mayor and Council or to provide the Mayor and Council with requested information.

Pros:

- Preserves the independence of the BSE from the demands of incumbent officeholders who frequently are also current or future candidates.
- Avoids providing incumbent officeholders/candidates with an unfair advantage over nonincumbents, who do not have an opportunity to demand meetings with, or information from, the BSE.
- Allows the BSE to make its own judgments on what conduct would or would not undermine its independence and credibility as an impartial election body.
- Avoids unfairly imposing on the BSE an obligation not imposed on any other Board or Commission.

Cons:

- May prevent the Mayor and Council from posing questions (and follow-up questions) to the BSE and obtaining needed information from the BSE.

Options Other Than the Current Practice

Option B: Insert language into the Charter or City Code requiring the BSE to meet on request with the Mayor and Council and to provide, in a timely manner, requested information.

Pros:

- Would permit the Mayor and Council to pose questions (and follow-up questions) to the BSE and obtain needed information from the BSE about preparations for the election and election procedures.

Cons:

- Would undermine the BSE's appearance of impartiality and independence.
- Would provide incumbent officers/candidates with an unfair advantage over nonincumbents.
- Might undermine public confidence in the fairness of the electoral process.
- Would unfairly impose on the BSE an obligation not imposed on any other board or commission.
- That obligation, if imposed, would be difficult or even impossible to enforce.

Option C: Insert into the Charter or City Code language requiring the BSE to meet on request with the Mayor and Council and to provide, in a timely manner, requested information, but create an exemption to that requirement for the period between certification of candidates and certification of election results.

Pros:

- Would permit the Mayor and Council to pose questions (and follow-up questions) to the BSE and obtain needed information from the BSE about preparations for the election and election procedures, but only during the period preceding certification of candidates.
- Would avoid undermining the BSE's appearance of independence and impartiality at least during the critical period immediately preceding the election.

Cons:

- During all other periods, would undermine the BSE's appearance of impartiality and independence.
- Would provide incumbents/future candidates with an unfair advantage over nonincumbents.
- Might undermine public confidence in the fairness of the electoral process.
- Would appear to solve a problem that doesn't exist, since the BSE has no problem responding to requests from the Mayor and Council prior to the certification of candidates.
- Would unfairly impose on the BSE an obligation not imposed on any other board or commission.
- That obligation, if imposed, would be difficult or even impossible to enforce.

Recommendation

The Commission was unanimous in maintaining the current state of affairs, in which neither the Charter nor the City Code specifically obligates the BSE to meet with the Mayor and Council or to provide the Mayor and Council with requested information.

Comments

Commissioners voting in favor: Hodges, Kelly, Wright, Kram, Shaw, Owen, Becker, and Powell. Commissioner Valeri abstained.

Several Commissioners wanted to add an emphasis on raising concerns about the independence of the BSE.

Although the Commission unanimously recommends maintaining the *status quo*, the Commission also expresses strong concerns about maintaining the independence of the Board of Supervisors of Elections from undue influence by the Mayor and Council. The Commission urges the Mayor and Council, in conjunction with the Board of Supervisors of Elections and the City Attorney's Office, to amend Section 2(a) of the Charter to include appropriate language effectuating this recommendation.

Issue N: Any Additional Provisions on Topics Raised by the Vote by Mail Election

General Considerations:

The Commission was tasked with reviewing "(a)ny additional provisions on topics raised during the vote by mail election, for example, ballot harvesting." In reviewing the Lessons Learned presentation from the BSE website[12], "Vote by Mail did not result in any evidence or allegations of voter fraud or impropriety." The current City code already includes language regarding "ballot harvesting" as noted below, so the Commission did not find a need to review this.

> **ARTICLE III. - CONDUCT OF ELECTIONS Sec. 8-44. Voter assistance.**
>
> (a) *Mail-in and absentee ballot voting.*
>
> (2) (i) A candidate, treasurer, campaign committee chair or treasurer, or any person at the direction of a candidate, treasurer, or campaign committee chair or treasurer may not receive or collect a mail-in or absentee ballot from a registered voter.
>
> (ii) An individual that is permitted to receive or collect a registered voter's mail-in or absentee ballot must:
>
> (1) Accept only a ballot that is within a sealed envelope;
>
> (2) Deliver the ballot in a manner that will get the ballot to the City Clerk prior to the closing of the election polls on election day; and
>
> (3) Not accept payment in any form for the collection and/or delivery of the ballot. [13]

Several important points from the Lessons Learned presentation and the May 21, 2020 BSE presentation[14] informed the recommendations from the Commission on additional vote by mail provisions. The Commission engaged in a discussion beyond the scope of the BSE's report which resulted in the following recommendations.

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[12] https://www.rockvillemd.gov/DocumentCenter/View/38911/Lessons-Learned-Presentation-

[13] Laws of Rockville, Ch. 4, § 4-34; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 18-87, 9-14-87; Ord. No. 16-89, 5-22-89; Ord. No. 7-01, 2-27-01; Ord. No. 6-18, 4-9-18; Ord. No. 21-19, 9-9-19

[14] https://www.rockvillemd.gov/DocumentCenter/View/38909/May-21-2020-Meeting-PowerPoint-Presentation-

1. Increasing the number of ballot drop-off boxes throughout the City

Considerations

The Commission discussed the accessibility of ballot-drop off boxes, and discussed whether or not there were enough of them throughout the City. Montgomery County uses a total of 47 ballot drop-off box locations, 5 of which are located within City boundaries: Rockville City Hall, County Executive Office Building, Richard Montgomery High School, Rockville High School, and Wootton High School.[15]

In other vote by mail jurisdictions, more than one ballot box may be utilized, sometimes in conjunction with a population mandate.[16] However, Maryland's election law provides a more equitable option: "A local board shall consider the following factors when determining the location of a ballot drop box:

- the accessibility of the ballot drop box to historically disenfranchised communities, including voters with disabilities, cultural groups, ethnic groups, and minority groups;
- proximity of the ballot drop box to dense concentrations of voters;
- accessibility of the ballot drop box by public transportation;
- equitable distribution of ballot drop boxes throughout the county; and
- maximizing voter participation, including through placement of ballot drop boxes at community centers and public gathering places."[17]

Option A: The current practice is one ballot drop box located in the parking lot at City Hall.

Pros:

- Allows residents who choose not to mail their completed ballot a place to deposit the ballot.
- For residents who wait until the last minute to complete their ballot, a drop box is required to deposit their ballot because it would not arrive in time to be counted via mail.

Cons:

[15] https://gis3.montgomerycountymd.gov/MCGBallotDropBoxes/index.html

[16] https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx

[17] MD Code, Election Law, § 2-304

1. The parking lot at City Hall is small and does not easily accommodate a car que longer than 4 cars.
2. For a number of residents City Hall is not a convenient location to travel to, either by private car or public transport.

Option B: Increase the number of ballot drop-off boxes throughout the City.

Pros:

- Would bring the City of Rockville more in line with Maryland Election Law
- Multiple drop-off boxes will make it easier for individuals who rely on public transit to drop off their ballot. There are no bus stops right at City Hall. The closest stops are at Maryland Ave and East Jefferson Street (Ride On Routes 46, 54, 63) or Maryland Ave and Fleet Street (RideOn Routes 47, 56). These routes only service Rockville Pike and exclude important transit corridors such as Veirs Mill Road or Hungerford Drive. The 63 does not run on the weekend.
- Geographic parity to the ballot box could be achieved with more than one ballot box
- Ability to strategic locate the second ballot box in an area of lower voter turnout to see if proximity increases turnout - would then inform and guide discussion of drop boxes in each election district
- Drop-off box visibility could create greater awareness of the election and the City's unique vote by mail only status

Cons:

- Cost - each drop-off box costs approximately $6,700 for both purchasing the box and installing it.
- Administrative time to develop along with the BSE the optimal location of a second box
- Staff time to purchase it, install it, and incorporate it into the process of ballot gathering on Election Day.

Recommendation

The Commission recommends the City increase the number of ballot drop off boxes from the current one (1) to two (2) for the 2023 election with the goal of having a drop-off box at every city recreational facility by 2034 if not sooner. The site selection should be made based on considerations of electoral equity in the community in accordance with resolution 10-21.

Comments

The Commission unanimously voted in favor of this recommendation.

Commissioners Powell, Kram, Wright, Becker, Valeri, Shaw, Hodges, and Owen voted in support of this recommendation.

Commissioner Kelly was not present to vote.

Commissioners supported a second ballot drop-box location for the 2023 municipal election. Twenty-four-hour video surveillance (tape) of a ballot drop box is required. They discussed a goal of having more ballot drop-box locations throughout the City. One discussion pertained to having a ballot drop box in every election district. Previously there were 12 election districts and City Hall that were reduced to 10 election districts and City Hall. If representative districts are implemented there would be even fewer election districts.

Commissioners Wright and Owen suggested having a ballot drop box at every City recreational facility, *e.g.*, Swim Center, Twinbrook, Lincoln Park, Senior Center and Thomas Farm.

Commissioner Shaw and Commissioner Valeri suggested adding an equity consideration to the placement of the ballot drop boxes.

Commissioner Kram suggested the City conduct an analysis to place drop-boxes in locations that have a higher volume of voter participation in order to fully utilize City resources.

2. Implement a multi-dwelling building outreach plan to guarantee election mail and materials reach residents.

Considerations

Residents of multi-dwelling buildings in Rockville span all demographics and include voters, non-voters, and individuals not registered to vote. In addressing the issue of expanding the franchise within the City, it was difficult to ignore the impact of unequal access to election materials on residents of multi-dwelling buildings.

The Board of Supervisors of Elections, in its "Lessons Learned" presentation[18], noted that implementing an outreach strategy in regard to multi-dwelling buildings was important. Another jurisdiction in the County, Takoma Park, implemented strategies and code changes to ensure equal access to election materials for these residents.[19] This is an important issue this Commission decided to raise in this report as it addresses a barrier to voter participation.

Pros:

- Expands the number of voters who are assured to receive election mail and materials

[18] https://www.rockvillemd.gov/DocumentCenter/View/38911/Lessons-Learned-Presentation-

[19] https://takomaparkmd.gov/government/city-clerk/ensuring-tenants-rights-to-participate-in-elections/

- May expand the number of registered voters if individuals have not received information previously on how to do so due to the access restrictions
- Provides for the same rights for multi-dwelling building as single family homeowners already enjoy
- Displays a genuine commitment to racial equity and social justice in the City

Cons:

- Administrative/staff time to implement provisions
- Potential costs attributed to these administrative needs

Recommendation
The Commission recommends the BSE drafts and implements a multi-dwelling building outreach strategy, in consultation with affected residents and building management, to guarantee election mail and materials reach residents.

Comment

The Commission voted unanimously in favor of this recommendation.

Commissioners Powell, Kram, Wright, Becker, Valeri, Shaw, Hodges, and Owen voted in support of this recommendation.

Commissioner Kelly was not present to vote.

3. Implement provisions to ensure the safety and wellbeing of voters who are survivors of intimate partner violence, the target of stalking and harassment, witnesses to felony offenses, and/or the immediate family member of an individual eligible for address confidentiality, and people who are unhoused.

Considerations

Vulnerable populations in the City such as survivors of intimate partner violence and people who are unhoused may not be aware of their right to vote or how to do so safely. The City Charter and Code currently does not make any provisions to ensure safety and equal access for Rockville's vulnerable populations.

Pros:

- An important first step towards removing barriers to safe voting by creating protections for a class of individuals already marginalized and living in fear
- Ensures that all voters are free to vote in City elections without fear of coercion, abuse or bodily harm.

- Clarifies the "Safe At Home" election guidance[20] for Rockville as the only vote by mail jurisdiction in Maryland. Currently, the only guidance from the Maryland Board of Elections for confidential voters is to vote absentee if they are enrolled in the ACP.
- Educates ACP voters on the services and resources available from City Hall, which they may not know about.

Cons:

- Administrative/staff time to implement provisions
- Potential costs attributed to these administrative needs

Recommendation

The Commission recommends the City implement a strategy to ensure the safety and wellbeing of voters who are survivors of intimate partner violence, the target of stalking and harassment, people who are unhoused, witnesses to felony offenses, and/or the immediate family member(s) of an individual eligible for address confidentiality.

Comments

The Commission voted unanimously in favor of this recommendation.

Commissioners Powell, Kram, Wright, Becker, Valeri, Shaw, Hodges, and Owen voted in support of this recommendation.

Commissioners Kelly was not present to vote.

Specific examples of provisions to protect the safety and well-being of vulnerable voters populations include:

(a) Add information for individuals eligible to register as a confidential voter who want to vote in municipal elections to the City website and display it prominently on the Voting and Elections and Board of Supervisors of Elections pages.
   A. Incorporate a quick escape button[21] on those pages
   B. Link to the State of Maryland Confidentiality Request Form[22] for confidential voters who want to vote safely in the City.

(b) Implement survivor-focused training for election judges, including training on how to identify signs of domestic abuse, in order to respond appropriately and with extra discretion when survivors come to voting centers or seek out election-related resources.

[20] https://sos.maryland.gov/Documents/SafeatHomeBrochure.pdf
[21] https://www.health.columbia.edu/content/quick-escape-button
[22] https://elections.maryland.gov/forms/documents/Confidentiality%20Request%20Form.pdf

(c) Promote City voting centers as a safe option for confidential voters to cast their ballots.

(d) Promote the fact that sample ballots that can be picked up in person at City Hall as confidential voters enrolled in the state's Address Confidentiality Program (ACP) do not get one via mail.

(e) Implement and advertise safe public locations to complete a vote by mail ballot.
   A. Examples of locations that could be used include City Hall, Rockville Police Department building, City libraries or City community centers.

O. Provisions that May Increase Voter Turnout

Issue Summary
Rockville, like many jurisdictions with off year elections has historically had low voter turnout. Generally, low voter turnout can lead to local elected officials and policies being disproportionately influenced by a small percent of municipal residents, undermining our representative democracy and the effectiveness of local government.

The Mayor and Council recognized the problem with low voter turnout and asked the 2020 Commission to research provisions that may increase turnout.

History of the large percentage of the electorate that has not participated in Rockville elections[23]

BALLOT	2011	2013	2015	2019
Turnout - number of ballots cast	**6,240**	**6,685**	**6,468**	**12,287**
Approximate percentage of the electorate (registered voters) that did not vote/participate in the election.	**83% did not vote**	**83% did not vote**	**84% did not vote**	**70% did not vote**

A healthy democracy requires the majority of the electorate participating in the elections to ensure there is equitable representation of the whole community it serves. In 2019 approximately 70% (27,212) of registered Rockville voters (39,499) did not participate in the municipal election. Although there was a marked increase in voter turnout from the previous 2015 election that may have been associated with the increased outreach tactics used to promote vote by mail option – the overwhelming majority of the Rockville electorate did not vote. This does not even account for residents that are not registered yet, but are eligible to vote - a segment of the population that requires much greater attention and outreach. Additionally, the number of registered voters decreased overall from the 2015 election to the 2019 election[24].

Lower voter turnout leads to less representative policy making and inequitable resource allocation. Additionally, less representative elections can contribute to disparate outcomes for socially and economically marginalized communities, including unequal prioritization of public spending. The 2020 Commission was additionally charged by the Mayor and Council to consider the "demographics and characteristics of the City." and "Racial and other inequities and social justice" in 9-20 Resolution. It is imperative that these research findings also be reviewed through this lens to ensure our City advances equity.

[23] Rockville Board of Supervisors of Elections November 5, 2019 Election Report https://mdmunicipal.org/DocumentCenter/View/7465/Vote-by-Mail---Rockville-Election-Report?bidId=
[24] Ibid.

Moving the Election to Coincide With State or Federal Elections

According to the Rockville Board of Elections in their *Rockville Board of Supervisors of Elections November 5, 2019 Election Report*:

> Data from jurisdictions that have moved to a VBM process show that voter turnout increases significantly the first time VBM is offered. Although turnout tends to go down after that, it remains higher than in pre-VBM elections.[25]

Considering there is already existing low voter turnout (approximately 70% did not vote), and projecting that simply maintaining the status quo will further decrease the turnout from 2019, it is important that the Commission focus on broader ways to engage the majority voters.

Moving the timing of the Rockville election to coincide with the Presidential elections or Gubernatorial elections can drastically increase voter turnout because this approach brings the Rockville election to where most Rockville voters are. While off-year elections, as practiced in Rockville, have historically had lower voter turnout. Just in Maryland, Takoma Park, City of Baltimore, the Town of Ocean City, and the City of Cumberland have all changed their election date from off years to coincide with the state and federal elections and have all seen drastic increases in their voting results.

Some thoughts expressed around changing the timing of the election were concerns about removing vote-by mail. Vote-by-mail has become far more accessible and has become more commonly used since 2019 (pre-pandemic) and due to the pandemic has increased in the county and state elections in 2020 and 2022. Vote-by-mail is now essentially a norm, not an innovation. However, this idea that vote-by-mail will go away if we change the timing of the City election is misleading. Rockville has the creative ability to incorporate both methods - like Takoma Park BSE, Baltimore City BSE and Ocean City BSE who all have changed their elections timing to increase voter turnout and offer vote-by-mail.

If the City decides to change the timing, the city may consider keeping municipal elections and county elections separate, which will allow for greater autonomy. For example, the City may opt to implement a two- ballot system, as practiced in many of the jurisdictions that have changed the election timing. This practice maintains the independence of the municipal election, keeps the municipal candidates on its own ballot; and allows for additional provisions like vote by mail and expanding the voter franchise to new communities, while leveraging the motivation and the increased civic engagement from the timing of the national election.

Although these benefits of changing the timing the elections are appealing to increase voter turnout, the Commission recognizes that additional research is needed to ensure feasibility, determine if the election should be integrated with the county's or kept separate, determine if

[25] Ibid.

the election should be changed to a Presidential or Gubernatorial elections, and more accurately estimate the cost of resources around these decisions. Hence, the majority of the Commission recommends *exploring* changing the timing, instead of implementing.

Pros:

- Based on election results of other Maryland cities and cities across the country, changing the timing will significantly increase voter turnout thus achieving a broader representative democracy.
- Captures Rockville voters that do not vote or are not aware of the municipal elections, but turnout for the Presidential or Gubernatorial elections.
- Aligns with the City's commitment to advance equity and inclusion, as this provision will likely diversify the number of voters since Presidential and Gubernatorial elections have an increased awareness and deeper reach into communities not yet engaged in municipal elections.
- Leverages the electorate's interest in the upcoming national and state elections and increased civic engagement to participate in the local Rockville elections. Voters may also be more open to learning about local issues and Rockville government services that have an impact on the everyday lives of residents, which will further increase civic engagement in the long term.
- Sends a message to voters that Rockville municipal elections are just as important as federal and state elections.

Cons:

- The change to the timing will require changes to the current terms of service to extend to the next Presidential election year.
- The City will need to determine if it will combine the election with the county's or integrate them.

Current Practice

Not explore changing the scheduling of the Rockville City Elections to coincide with the Presidential or State Gubernatorial Elections and continue holding elections during off-years (Status Quo).

Recommendation
Explore changing the scheduling of the Rockville City Elections to coincide with the Presidential or State Gubernatorial Elections.

Comment

Commissioners Valeri, Shaw, Hodges, Becker, Wright, Kelly, and Powell voted in favor of Option 1: (Explore changing the scheduling of the Rockville City Elections to coincide with the Presidential or State Gubernatorial Elections.)

Commissioners Owen and Kram voted in favor of Option 2: (Status Quo):

Minority Statement
Commissioners Kram and Owen

The City implemented vote by mail for the first time for the 2019 municipal election, expending considerable time and resources for its successful implementation. Moving the municipal elections to the year of a gubernatorial, federal, presidential election imperils the ability of the City to continue to vote by mail as the State of Maryland has not implemented a state-wide vote by mail option similar to Colorado, Hawaii, Utah, Washington, and Oregon. Although the majority opinion avers the City could still hold vote by mail for municipal elections while voters vote in-person under a two-ballot system, this recommendation doubles the burden of voters to vote in a single election cycle by completing two ballots, one by mail and the other in person. There is no evidence that a two-ballot voting system would increase voter participation and, in fact, such an election system could likely reduce voter turnout.

Additionally, creating a two-ballot system wherein the municipal election were by mail and the state/federal election were in person, may also create confusion among voters who may only vote by one method assuming that they cast a complete ballot for all elections.

Franchise Municipal Voting Without Regard to Citizenship

Issue Summary
Rockville is a diverse city with residents representing many nations around the world[26]. As of the 2020 Decennial Census, Rockville has population of 67,117[27]. It is estimated that 15.8%[28] of Rockville residents are not U.S. citizens and 33.5% of Rockville residents were born outside the United States.[29] These statistics do not take into account individuals such as undocumented residents who are historically undercounted in the Census process. Despite the diversity of Rockville's demographic numbers, it does not translate to equitable electoral power, representation in policymaking, or inclusion in the decision-making process for resource allocation through the budget process.

From the founding of the United States, voting rights were determined not by citizenship but by other criteria such as race, gender, and property ownership. Here in Maryland, citizenship was not a requirement to vote from 1776 until 1851 when rising nativism stoked fears about the new immigrants to the U.S., particularly those of the Catholic faith[30]. However, Maryland's state

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[26] Rockville Ranks High in Diversity Study, Rockville Reports, February 27, 2019

[27] U.S. Census Quickfacts, Rockville, MD

[28] U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

[29] U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

[30] Democracy for All: Restoring Immigrant Voting Rights in the United States, R. Hayduk

constitution recognizes the autonomy of local municipalities to craft their own voting eligibility requirements. Because of this, Maryland has the most municipalities granting the right to vote for noncitizens in local elections than any other state in the country — with the majority of them located right here in Montgomery County.

Maintaining the status quo that disenfranchises Rockville residents who are not U.S. citizens will continue to limit the voting power of residents who are the least engaged with the City and have less policy making influence. The status quo endorses the existing discriminatory structure of disenfranchisement and must be changed in order for the City of Rockville to truly reflect diversity, equity and inclusion as outlined in Resolution 10-21[31].

Voting is fundamental to all other rights in the City. Expanding the franchise is the initial action that builds civic engagement and increases voter turnout — the Commission's priorities when addressing this question within the mandate. Enfranchisement recognizes and respects the underlying human need for agency in our day to day lives and the need for empowerment in order to engage the City on government policies and administration. Expanding the right to vote in City elections will help create a more equitable city government and one more likely to listen to previously silent voices within our community.

Pros:

- The U.S. Constitution does not prohibit voting by noncitizens, and both state and federal courts have upheld noncitizen voting. The Supreme Court, for example, affirmed in the 1874 case *Minor v. Happersett* that "citizenship has not in all cases been made a condition precedent to the enjoyment of the right of suffrage."
- Enfranchisement recognizes the significant contribution to the local economy, education system and our society as a whole from Rockville residents that are not U.S. citizens such as paying local taxes (including contributing towards the cost of the Rockville election) and contributing to Rockville's overall revenue.
- It aligns with the City's commitment to advance equity and inclusion, as this voting expansion provision will likely diversify the number of voters and better represent the changing demographics of Rockville residents.
- Continuing to disenfranchise residents who are not US citizens excludes the experiences and needs of a significant portion of Rockville residents and structurally promotes discriminatory public policy and resource allocation.
- There is no evidence that allowing people who are not U.S. citizens to vote discourages them from seeking citizenship. If anything, the existing naturalization system does that on its own.
- The process of becoming a citizen is no longer simple and is fraught with bureaucratic roadblocks, steep application fees, interminable wait times, application backlogs, and a lack of access to the English and civics classes needed to prepare for the naturalization

[31] Resolution 10-21, City of Rockville, adopted July 12, 2021

exam. It can take years to become a U.S. citizen and, in the meantime, undocumented immigrants are unable to vote on the issues crucial to their daily lives.

- Elected officials can enact public policy contrary to the needs of residents who are not citizens— in employment, housing, education, health care, welfare, and criminal justice — with the knowledge that non-citizens have no recourse at the polls.

Cons:

- Requires implementing new administrative measures.
- May require creation of a voter roll to capture residents who are not U.S. citizens.

Current Practice

The City of Rockville disenfranchises residents who are not U.S. citizens to vote in municipal elections.

Comments

The following chart was developed to show examples of other municipalities' charter amendments to allow for residents who are not U.S. citizens to vote in municipal elections.

Municipality	Charter and municipal website language allowing noncitizens to vote or not limiting voting to citizen status
Chevy Chase, Montgomery County	"'Qualified Voter' shall mean any person who is a resident of Chevy Chase Section 3, without regard to citizenship, and is at least eighteen (18) years of age."
Takoma Park, Montgomery County	"City residents who are not citizens of the United States can register to vote in Takoma Park elections by completing the Takoma Park Voter Registration Application." (city website)
Garrett Park, Montgomery County	"Qualified persons may register by universal registration with either Montgomery County or the town, or may register only with the town, including residents who are not citizens of the United States, up to and including election day."
Glen Echo, Montgomery County	"Any person who is not a United States citizen, and (a) is a resident of the Town of Glen Echo, (b) is a lawful resident of the United States, and (c) except for the United States citizenship requirement, meets the voter qualifications provided in Section 501(a) may register to vote in Town elections."
Barnesville, Montgomery County	"Having resided therein for six months previous to any town election and being eighteen years of age."

Somerset, Montgomery County	"Every person who (1) is at least eighteen years of age, (2) has resided within the corporate limits of the town for fourteen days next preceding any election, (3) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections."[1]
Martin's Additions, Montgomery County	"Qualified Voter' is any person who owns property or any resident of Martin's Additions who is eighteen (18) years of age or over."
Hyattsville, Prince George's County	"Hyattsville residents who are not U.S. citizens, or do not wish to register with the State, may use the Hyattsville City Voter Registration Form." (City website)
Riverdale, Prince George's County	"(a) Every resident of the town who (1) has the Town of Riverdale Park as his or her primary residence, (2) is at least sixteen (16) years of age, (3) has resided within the corporate limits of the town for at least forty-five (45) days immediately preceding any nonrunoff town election, (4) does not claim the right to vote elsewhere in the United States, (5) has not been found by a court to be unable to communicate a desire to vote, and (6) is registered to vote in accordance with the provisions of § 503 of this charter shall be a qualified voter of the Town."
Mount Rainier, Prince George's County	"Regardless of their nationality or immigration status"
Cheverly, Prince George's County	Amended the charter by removing the voting requirement "Shall be a citizen of the United States"

The Commission acknowledges that there will need to be administrative changes in order to implement this enfranchisement. Some of these concerns are noted in the "Cons" section of this recommendation. However, this additional administrative work should not be a deterrent to implementation. The Commission urges the Board of Supervisors of Elections (BSE) and the City to make this reasonable accommodation in order to enfranchise our fellow community members and residents.

Option 1: (Amend Article III § 1 of the City Charter to define the term "'Qualified Voter' shall mean any person who has been a resident of the City of Rockville for six (6) months preceding a municipal election, without regard to citizenship, and is at least sixteen (16) years of age." Commissioners Powell, Valeri, Kelly, Hodges, Shaw, Kram, Becker and Owen.

Option 2: Continue to disenfranchise Rockville residents that are not US Citizens (Status Quo) Commission Wright.

Minority Statement
Commissioner Wright

Allowing non-citizens (foreign residents) to vote requires careful thought and ought to have stipulations. The only stipulation proposed is to have lived six months within the municipal boundaries of Rockville. These individuals must voluntarily appear before the City Clerk/Director of Council Operations (CC/DCO) to register with the City. What credentials must they present to prove they meet the criteria? Besides name, birthday, and address is additional information legally required? Must it be reported to another authority? A secure and robust data base must now be kept by the City. Is it a public record? Or not? Who has access? Is it secure? The City once kept a separate municipal voting roster for military personnel living in the City.

Which non-citizens are eligible to register? Temporary tourist visa holders, foreign students, temporary work visa holders, legal permit residents (green card holders), an asylee refugee, or a non-citizen whose deportation is being withheld, a non-citizen paroled into the U.S for at least one-year, non-citizen granted conditional entry, Cuban/Haitian entrant, etc. Apparently, all are eligible if they meet the resident criteria.

The right of non-citizens to vote in the United State has historically been a contentious issue. Since enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, signed into law by President Clinton, federal law has prohibited non-citizens from voting in federal elections. States, including Maryland, that early on allowed non-citizens to vote have repealed those laws so that non-citizens no longer can vote in state elections. Maryland allows municipalities to decide whether non-citizens can vote in municipal elections.

Expand the Voter Franchise by Lowering the Voting Age to People who are 16 and 17-Years Old

Lowering the voting age to 16 will not only help to increase voter turnout in the short term but will establish new engaged voters that will increase voter turnout for the long term. This provision also has proven to have a multiplying effect, as younger people who vote directly influence voter turnout of their parents/caretakers and older residents within their community.

People who are 16 and 17 years of age are a part of our community, experience and receive Rockville government services, are impacted by policy in which they have no voice, are employed in Rockville and pay taxes, contribute to their households and to our community. The City's youth are frequently in contact with City services, whether it be playgrounds, youth sports, City summer camps, or swim lessons at the City pool. People under 18 will also be

disproportionately impacted by several current policy decisions, particularly related to our environment, how we address long-term City debt, affordable housing, policing, decisions impacting our school system and City planning decisions.

Additionally, the preconceived notion that people who are 16 and 17 years of age as new voters will not be informed when selecting candidates for our municipal election is discriminatory. This prejudicial thinking will continue to limit the voting power to the residents least engaged and have less policy making influence – it also directly maintains the structure of their disenfranchisement. More importantly, having knowledge and understanding issues are not requirements in a democracy to have the right to vote. Tactics like tests and questions to voters to support this discriminatory way of thinking have been historically deemed unconstitutional and unfair. Voting is fundamental to all other rights and expanding the franchise is in fact the initial action that builds civic engagement and increases voter turnout – our priorities.

Pros:

- 16 years old is the same age Maryland residents are able to register to vote.
- Expanding the franchise to people 16 and 17 years of age will increase voter turnout and data shows will significantly increase civic engagement in the long term.
- Lowering the voting age has a trickle up effect since younger people can directly influence the voter turnout of community members of all ages.
- Research shows that voting is habitual. A person who votes in the first election they are eligible for is likely to continue voting consistently; voting data from Takoma Park that lowered its voting age, shows that voters under 18 vote at higher rates than older first-time voters who are older than 18.
- People under 18 are an integral part of our community, are employed, support their families, pay Rockville taxes (including paying for the City election), contribute to our economy and community, thus should have the right to vote.
- Lowering the voting age will directly improve the lives of Rockville youth (many of our neighbors). Policy decisions that will have a disproportionate impact on people under 18 are being made without their input, particularly in the areas of environment, how we address long-term City debt, affordable housing, policing, decisions impacting our school system and city planning decisions.
- Aligns with the City's commitment to advance equity and inclusion, as this provision will likely diversify the number of voters and better represent the changing demographics of Rockville residents.
- People 16 and 17 years of age are both neurologically and socially mature enough to vote responsibly.[32]

[32] Rutgers University, 16- and 17-year-olds are both neurologically and socially mature enough to vote responsibly; https://journals.sagepub.com/doi/abs/10.1177/0002716210382395

Cons:
After deliberation, the Commission was unable to identify any specific arguments against implementing this recommendation.

Current Practice
The minimum voting age in municipal elections is 18 years old. (*status quo*).

Recommendation

The Commission unanimously voted to recommend the City expand the voter franchise by lowering the voting age to 16 years old.

Comment
Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, and Owen voted in support of this recommendation.

Issue P – Provisions in the Election Code for Internal Consistency with the Charter and Vice-Versa

The Commission was tasked with reviewing key provisions of the City Ordinance, and that of the Rockville City Charter. The goal was to identify any discrepancies between both documents; and if found, recommend ways to resolve them. While the Commission did not discover any discrepancies, we identified areas considered as needed for clarification.

City charters and ordinances form the legal structure of a given city's mission to guarantee open, transparent democracy. Chances are that most people will never read the Rockville code and ordinances on election administration as daily reading. However, leaders such as the Mayor and Council must understand the importance of codifying election rules with clear language, with defined terms to ensure the better transparency of our local system, and educating the public.

The Charter and Ordinance do not appear to be perfectly aligned to cover similar election topics. Whether that was intentional or not was not clear upon our review. Uniformity would improve the City's ability to communicate and administer key electoral functions.

Upon reviewing election codes by topic, the Commission observed key differences between the language used in City Ordinances and the City Charter relative to election administration and other similar topics. Cross-walking key topics such as the process for Recall and Absentee Voting should be implemented.

Considerations

The historical record of voter disenfranchisement in the US is well documented.[33] A combination of poll taxes, secret ballots, literacy/understanding tests, grandfather clauses, and the biased manipulation of registration procedures achieved the goal of disenfranchising the overwhelming number of African Americans and women for decades. The manipulation of literacy and understanding tests represented among the most effective tools used, serving as one of the greatest barriers to universal suffrage.[34]

Congress enacted the language minority provisions because it found that citizens of language minorities have been effectively excluded from participation in the electoral process.[35] *Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and*

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[33] https://www.nps.gov/subjects/tellingallamericansstories/upload/CivilRights_VotingRights.pdf

[34] *Voter Registration in Today's Democracy: Barriers & Opportunities*; Shah, Niyati, et al.

https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-rights/-use-it-or-lose-it---the-problem-of-purges-from-the-registration/

[35] https://www.justice.gov/crt/about-language-minority-voting-rights

low voting participation.[36] The Civil Rights Division of the US Justice Department offers guidance to local election officials on how to comply with language minority provisions.

Voter participation is enhanced when the process and administration of voting is more easily understood. Code and ordinance sections related to elections that are consistent; used clearly defined terms; and crosswalk key concepts better inform the public, administrators, and our local democracy.

Option A: Address discrepancies in election policy between the City Ordinances and Charter and incorporate plain language by conducting the following:

- Address differences identified in the Code and Charter by providing cross-walking topics not equally covered.
- Provide an addendum to the City Ordinance and Charter titled "elections glossary" that serves as a guide to election-related terms; and provide currently based examples to put them into current context.
- Periodically update the charter and ordinance with applied examples of how listed knowledge can be used to enhance their ability to vote timely and participate in the Rockville elections.
- Specific change to various Charter sub-sections per Table 1.1 above

Option 2: Leave the code language as is and do not address discrepancies incorporating plain language.

Pro:

- Saves money and time.
- Exclusion of uninitiated, non-English speaking minority

Cons:

- Exclusion of uninitiated, non-English speaking minority
- Perpetuates unclear messaging to voters

Recommendation:

The Commission unanimously recommends Option A, that the Mayor and Council address discrepancies in election policy between the City Ordinances and Charter and incorporate plain language.

Comments

[36] *Why Should I Go Vote Without Understanding What I Am Going to Vote For?: The Impact of First Generation Voting Barriers on Alaska Natives*; Thomas, James, et al; 2017, https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1074&context=mjrl

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, Kelly, and Owen voted in support of this recommendation.

PART II

ISSUES A-P

Issue A – Expanding the Size of the Council

Issue Summary

Should the size of the Council be expanded?

Current Practice

There are five seats on the Mayor and Council, one Mayor, and four Council members.

Pros (in favor of expanding the size):

- It could allow for more members of Rockville's diverse cultures and gendered communities to become Councilmembers.
- It increases the opportunity for more residents to be involved with the political process.
- There is no proof that the status quo has been effective. The entire situation that arose from needing to fill a Councilmember vacancy suggests the opposite. The Mayor and Council were deadlocked at 2-2 and ultimately did not fill the seat.
- In the last three decades the City has grown significantly in population and the number of residents per Councilmember would be more in line with other municipalities our size.
- A larger body may be harder to dominate by individual Council members. This may enhance the importance of consensus building in the body and yield more strongly representative behavior. It has the potential to broaden the representation of all residents.
- In 2012 there was strong support to increase the number of Councilmembers.
- It would align the structure of the Rockville government more closely with surrounding municipalities.
- More seats on Council provides more opportunities for people to run and serve. This may increase candidate participation.
- Since City charter enactment, population growth without Council size adjustment has eroded the representative proportion for Council members.
- Increasing Mayor and Council size beyond five enables effective use of sub-committees. Typically, as presently constituted, our Council acts as a body of the whole or as individuals assigned to assorted initiatives.
- The impact of inevitable session absenteeism by individual Council members may decrease within a larger body.
- Having more seats allows new configurations which may achieve a better balance of districting effects.
- It would distribute the work of the council among more members thereby (in theory)

lightening the load.

- Comments from the public (interview and questionnaire): Most of the comments from participants were in favor of increasing the size for various reasons:
- Adding two seats would distribute the work of the council among more members.
- The size of the Council should be expanded to both lighten the load of the current Council members and to potentially broaden the representation of the residents.
- Yes, the Council should be expanded. The City has grown significantly.
- 2012 there was strong support to increase the size of the Mayor and Council, with 4-year terms we might limit 3 terms for the Mayor and 3 terms for the Council.
- I do believe that the city council should expand by a minimum of two persons. This does not have any correlation to diversity and/or equity in the ranks of the elected, but is a reflection of the growing population and size of our city.
- Yes, the size of the Rockville City Council should be expanded to seven (Mayor and 6 councilmembers). A greater number of council seats would allow more and hopefully different members of Rockville's diverse cultural and gendered communities to run for office.
- Yes to expansion; increased opportunities for more residents to be involved with the political process

Cons (against expanding the size)

- Four Councilmembers have been an effective number for decades.
- The cost to support a Council of seven members is approximately 40% (2/5) greater than a Council of five members.
- There is no validated formula that specifies the ratio of residents per elected official--it is purely subjective.
- Adding more members to Council could give those areas of Rockville with high voter turnout even more representation.
- It will make elections less competitive (for 100% competitiveness with six Councilmembers and the Mayor requires a minimum of 14 candidates, not the current 10). More residents will have to seek election to office for elections to remain competitive. That is not likely to happen. In the 1993 election, there was no opposition to the five candidates.
- It will increase the polarization among the Mayor and the Councilmembers (more opinions to vet)
- The importance and authority of individual Councilmembers will be diffused.
- Five elected officials are sufficient to present all sides of an issue, and larger numbers would not, per se, increase the diversity of opinion.
- At times there have not been sufficient qualified candidates seeking office with a Council of 5 members. A Council of seven members presents an even greater challenge. Increasing the number of seats on the Council will make any shortage more acute.

Options for the Mayor and Council to Consider

- To add the question to the ballot for 2027 for voters to decide on the expansion.
- To include it as part of the decision or vote of the Mayor and Council before the next election year, not 2023 because it would be too soon to make the adjustment.

Recommendation

The Charter Review Commission unanimously voted to recommend the number of seats on the Mayor and City Council increase from 5 to 7. This includes only one seat for Mayor and the other 6 seats for City Council.

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, and Owen voted in support of this recommendation.

Considerations

Increasing the number of seats on the city council will allow the council to be more engaged with the residents and to learn more about the communities within the city. This could provide more opportunities for people to run for office and to serve their city as well as their communities, especially based on the increased size of the population since 2012. Currently how much does the council know and understand about the history and circumstances of the city they represent? If the number of seats increased from 5 to 7, depending on the outcome of the results from an election, parts of the city that are not represented as well as other parts of the city could be actively involved in city politics by having a seat at the table. Expanding the number of seats could have a possible impact on decisions that require a majority vote and could avoid a vote being deadlock because of the size of the council and not enough votes to move forward. Moreover, increasing the number could allow for the members of the council to meet with the residents where they are and not just when decisions are being made about the place where they live, work or go to school. In the past, each council member had a day set aside to meet with the residents who wanted to have conversations outside of public meetings. To continue this practice by having more seats on the council could allow residents to speak freely with council members who they feel understood their community especially when there is a need in the community or an issue that needs to be addressed. Ultimately, this could enhance the importance of consensus-building between the council and the residents. Finally, If council members engaged more with the residents outside the community they live in, it could provide more insight about voting on issues that come before them. So, expanding the size of the council can prove to really be effective for the City and its mayor and council.

Issue B – Term Limits of the Mayor and Council

Considerations

Presently, City Council and the Mayor serve four-year terms that are not subject to term limits. Over the past 20 years, Rockville has experienced an extraordinary change in the demographics of its residents. City population has increased by 50% along with significant increases in African American, Asian and Hispanic-Latino populations

Term limits of three consecutive terms for the County Council was approved by voters in 2016. The text of the County provision states as follows:

> Term Limits - County Council and County Executive
>
> Amend Sections 105 and 202 of the County Charter to: --limit the County Executive and members of the County Council to 3 consecutive terms in office; --provide that a County Executive and any member of the County Council who will have served 3 or more consecutive terms on December 3, 2018, cannot serve another successive term in the same office; and --provide that service of a term includes complete service of a full term and partial service of a full term.

Option A: Current Practice: The Mayor and Council not be subject to term limits.

Pros

- Requires no change to the City Charter.
- Retains institutional knowledge of incumbent officeholders.
- Deprives voters of a choice of candidates whom they may prefer to continue to stay in office.
- Automatically kicks out effective policymakers who have a proven record of success.

Cons

- Permits a system wherein an office holder can attain and retain power indefinitely.
- Reduces the opportunity for new candidates with new ideas to be elected to office.

Options Other Than the Current Practice

Option B: The Mayor and Council be term limited to 2, 3 or 4 consecutive terms as either Mayor or Council Member.

Pros:

- Changes in demographics and the adopted goals of Rockville Mayor & Council and the determination of the majority of the Charter Review Commission in

relation to equity, inclusivity, and diversity fully support limiting Mayor & Council members to three, four-year consecutive terms.

- Term limits in local government may encourage the participation of new comers thereby bringing new concerns, ideas, life experiences that long term elected Mayor and Council members may not possess.
- Term limits fosters the participation in the election process of the diverse groups that are increasing is population as noted above.
- Limiting consecutive terms to three allows long term institutional memory of those elected to office allowing the opportunity to serve a maximum of 12 years.
- Most of the comments from citizens were in favor of term limits.

Cons:

- Term limits are not commonly imposed at the municipal level.
- May cause a loss in institutional knowledge.

Recommendation

Three Consecutive Four-Year Terms for the Mayor and Council

A majority of the Commission supports Option B, limiting consecutive terms of those serving either in the office of Mayor or City Council. Commissioners Hodges, Kelly, Owen, Powell, Valeri, Becker, Shaw, and Wright voted in favor of term limits, but differed on the number of consecutive terms.

The majority of the Charter Review Commission recommends that no later than the 2027, election, three consecutive four-year terms of the Mayor and Council become law for those who are elected by the residents of Rockville. Special note is made of the term "consecutive." If a council member serves three terms, it would not preclude the council member to serve three terms as mayor. After an elected has served three consecutive four-year terms, there is nothing that prevents a person from being elected to serve another; three consecutive four year-terms when elected in the election that follows four years after completion of the last term in office.

This was supported by Commissioners Powell, Kelly, Becker, Owen, and Valeri.

Comments

A minority opinion in favor of not imposing term limits was supported by Commissioner Kram.

A minority opinion in favor of term limits of two consecutive terms was supported by Commissioners Shaw and Hodges.

A minority opinion in favor of term limits of four consecutive terms was supported by Commissioner Wright.

Minority Statements

No term limits

Commissioner Kram

Term limits, while popular among some voters in some jurisdictions rarely apply to municipal elections. According to the International City/County Management Association, 91% of U.S. municipalities have no term limits. Therefore, the Commission should adopt a proposal in favor of term limits only if there is evidence that such an approach will improve elections and expand the voter franchise for Rockville residents.

In my opinion, no such evidence has been produced.

Because term limits will result in less institutional memory on the elected body as well as diminished combined experience, I believe a cost-benefit analysis would show the damage caused by that loss would not be compensated by some illusory possible advantage. Rockville's elected leadership has credibly overseen the city's finances, managed the COVID-19 crisis and capably managed the city's land-use, among other responsibilities. New councilmembers have joined seasoned ones in each of Rockville's last 4 elections and our current Mayor ran for that position after gaining experience as a councilmember. I don't think any members should be penalized for their continued willingness to serve and their consistent ability to win elections.

For these reasons, I cannot support or endorse a proposal that would leave Rockville bereft of that professional experience.

Two Consecutive Four-Year Terms for the Mayor and Council
Commissioners Shaw and Hodges

Two-term limits (eight years) represent the best way to rejuvenate the city with new ideas, progress the city forward and generate needed change. They also ensure consistent opportunities for greater diverse representation that will better reflect changing demographics and advance electoral equity. With greater opportunities for representation, two-term limits encourage more communities to participate in the municipal electoral process and increase civic engagement.

Four Consecutive Four-Year Terms for the Mayor and Council
Commissioner Wright

An elected official providing outstanding service in office should be permitted to continue until the voters say otherwise. However, at some point after many years of consecutive service, when does an elected official become a "career politician." Where is the balance between no term limits and some limit on consecutive terms?

A balance is struck with four consecutive terms as the limit. In general, term limits are not the

most useful approach to effect change. Term limits could result in some institutional knowledge lost. And a resident performing exemplary service would be lost to the city. After four consecutive terms, if a Councilmember runs for Mayor and wins, they could serve another sixteen years in office—a total of 32 years serving Rockville as an elected official is long enough. Incentivizing residents to run for office should be encouraged. It is not attractive to face the challenges of seeking elective office knowing that one could only serve for two or three consecutive terms. The quality of candidates suffers when the number of terms is too limited.

Issue C – Staggered terms of Councilmembers

Issue Summary

Should the City shift to staggered terms for elected officials?

Current Practice

The Mayor and Councilmembers' respective terms begin and end on the same date and are therefore not staggered.

> On the next Tuesday after the first Monday in the month of November in every fourth year beginning in the year 2015, the qualified voters of the City shall elect one (1) person as Mayor and four (4) persons as Councilmembers to serve for terms of four (4) years." City of Rockville Municipal Code, Charter

https://library.municode.com/md/rockville/codes/code_of_ordinances?nodeId=CH_ARTIIIRENOEL_S4ELMACO

Pros (in favor of staggered terms)

- Institutional knowledge and experience remain consistent
- Allows voters to give quicker feedback if they disagree with the policies of a given Mayor and Council
- Eliminates "election year policy-making"
- Effective means of measuring the public sentiment.
- Having more frequent election cycles without obligating every elected official to the rigors of running for office each time would increase public feedback.
- Increases the frequency for residents to run for office.

Cons (against staggered terms)

- Cost of election administration increases significantly since multiple elections will be held
- Can be confusing to voters who may not know which Councilmember is up for re-election
- Could cause voters to tune-out all elections as the drumbeat of electoral mailers and yard signs will seem to be never-ending
- Residents are familiar with the current practice of City elections occurring every four years.
- Residents avoid the two-year campaigning cycle—every four years as opposed to every two years.
- There are no additional demands on the human and financial resources of the Board of Supervisors of Elections and the City staff if a City general election occurs every four years.

- Staggered terms could be disruptive to sustained operations of the Mayor and Council
- Uncertainty over which individual officials may be relied upon to be seated in consideration of business spanning a staggered election could delay action.
- Most staggering schemes yield a complex election dynamic.
- Elected officials not running will be drawn into the election debate and into positions about individual candidates, in effect possibly causing all elected officials to campaign.
- The demands, which are significant for a volunteer organization, on the Board of Supervisors of Elections and City staff would double, especially troubling since vote-by-mail was implemented in the 2019 election.
- Effectively doubles the cost of elections in Rockville.
- Can be confusing to voters who may not know which members of Council are up for re-election.
- Voters may tune-out all elections as the drumbeat of electoral mailers and yard signs will seem to be never ending.
- Eliminates "election year policy making by the Council."
- Institutional knowledge and experience remain consistent.

Considerations

Should the 4-year terms of Rockville elected officials be arranged so that they all do not run concurrently in the same City general election? To stagger the 4-year terms some, but not all, elected officials would run in one City general election and the other elected officials would run two years later in a City general election. The effect is to have elections every two-years as opposed to every four-years, that is, terms are staggered. The 4-year term of the Mayor remains and would be assigned to one of the two-year cycles and then repeated every four years.

Five members of the Council would be divided into two groups, one group of three and one group of two. The group of three could dominate policy and budget, yet the cost of elections would in a four-year period double. That said, when the Council increases in size, say the Mayor and six (6) Councilmembers, this issue should be taken up again.

The 2012 Charter Review Commission was not requested to consider this issue. The 2002 Charter Review Commission addressed the same question. The pros and cons of staggered terms remain unchanged. That Commission unanimously recommended not to have staggered terms. Also, the challenge as to ways to implement staggered terms remains. The 2002 Commission said, "We also note that implementation of staggered terms is problematic. We adopted the assumptions that consistent significance of election cycles and election of a majority of the Mayor and Council in each cycle were both desirable. Yet, proposed schemes for reconciling these were not satisfying, including an objectionable level of complexity to administer, for their effects in City operations, or for electorate comprehension."

Recommendation

The Commission unanimously voted to recommend against the staggering of councilmember elections.

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, and Owen voted against staggering the terms of Councilmembers.

Issue D: Representative Districts and Their Boundaries

Considerations:

Currently in the City, Councilmembers are elected as at-large representatives. The Commission had a robust, ongoing discussion on the topic presented by Issue D. Should the City consider shifting from at-large Councilmembers to representative districts or a blend of the two? What would the boundaries for the districts be?

It was determined early on in the process that the issue of potential boundaries was one in which the Commission lacked the expertise to explore in depth. However, general principles could be recommended that are utilized by other municipalities in Montgomery County and across Maryland. These principles are that boundaries of districts should be compact, contiguous and of substantially equal population.

Pros (in favor of representative districts)

- When elected officials live in the community that they represent, they are more connected to the unique needs of a given community.
- Regardless of everyone living within City boundaries, the reality is that there are major differences between communities. There are Census-based quantifiable gaps in economic status, immigration status, English language proficiency, poverty assistance utilization, and age. (See Appendix C Attachment 1)
- The City of Rockville has had times in which a particular neighborhood has been overrepresented by the elected officials. For example, the current Mayor and Council all reside west of 355/Rockville Pike. The last elected official from east of Rockville was Del. Julie Palakovich Carr - she was the sole official during that time from the east part of the City.
- The Mayor and Council should reflect all corners of our City and all communities within the City, and there is currently no way to ensure nor enforce that.
- There is a decided lack of overall diversity in the offices of Mayor and Council, and representative districts could possibly change that.
- Municipalities of comparable size - such as Frederick - already have representative districts. Municipalities that are the County seat in particular seem more likely to utilize representative districts.
- The creation of districts can be achieved using the criteria established in other jurisdictions: compact, contiguous and of substantially equal population.
- There are tools used in other Maryland municipalities that could be used to create the districts.
- When elected officials live in the community that they represent, they are more connected to the unique needs of a given community.
- Any assertion that representative districts would cause elected officials to be parochial in their policymaking is neglecting the fact that it is already parochial and reflects that in their work. Recent examples include:

    - Mayor having to recuse herself from an important discussion due to proximity of property that her household had bought
    - Councilmembers referring to their experiences in their own communities as justification for shaping policy on accessory dwelling units (ADUs)
- Presently, some residents feel there are sections of the City that are under-represented because they either have no voice on the Council or their residents do not have the time or means to bring their issues to the Council. Election districts would assure geographically based representation on the Council for all residents of the City.
- Districts could enable greater geographic diversity in candidates for elective office. residents who are thinking of eventually running for public office.
- Some areas of the City may dominate elections and control the composition of the Council in at-large representation. Districting assures dispersion of such control.
- Districts would enable individuals with more limited resources to run for office. Prior candidates have expressed the difficulties associated with running for Citywide office. With the consistent increase in the City's population, these difficulties will continue. Candidates will either have to have financial resources to mount an effective City-wide campaign or time and personal resources to visit individual residents.
- Election districts comprise a smaller area for a candidate to cover. Campaigns would be less expensive and less physically demanding. As a result more candidates are likely to run.

Cons (against representative districts)

- It would be challenging to create the districts in an equitable fashion.
- It would require the Board of Supervisors of Elections to increase their workload for the first election in which districts are used.
- Ensures that all candidates must attend to the needs of all areas of Rockville. They can expect to be penalized by the voters if they show a clear preference or ignore one area in the City.
- Empowers citizens to communicate with any Council member for assistance, to express concerns or make comments or proposals.
- Normally has more candidates in an election than seats to be filled, and voters can extend their choices beyond their first choice to other candidates until they have made choices to fill all the seats..
- Fosters more competition for the seats available. Experience shows that competitive elections cause better voter turn-out.
- Places all candidates in competition. The voter is then free to choose from among the candidates whom they feel will make the best team to run the City.
- The idea that only a resident of an area understands its needs might have some validity when large geographical areas with different degrees of urbanization and age distribution are involved. However, Rockville is small in physical size.

- The number of districts needed to reflect all corners of the City and all communities within the City is subjective.
- It is challenging to create districts in an equitable fashion
- In representational districts a candidate is encouraged to promote their area of the city and disregard other areas. This is divisive during campaigning and Council deliberations.
- If no one runs from a district, how will that seat be filled? And, if only one candidate runs for that district, it would be an undesirable, uncontested election.
- It creates an initially intensive workload for the Board of Supervisors of Elections and City staff to implement districts. And the workload is repeated every ten years due to the census.

Options for the Mayor and Council to Consider

1. A blend of representative districts and at-large seats - akin to the current composition of the Montgomery County Council.
2. All Councilmembers would be elected from a representative district.

Comments

If representative districts are enacted, the Board of Supervisors of Elections should include one (1) election judge from each district. Again, this appears often in the jurisdictions reviewed during the research on this issue.

An example of the language that could be added to the Charter, should the recommendation be accepted, is below:

Election of Councilmembers

1) By enactment of an ordinance, the City of Rockville shall apportion itself into five (5) council wards each of which shall be entitled to elect one Councilmember to the City Council.
2) The Board of Supervisors of Elections shall designate the boundaries of the wards, each of which shall be compact, contiguous and of substantially equal population. The effective date of the creation of the wards shall be determined by the city council in consultation with the Board of Supervisors of Elections but not to exceed eight (8) years from passage of the ordinance creating this new section in the City Code.
3) In addition to the five (5) Councilmembers elected from wards, two (2) additional councilmembers shall be elected at large to represent the entire City such as the Mayor does.
4) Other than the two (2) councilmembers elected to the office of at-large councilmember, councilmembers seeking office in any of the five (5) wards shall

at all times be domiciled in and a resident of the respective ward for which the councilmember shall seek or hold office. All registered voters may cast votes for the offices of Mayor and councilmembers at-large. Only registered voters residing in one (1) of the five (5) wards may vote for candidates seeking the office of councilmember for the ward in which the voter resides.

5) The city council shall, not less than once after the publication of each decennial census of the population of the United States, instruct the Board of Supervisors of Elections to evaluate the wards of the city to ensure that the representation is reasonably equal, and the Board of Supervisors of Elections shall have the power to change boundaries thereof. The effective date of any change of boundaries shall be determined by the city council in consultation with the Board of Supervisors of Elections.
6) The City Council shall instruct the Board of Supervisors of Elections to assign any geographical area annexed into the corporate limits of the City of Rockville to the appropriate Council district.

Recommendation

The Commission recommends creating representative districts for the City of Rockville. We defer to the Mayor and Council on what that would look like in regard to the inclusion of at-large seats if any.

Commissioners Becker, Kram, Owen, Powell, Shaw and Valeri voted in support of this recommendation. Commissioners Kelly and Wright voted in support of the status quo.

Minority Statement

Commissioners Jack Kelly and Robert Wright

The current practice should be kept, that is every member of the Council should run at large. The 2002 Charter Review Commission conducted an extensive review, which listed 15 points against representative districts. Most of those points, only two of which (Cons 8 & 12) were mentioned in the current issue, remain valid today, 20 years later. For convenience, the Cons from the 2002 report that were not mentioned are included in the (CITE to 2002 CRC pages).

We were disappointed in the lack of data provided to support two of the Pros and Cons for this issue; specifically:

- The claim under Pros that municipalities of comparable size – such as Frederick – already have representative districts. In fact, the five Aldermen who comprise the Frederick Board of Aldermen are elected at large. Of the fourteen municipalities sampled by Commissioners Becker, Kelly and Kram for Board of Supervisors of Elections analyses, only two (Bowie with 58,158 residents and College Park with 32,221 residents) have districts and each has four. Two other municipalities (Hyattsville with 18,267

residents and Laurel with 25,734 residents) have districts, five and two, respectively, that they call wards.

- The claim under Cons that the recommendation "fosters more competition for the seats available." This reads more like a Pro than a Con. The same is true of Cons 3, 4, and 7.

It would have been helpful if this issue had included data from municipalities that have already implemented representative districts that showed the impact of those district on voter turnout, the number of candidates running in each district, and several of the other characteristics mentioned as both Pros and Cons.

Finally, without evidence about how other municipalities have implemented representative districts and the results they've achieved, we find the Cons to be more persuasive than the Pros and support the current practice of at-large elections for members of the Council.

For convenience, the thirteen "Cons" provided for the district representation issue on pages 35 – 37 in the 2002 Charter Review Commission Report that weren't included for the current issue are provided in the (CITE to 2002 CRC pages).

Issue E – The addition of a "Resign to Run" provision

Recommendation

The Commission was unable to make a recommendation on this issue as there is a concern whether the City has legal authority to impose such a provision.

Comments

The legality of a "resign to run" provision was an important factor from the beginning of the Commission's work. Per the advice and guidance from the City Attorney's office, it was determined that a letter requesting an opinion from the Maryland State Attorney General was necessary as a first step in assessing the legality of such a provision. As of the writing of this report, the Commission is still awaiting the outcome of this first step.

In light of this status, The Commission withheld a recommendation on this issue and urges the Mayor and Council to complete the process in order to determine the legality of a resign to run provision within the City Charter.

Issue F – The process for filling a vacancy in the office of Mayor and vacancy in the office of Councilmember.

Considerations

Filling a vacancy is a two-step process. The first step, determining when the vacancy occurs, governs which process is to be followed. The second step details the two separate processes, either by special election (Section 8-22 of the City Code) or by the remaining members of the Council electing a replacement (Section 8-25 of the City Code). A special election has never occurred in Rockville.

Option A: Current Practice: The general process for filling a vacancy varies depending on when the vacancy occurs, Article III, Section 5, of the City Charter. For both Mayor and Council, if the vacancy occurs on or before November 15 immediately prior to a municipal election year then a special election shall be held. In case of a vacancy in the office of the Mayor and Council occurring after November 15, that is immediately prior to a municipal election year, the remaining members of the Mayor and Council are to elect someone to fill the vacancy for the remainder of the unexpired term.

Under Article III, Section 5(a) of the Charter, a vacancy of Councilmember is filled by majority vote of the remaining members. Under Article III, Section 5(b), if the office of Mayor becomes vacant, the Council must elect a replacement by unanimous vote. If a replacement has not been chosen within one month, the vacancy must be filled, first, by the Councilmember with the highest vote total in the last election, or, if that member will not or cannot serve, the Councilmember with the most seniority on the Council.

Sec. 8-25. - Elections by the Mayor and Council to fill a Councilmember vacancy.

(a) For an election by the Mayor and Council to fill a Councilmember vacancy due to any of the reasons enumerated in Article III, Section 5(a) of the City Charter, the following procedures apply.

(b) The Mayor and Council must publicly announce the vacancy and the process for applying to fill the vacancy and should fill the Councilmember vacancy within seventy-five (75) days of the vacancy occurring or as soon thereafter as practicable. The application period must remain open for a minimum of thirty (30) days.

(c) To apply, applicants must submit a narrative of their relevant experience and background, a statement of their priorities and vision for the City, and a financial disclosure statement. All application materials received by the City, except for the financial disclosure statements, will be publicly posted on the City's website.

(d) All applicants who meet the requirements of Article II, Section 1(b) of the City Charter to serve as a Councilmember will be interviewed by the Mayor and Council. All proceedings for filling a vacancy must be held in open session and must be televised except that the Mayor and Council may discuss an applicant's financial disclosure statement outside of a public meeting.

Pros

- Specificity--there is a specific point in time, November 15, in the year immediately preceding a municipal election year that determines which process is to be used to fill the vacancy—special election on or before November 15 or an election by the Council after November 15.
- Specificity—The process to fill a vacancy in the office of Mayor is clearly stated and is definitive.

Cons

- When a vacancy occurs before November 15 in the year immediately preceding a municipal election, but occurs a few months before November 15, it poses a challenge for the Board of Supervisors of Elections and City staff. They could be preparing for both a special election and a municipal election at the same time.
- The process to fill a vacancy in the office of Councilmember is stated but not definitive. The process needs to be more precise, open, transparent, and definitive. If the Council does not act within 75 days, there ought to be a methodology that by design fills the vacancy.
- Vote-by-mail elections require substantial time to implement. Depending on the timing of the vacancy occurring, the Board of Supervisors of Election and City staff may be challenged to complete a special election in the year immediately prior to a municipal election.
- The period from Thanksgiving day to New Year's day is a low productivity period for both the Board of Supervisors of Elections and City staff to prepare for a special election.
- The winner of the city special election must begin immediately to campaign in the city general election, a real disadvantage. And if they lose, the previous months have been for naught for more than the losing candidate.
- If a special election is conducted in the same year as a municipal election, residents would question having two elections in the same year, especially if they occur close together.
- It will be difficult to attract candidates for a special election to be held in the same year as a city general election as they may prefer to run for office only in the municipal election. The campaigning for the special election would mix with the campaigning for the regular municipal election.

Options Other Than the Current Practice

Option B. Amend the Charter to fill vacancies occurring in the first 24 months of a 4-year term by conducting a special election. Vacancies occurring after the first 24 months of a term should be filled via an election by the remaining members of the Council. The election process for filling a vacancy for Councilmember should be amended to provide for a precise, open, transparent, and definitive administrative process.

Pros

- The Board of Supervisors of Elections and City staff have ample time to complete a special election in the year (or years) immediately preceding the year in which there is a municipal election. Campaigning in a special election and a municipal election do not intermingle.
- As terms are now 4 years the 2002 Charter Review Commission recommended a similar option, hold a special election to fill a vacancy occurring in the first half of a 4-year term. To fill vacancies occurring in the latter half of a 4-year term, the remaining members of the Council should elect a replacement.
- Under Article III, Section 5(b) of the Charter, the process for filling a vacancy in the office of the Mayor is established and definitive when a vacancy occurs after the twenty-fourth month of a term.
- Amending Article III, Section 5(a) of the Charter, allows for establishing a precise, open, transparent, and definitive administrative process for the election of a Councilmember when a vacancy occurs after the twenty-fourth month of a term. This creates a fair and equitable "playing field" for candidates to be considered.

Cons

- When a vacancy occurs after the first 24 months of a term, the electorate doesn't have the opportunity to fill the vacancy.

Comments

The process for filling a vacancy in the office of Mayor remains unchanged.

The Charter ought to contain a descriptive process that is precise, open, transparent, and definitive for the election of a replacement for a Councilmember vacancy. It remains the prerogative of the remaining members of the Council to fill the vacancy within 75 days.

If the Councilmember vacancy is not filled within 75 days, then a process ought to delineate a methodology to fill the vacancy. For example,

a) Right of first refusal to the Councilmember candidates in the immediate past municipal election in ranked order of votes received, highest to lowest or
b) Right of first refusal to former Mayors and Councilmembers in ranked ordered from most recent service to farthermost service.

Giving the Board of Supervisors of Elections adequate time to conduct a special election is responsible and reasonable. The recommendation replaces the date of November 15 in the year immediately before a municipal election year as the decision point separating holding a special election to fill a vacancy and an election by the remaining members of the Council to fill a vacancy. The decision point becomes the first 24 months of a term, within that period conduct a special election and after that period an election by the remaining members of the Council.

The 2002 Charter Review Commission was charged with the question of adjusting vacancy provisions. The report by that Commission recommended something similar, "We resolve unanimously to recommend adjusting vacancy provisions if four-year terms are enacted. We recommend applying the principle of electorate choice of a replacement (via a special election)

to fill a vacancy occurring in the first half of a term. To fill vacancies occurring in the later *(sic)* half of a term, the Mayor and Council should appoint a replacement."

Recommendation:

The Commission unanimously recommends Option B, that the Mayor and Council create a precise, open, transparent, and definitive administrative process for the election of a Councilmember when a vacancy occurs after the twenty-fourth (24^{th}) month of a term.

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, and Owen voted in support of this recommendation.

Issue G (Part 1) - Alternative Voting Systems

Issue summary

Voting systems (or electoral systems) are methods used to calculate the votes. There are typically three types of voting systems: (1) plurality systems – such as our current system used in Rockville; (2) majority systems - such as Ranked Choice Voting (RCV) covered in this option; and (3) proportional systems - such as Proportional Approval Voting, covered in the "Considerations" section of this issue. As a point of clarification, vote by mail is not a voting system, since it does not calculate votes - it is an option in which voters cast their ballots. Additionally, vote by mail can be incorporated into all three voting systems, thus not in question per this issue.

Issue G requires the Commission to compare and deliberate on different systems that calculate votes based on the principles of plurality rule, majority rule, or proportionality rule. Considering the City's diversity of not only its demographics, but also political thought - capturing the broadest representation of the electorate (majority system) can better position City elected officials to serve the varying needs of a changing population. RCV is a majority system with well-established precedence throughout the country. RCV inherently incentivizes candidates to work together or find common ground (meaning it broadens policy representation) on issues in the hopes of earning voters' next choices and creates more inclusive campaigns. Also, since ranking better captures nuanced preferences of the voters, the results create bodies that reflect the diverse views and experiences of the electorate.

Since proportional systems tend to achieve broader representation only as they fill a larger number of seats and Rockville only has four at-large council seats, proportional systems may be less optimal to apply to our current electoral structure and represent the changing demographics of our electorate. Additionally, plurality systems can often split votes between similar candidates, which often result in less favorable candidates or those not representing the majority's preference. RCV avoids these scenarios by supporting voters' next choice - thus upholding majority rule.

Some municipalities practicing RCV include: Takoma Park, Maryland; Berkeley, California; Cambridge, Massachusetts; Minneapolis, Minnesota; Oakland, California; Maine (full state); San Francisco, California; San Leandro, California; Santa Fe, New Mexico; St. Paul, Minnesota; Telluride, Colorado; and recently as of last year New York City.

Although these comparisons make RCV appealing, the Commission recognizes that additional research is needed to ensure feasibility and more accurately estimate the cost of resources before deciding to implement this new voting system. Hence, the majority of the Commission recommends *exploring* RCV, instead of *implementing*.

Pros:

- Ranked choice voting ensures candidates win elections with the broadest possible support, upholding the principle of majority rule that legitimizes outcomes for voters and candidates. Without RCV, candidates can win elections with far less than 50% support.
- Candidates are incentivized to work together or find common ground on issues in the hopes of earning voters' next choices and promote more civil campaigns.
- RCV allows voters the freedom to rank candidates in order of choice and maximizes the effectiveness of every vote to ensure that as many voters as possible will help elect a candidate they rank highly.
- RCV allows similar candidates to compete without concerns of splitting votes.
- Since the system better captures nuanced preferences through ranking, the results create bodies that reflect the diverse views and experiences of the voters.
- There is an opportunity to inform voters on RCV through the existing City voter outreach, however considering the low voter turnout the RCV provides incentives for the City to conduct more voter outreach.
- The request of voters is simple – rank the candidates by preference.

Cons:

- Implementing any new method would require a voter education transition period.
- Implementing any new method could raise concerns about administering a new type of election.
- Researching and changing systems has administrative impacts and takes time and resources.

Current Practice

Not explore RCV and plan to retain the current voting system.

Recommendation

Explore Ranked Choice Voting (RCV) for Rockville elections and if deemed appropriate then implement.

Comments

Option 1: Explore Ranked Choice Voting (RCV) for Rockville elections and if deemed appropriate then implement: Commissioners Powell, Hodges, Valeri, Shaw, Becker, and Owen.

Option 2: Not explore RCV and plan to retain the current election method). Commissioner Wright

Option 3: None of the Above Commissioners Kelly and Kram.

Considerations

Although not applicable to Rockville's current electoral structure, the following alternative voting systems may be considered for future elections.

Approval Voting (single winner – Mayoral):

In addition, since the Issue G paper has identified a number of voting systems in addition to RCV including Approval Voting, Proportional Approval Voting, and STAR, it would be advisable for Rockville to consider all these systems in addition to its current one to determine the best voting system for Rockville for future elections.

Due to our support for an exploration of multiple alternative voting systems, not just RCV, we support Option 3, None of the Above.

Approval voting is a system which allows voters to select any number of candidates as they like for the Mayoral race rather than just one single candidate. The candidate with the most selections wins. The votes are then tallied normally and there are no changes to the ballot.

Pro:

- This system provides more opportunities for voters to express their approval of each candidate and expresses broader representation.

Con:

- Considering that there have only been two candidates running for Mayor in the past decade, this system may not add significant value in comparison to the current system.

Proportional Approval Voting (multi winner – Council):

Proportional approval voting (PAV) is an extension of approval voting for multiple-winner elections. It allows each voter to vote for as many or as few candidates as they choose. PAV elects candidates to office roughly in proportion to the support they receive through a series of rounds. Although there are various versions of this system, generally proportional approval voting will reweight votes from the highest selected candidate's ballot by ½ the first time they elect someone, then ⅓ for the second time, ¼ for the third time, and so on.

Pro:

- This system provides more opportunities for voters to express their approval of each candidate and can capture broader representation in comparison to the current system.

Cons:

- Proportional methods tend to achieve broader representation as they fill a larger number of seats. If the Mayor and Council decide to increase the number of seats, this system may be more applicable.
- This system was designed to provide more diversity in representing different views often associated with political groups or opposing parties. Since Rockville elections are non-party affiliated there may be less distinguishable differences in which there is a need to apply this system.

STAR (Score Then Automatic Runoff) Voting:

STAR is an electoral system in which voters rate the candidates for a particular seat on a scale of zero to five, with zero indicating no support and five indicating maximum support. The scores for all candidates are then tabulated and the top two finishers advance to an automatic runoff, at which time a voter's full vote is assigned to whichever of the two finishers scored highest. The candidate with the greater number of voters given a higher score in the runoff is declared the winner.

Pros:

- This system provides more opportunities for voters to express a varying degree of satisfaction for each candidate.
- The results will better inform the City on voters' preferences on the candidates and their overall campaign platform.

Con:

- Since STAR voting was recently developed in 2014 by the Equal Vote Coalition, it has not been implemented in an election yet and its effectiveness has not been studied.
- This method would have to be modified to apply to the Rockville elections.

Minority Statements

Status Quo

Commissioner Robert Wright

The Commission, as an advisory body, is to make recommendations on specific issues (questions) as put to it by the Council. To recommend to continue to explore fails that charge. In effect it says continue the current practice but find an alternate way for a recommendation. I believe the Council understands that not given a recommended alternative voting system it has the prerogative to move forward or not, in whatever manner it wants.

I strongly believe in the "one man/woman, one vote" principle. Rank Choice Voting (RCV) gives a man/woman multiple votes under the premise that it should take a majority of the votes cast to win an election.

Additionally, Rank Choice Voting is extremely complicated to explain when voting for four Councilmembers; some voters ballots won't be counted if they did not rank all the candidates on the ballot; you have to constantly educate the electorate; it divides your vote between who you want and who you accept; competency of the winner is never assured; it rewards extremism in the electorate; it's possible to not arrive at a majority; it disconnects elections from issues and can allow candidates with marginal support from voters to win; it disenfranchises voters, because ballots that do not include the two ultimate finalists are cast aside to manufacture a faux majority for the winner.

Alternative voting systems (AVS) are a solution looking for a problem. Rockville does not have an overwhelming number of candidates seeking office in an election. AVS becomes attractive when there are 5 times, or more, candidates then elected offices available. This is not the case in Rockville.

None of the Above Options
Commissioners Kram and Kelly

In 2019, Rockville debuted its latest change to voting designed to enhance voter participation. It worked! The percentage of Rockville voters participating in the 2019 election doubled, albeit at a still troublingly low rate.

Nonetheless, given the robust participation the new system generated, it seems reasonable to allow the next election to take place with the system used in 2019 to see whether voter participation would grow further, particularly as voters grew more familiar with the system.

Issue G Option 2: None of the Above Option on Municipal Ballots

Considerations

Providing a "None of the above" (NOTA) option on City of Rockville ballots is a means by which voters can provide instant feedback to both incumbents and candidates on the ballot. Implementation would not impact the elections adversely. By no means would the winner of an election be NOTA - the winner would be the individual(s) with the highest vote totals after the NOTA option.

Currently, the only jurisdiction that provides a NOTA option is the state of Nevada. Nevada has had this option since 1976. In June of 2012, the Republican National Committee challenged the Constitutionality of the option. In July of 2013, the United States Court of Appeals for the Ninth Circuit threw out the lawsuit by the RNC thus deeming it Constitutional. There has not been another lawsuit against NOTA since then.

NOTA has only "won" the election twice since it was implemented in Nevada in 1975. Rockville would be poised to be the only jurisdiction in Maryland and the only other jurisdiction outside of Nevada to have NOTA should the City proceed with this option. As a City that proudly leads the way on progressive electoral reform, this seems a natural option to employ.

NOTA eliminates the illusion of an electoral mandate. It could create tangible feedback to candidates and the City on their feelings on the field of candidates and the policies of incumbents.[1] Currently, winners of the election believe that by winning alone they enjoy a mandate of the residents of Rockville. Leaving aside that this is merely a mandate of the 30% of the population who vote, this could simply be an illusion. Without a clear mandate, elected officials could be forced to engage in more meaningful engagement with the community in order to better assess their needs - a positive outcome for all.

Pros

- "NOTA voting could allow us to identify patterns of disaffection— and allow voters to express that disaffection—much more clearly than other types of nonvotes."[2]
- Enables the City to have a better understanding of the level of the reasoning behind the candidate choices.

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[1] Voting and Political Representation in America: Issues and Trends [2 Volumes]. (2020). United States: ABC-CLIO.
[2] Damore, David & Waters, Mallory & Bowler, Shaun. (2012). Unhappy, Uninformed, or Uninterested? Understanding "None of the Above" Voting. Political Research Quarterly. 65. 895-907. 10.1177/1065912911424286.

- Allows voters to have the freedom to choose none of the running candidates and provides more voice to voters that the individual(s) are not adequate to govern.
- Promotes the basic human right of freedom of expression when not in favor of all the candidates.
- Can increase voter turnout allowing voters to vote for an option that goes against the candidates, instead of not voting at all.
- This is a simple addition to the ballot.

Cons

- Like all elections, voters can be influenced by other voters to select the NOTA option without researching the candidate's platform.
- May result in voters staying at home instead of registering their displeasure via NOTA

Recommendation

The Commission recommends the City Implement a "None of the above" (NOTA) ballot option.

Comments

Commissioners Powell, Valeri, Shaw, Becker and Hodges voted in support of including a "None of the Above" option on the municipal ballot.

Commissioners Wright, Kram, Kelly and Owen voted against including a "None of the Above" option on the municipal ballot.

Minority Opinion

Commissioners Wright, Kram, Kelly and Owen

Recommendation Against Implementing a "None of the Above" (NOTA) ballot option"

A "None of the Above" ballot option incentivizes voters to cast ballots without conducting research on the candidates. Although there is an argument that such an option allows voters to express disaffection with an entire slate of candidates, such an argument ignores the fact that voters can already express this sentiment by casting a blank ballot or registering a write in candidate *in lieu* of the slate of candidates on the ballot.

Those in favor of this ballot option assert that the effect of a "None of the Above" option would not impact the overall outcome for candidates as the vote tally for this option does not affect the election outcome. However, as the number of voters in the City of Rockville is significantly fewer than the population of voters in jurisdictions that allow for a "None of the Above" option, such as the State of Nevada, and the countries of Colombia and Ukraine, any number of protest

votes could have the effect of drawing down the total pool of votes to candidates that it may ultimately sway the outcome of the election.

Furthermore, a significant number of protest votes during an election may also be perceived as a sign that the otherwise properly elected candidates are somehow illegitimate. Given the ongoing scandals surrounding the 2020 Presidential election, such a concern should not be taken lightly.

Finally, there is evidence that a "None of the Above" option on the ballot benefits incumbent candidates as voters who are attracted to lodge a protest vote would otherwise vote in favor of a challenger candidate.[3]

[3] *The effects af a 'None of the above' ballot paper option on voting behavior and election outcomes*, Duke University, Ambrus, Greiner and Zednik (November 7, 2018) http://public.econ.duke.edu/~aa231/NOTA_voting01.pdf

Issue H – Translation of election information into various languages

Considerations:

Currently the City Charter does not address nor require that election language be translated in any language other than English. However, the demographics of our City have changed to reflect a highly diverse, multicultural, and multilingual population. Implementing basic language access standards such as those outlined in the U.S. Election Assistance Commission's Language Access program[1] will honor the civil rights of limited English proficiency (LEP) residents.

In Census 2020, Rockville had a total population of 67,117 residents. Of this, 10,790 residents identify as speaking English "less than well".[2] LEP residents are one key to effectively expanding the voting franchise in Rockville. Below is a chart of the languages spoken by Rockville residents who self-identified as speaking English "less than well", phrasing that the U.S. Census Bureau uses.

Languages Spoken by Residents Who Speak English "Less Than Very Well"	
Spanish	3,338
Chinese (incl. Mandarin, Cantonese)	2,623
Other Indo-European languages*	1,514
Other Asian and Pacific Island languages	989
Russian, Polish, or other Slavic languages	506
Korean	438
Vietnamese	257
French, Haitian, or Cajun	208
Arabic	195
Other and unspecified languages	195
Tagalog (incl. Filipino)	159

[1] https://www.eac.gov/sites/default/files/languages/Language_Access_Program_Checklist.pdf

[2] U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

German or other West Germanic languages 100

*The Census defines Other Indo European languages as the following. Further community surveying would be needed to gain more specificity into the needs of Rockville.

- Bengali
- Greek
- Gujarati
- Hindi
- Italian
- Kannada
- Malayalam
- Marathi
- Nepali
- Pashto
- Persian (incl. Farsi, Dari)
- Portuguese
- Punjabi
- Tamil
- Telugu
- Urdu
- Yiddish

It is critical for the City to assess the role of language and culture in the municipal election process and engage in ongoing principled language planning. - indeed, for all aspects of City government. As noted by the Robert Wood Johnson Foundation's *Five Steps to Improving Communications with LEP Populations*[3]; "Ignoring the widespread implications of a quickly-growing multicultural and multilingual society is not in our collective, long-term best interest, nor is offering band-aid responses to this chronic need." The language assistance mandate under section 203 of the Voting Rights Act only requires Montgomery County to provide language assistance to residents who speak Spanish.[4] However, the City of Rockville should always strive to do what is best for residents - not merely do the bare minimum.

City policies should reflect the voice of voters. Continuing to maintain language barriers can:

- Suppress residents' voting power and their ability to participate;
- Result in structurally promoting discriminatory public policy; and
- Can prevent resource allocation to communities most impacted by election language barriers.

Pros:

- Aligns with the City's commitment to advance equity and inclusion, as this provision will diversify the electorate and better represent the changing demographics of Rockville residents.
- Increases civic engagement from communities that have historically been disenfranchised by language barriers.

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[3] https://www.rwjf.org/content/dam/farm/toolkits/toolkits/2009/rwjf37285

[4] https://www.justice.gov/crt/file/927231/download

- Aligns with the County's approach to provide election information in other languages[5].
- Shows a responsiveness to the changing demographics of the City
- Is the first step in the ladder of civic engagement, empowering communities marginalized due to limited English proficiency

Cons:

- Due to a long history of not making election information accessible to voters that experience language barriers and overall low voter turnout, it could take longer than one election cycle to increase the participation from these communities.
- There is potential for initially experiencing diminishing returns in comparison to cost and staff level of effort to invest in translating election information.

Comments

In reviewing language accessibility in municipal election materials, another issue that was raised was in regards to general accessibility for residents who can read English. To do this, the City could require that election information be written in plain language, regardless of the language, per guidelines issued implementing the Plain Writing Act of 2010, 5 U.S.C. § 105, Pub. L. 111–274, Oct. 13, 2010.[6]

Should the Mayor and Council decide to pursue the recommendation to translate election information and update the Charter accordingly, the Commission has drafted suggested options to do so.

The following options and associated practices are drawn in part from the work behind and lessons learned from the 2020 Census and the efforts to promote COVID-19 vaccinations, both of which had an intentional emphasis on equity and navigating language barriers to reach disproportionately impacted communities with accurate health information.

- Regularly conduct an analysis of the city's foreign-born and LEP communities and residents; develop an understanding of the most common languages other than English spoken by Rockville households; rank and prioritize as needed; recognize the difference between longtime residents who are LEP versus migrant and refugee/resettled people and other LEP populations.

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[5] https://www.montgomerycountymd.gov/elections/index2.html

[6] https://www.plainlanguage.gov/guidelines/

- Have each City department create a Language Access Plan to align with Montgomery County government policy.[7]
- Conduct outreach early and often and through multiple modes of communication in the identified languages to build awareness and deepen the relationships between these households and City government (this may include basic civics lessons in addition to election-specific information); leverage each language community's radio, television, newspapers, and social media; consider adding an Outreach Coordinator position(s) to City staff (perhaps recruited from the LEP households).
- Identify and build sustained and trusting relationships with community leaders and organizations that service the City's traditionally hard-to-reach populations, including faith leaders, community groups, and cultural organizations; find opportunities to go on-site with these groups and conduct activities like voter registration at their events.
- Translate all election-related materials and resources into the appropriate languages across all media and modes of communication, including signage.
- Provide language assistance leading up to and on election day; including recruiting bi-/multilingual poll workers for on-site assistance and multilingual ballots
- Educate LEP populations on both their rights and responsibilities related to voting, including topics such as voter intimidation and other interference tactics, voter registration, voter assistance, etc.
- Identify City employees who are bilingual and leverage those skills; recruit bilingual City residents as volunteers on Election Day; invest in telephone interpretation services.

Recommendations

The Commission recommends that the City translate Rockville election information into the most frequently spoken languages among Limited English Proficient (LEP) communities.

Commissioners Powell, Valeri, Kelly, Hodges, Kram, Shaw, Becker and Owen voted in support of this recommendation. Commissioner Wright voted in support of the status quo.

Minority Statement

Commissioner Wright

The Board of Supervisors of Elections (BSE) has several initiatives that include languages other than English and Spanish. The challenge of which languages and which dialects within is better addressed by the BSE and the Office of the City Clerk/Director of Council Operations. Those two entities are substantially more experienced and capable then the Commission addressing this

[7] https://www.montgomerycountymd.gov/lep/policiesexpectations.html

laudable goal. It is disrespectful to suggest the BSE and the City staff need to be reminded that election materials should be written in plain language regardless of the language. The BSE is composed of experienced, professional individuals.

Issue I – Alternative methods of advertising an election.

Historically a large percentage of the electorate has not participated in Rockville elections. Although more advertisement tactics were implemented in the last 2019 election and tactics from this election cycle should be continued, the Charter only requires legal notice of an upcoming election. Specifically, the City Charter provides:

> The Board of Supervisors of Elections shall give at least one (1) months' notice of every election, including places for voting, by an advertisement published at least four (4) times during the period of such notice in at least one (1) newspaper of general circulation in the City and by posting notice thereof during such period in some public place or places in the City.

ROCKVILLE, MD, Charter Article III, § 2(d)(2022).

The Mayor and Council asked the Commission to provide comment on alternative methods of advertising an election.

Option 1: Alter the method and timing for the Board of Supervisors of Elections to provide legal notice to the public of upcoming elections.

Option 2: Maintain the current charter and code language providing legal notice of elections.

Recommendation
The Commission was unanimous in maintaining the current language of Article III, § 2(d) of the City Charter regarding the timing and methods of providing legal notice of upcoming elections.

Comments
Commissioners voting in favor: Hodges, Kelly, Valeri, Wright, Kram, Shaw, Owen, and Powell. Commissioner Becker was not present to vote.

Although it is noted that the intent of the Mayor and Council in Resolution 09-20 was likely to request the Commission to comment on the narrow topic of legal notice of upcoming elections, the Commission believed it important to also address the broader importance of publicizing upcoming municipal elections and increasing the access of voters to the candidates.

Although the Charter language is sufficient to provide legal notice, as a practical matter this does not meet the electorate's needs for the City to:

- Broaden community awareness of an upcoming election.
- Provide access to general election information and candidate campaigns.
- Educate and prompt residents who are eligible to register to vote.

The Commission recommends that the Mayor and Council continue and enhance existing election publicity efforts including, but not limited to:

- Mailings
- Digital tactics: web content, email campaign, text alerts, City staff email signature blocks, etc.
- Press releases

- Social media - particularly paid social media
- Videos
- Television ads
- Incorporating notices in other city services (housing, parking enforcement, recreation)
- Moveable electronic message boards at strategic road intersections and near public transit (particularly frequented bus stops)
- Coordinate with multi-dwelling units to share election information

Sharing election information with Rockville multi-dwelling unit occupants

Rockville multi-dwelling unit (apartment building) residents face additional systemic and physical barriers in receiving City election information. The Commission recommends having the City coordinate with these residences to request that City representatives and candidates have access to residents for the purposes of campaigning and publicizing elections.

Pros:

- Aligns with the City's commitment to advance equity and inclusion, as this provision seeks to diversify the electorate and changing demographics of Rockville residents.
- Likely improve voter turnout among communities that experience barriers to receiving election. information, particularly among lower income and newer residents.
- Acknowledges that residents consume and access information through a variety of different ways and channels.
- Supports the election needs of growing populations of multi-dwelling unit occupants. Particularly, renters who occupy 45% of the total number of households in Rockville[1].

Con:

- Will require additional resources and planning.

[1] https://censusreporter.org/profiles/16000US2467675-rockville-md/

Issue J – Increasing the number of members of the Board of Supervisors of Elections

Considerations

The original Charter in 1954 set the number of members of the Board of Supervisors of Elections (BSE) at three. In 1987, at the recommendation of the 1986 Election Task Force, the number of members was increased to five. In 2022 the number of members of the Supervisors of Elections remains at five.

Option A: Current Practice: The Board of Supervisors of Elections consists of five members appointed by the Council.

Pros

- Though the City is not required to emulate other Maryland jurisdictions, this number is consistent with the number of members of the State Board of Elections and most of the Maryland county boards of elections.
- Some members of the BSE believe five members are adequate to handle the administrative workload required of the Board most of the time.

Cons

- Restricting the number of BSE members to five limits opportunities to increase the diversity of the BSE in many ways. As the pool to appoint from is composed of volunteers (expression of interest) the diversity of the BSE could increase if there were more members on the BSE.
- The Chair of the BSE said it would be helpful to have more members to manage the workload leading up to and on Election Day.
- Although training of new members is available, the experience of conducting an election is invaluable. If there were more members on the BSE who have been reappointed, then more individuals would have that experience resulting in a more robust BSE.

Options Other Than the Current Practice

Option B: Retain the BSE at five members but provide for two alternates who may, depending on the duties of their appointments, fill in when a member is unable to attend a meeting and/or provide a pool of members to serve when a regular BSE member is not available.

Pros:

- This practice is consistent with practices followed by Montgomery County as well as other Maryland municipalities.
- This practice creates a pool of additional people who will, as alternates, become familiar with the responsibilities of the BSE and, if needed, assist with the administrative workload required of the BSE.
- This practice would allow for more efficient training of prospective BSE members through simultaneous rather than sequential training.

- This practice would provide an opportunity to expand the diversity of the BSE.
- Depending on how the alternatives are used, this practice may make it easier to assure a quorum at BSE meetings.

Cons:

- Unless alternates are given specific responsibilities, they might have a negative experience with the BSE, which could potentially negatively impact their general view of Rockville volunteer opportunities.
- It may be difficult to recruit volunteers to serve as alternates.
- Training alternates as well as BSE members could overtax BSE resources.

Option C: Increase the size of the BSE to seven members.

Pros:

- Increasing the number of BSE members would provide an opportunity to increase the diversity of the Board.
- Increasing the number of BSE members is consistent with the growing population of Rockville.
- The Chair of the BSE said having seven members would greatly help in distributing the workload on Election Day and in preparing and monitoring vote-by-mail activities.

Cons:

- It may be difficult to attract sufficiently qualified applicants for the additional Board positions.
- Increasing the number of members on the BSE could expand both (1) the Council's workload as it requires additional BSE members be appointed and (2) the number of interactions with staff in the Office of the City Clerk / Director of Council Operations.

Recommendation

A majority of the Commission supports Option C, increase the size of the Board of Supervisors of Elections to seven (7) members. Commissioners Hodges, Kelly, Kram, Owen, Powell, Valeri, and Wright voted for Option C.

Comments

Commissioner Becker was not present to vote.

Commissioner Shaw voted "None of the Above" and will compose a Minority Statement.

Training for new appointees to the Board of Supervisors of Elections (BSE) is available. A Commissioner recommended that the leadership structure of the BSE include a Vice Chair.

The pool of potential appointees is composed of residents who have submitted Expression of Interest forms (volunteers). Historically the number of residents in that pool has fluctuated, from none to a few. However, the city benefits when more BSE members have ~~actual~~ experience implementing an election.

Experience as currently defined by the Board of Supervisors of Elections needs further consideration with regards to eligible candidates to serve on the Board. The narrow focus of only individuals who have administered an election narrows the pool of candidates drastically thus eliminating the possibility of meaningful diversity within its membership. New language should be considered and implemented as soon as possible to correct this. Sample language is below.

> Interested individuals should possess a strong affinity for the fair and equitable administration of elections and a desire to learn all aspects of this administration. Extensive training and education will be a necessity should an individual be appointed. The BSE welcomes all manner of experience for interested individuals including lived experience, volunteerism with candidates for elected office, poll watchers or those who have previously administered elections. The BSE does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, veteran status, marital status, or based on an individual's status in any group or class protected by applicable federal, state or local law. The BSE encourages applications from BIPOC (Black, Indigenous, and People of Color), women, disabled people, protected veterans and all other qualified applicants.

Minority Statement

Commissioner Shaw

"*None of the Above*"

The research presented on issue J offers a narrow argument that by simply increasing the number of seats on the BSE increases "diversity." The research does not define diversity, nor does it identify which communities are historically and currently underrepresented by the BSE's application and appointment processes - and which communities benefit from these processes and experience overrepresentation. The research even fails to provide the current makeup of the BSE (baseline), which is necessary to make claims on how to increase the BSE's diversity.

The concept that by simply increasing BSE seats will increase "diversity" demonstrates a lack of awareness of systemic and structural barriers, the existence of bias, and discrimination that may influence the BSE's application and appointment processes. The research on this issue is devoid of a racial equity and social justice analysis, which considers the lived experiences of many underrepresented communities. Notably absent is an acknowledgement that these factors can play a role:

- Which communities are aware (or are not aware) of open BSE seats?
- Which communities have (or do not have) resources to serve on the BSE?
- Which communities benefit (or do not benefit) from how BSE appointment decisions are made and influenced?

Merely increasing seats without meaningfully considering the barriers preventing underrepresented groups from serving on the BSE may actually increase the representation of majority groups and diminish representation of minority groups - making the BSE not only less diverse, but also less equitable. This was exemplified by our own Charter Review Commission when two former Commissioners resigned and opened two seats – which per this argument should have led to more diversity. However, the two new appointments resulted in a less diverse Commission regarding housing type- halving renters from two Commissioners to one; and making the Commission disproportionally less racially diverse – two demographic types stated in CRC Resolution 9-20.

Any further consideration of this proposal requires a significant racial equity and social justice analysis to avoid causing unintended harm to underrepresented communities and to address gaps in the research.

Issue K – Lengthening the terms for members of the Board of Supervisors of Elections.

Considerations

This issue was proposed out of an apparent concern that a four-year BSE term might no longer provide the Board sufficient experience in conducting elections after Mayor and Council terms were increased from two years to four years. Term length clearly has an impact on the overall experience that members acquire regarding Rockville's election procedures, but it is only one of several factors that do this. Like term lengths, other factors determined by the Charter include the relationship of BSE terms to election cycles, concurrent terms versus staggered terms, fixed term schedules versus random terms, and automatic term extensions. Actions of the Mayor and Council, e.g., minimizing delays in filling vacancies and reappointing BSE members, also impact the experience available on the BSE. All types of experience are valuable, but experience conducting and assessing prior elections is considered the most valuable.

Before the Mayor and Council terms were increased to four years in 2015, either two or three new BSE members appointed according to the Charter would have theoretically had prior election experience when supporting each election between the years 1993 and 2013. As shown in Table 3, they would also have acquired several years of general BSE experience during their terms.

In 2015, this theoretical situation changed significantly. Beginning with the 2019 election and continuing thereafter, no new BSE members would be able to acquire any prior election experience before supporting an election. The only way for the Mayor and Council to assure that some BSE members have prior election experience would be to reappoint experienced BSE members.

Option A: Current Practice: In 1971, the Charter was amended to extend the terms of the three BSE members from two to four years and to stagger the members' terms. Since that time, amendments to the Charter increased the number of BSE members to five, changed the timing of their appointments, and changed how their terms were staggered.

Pros

- Requires no change to the Charter.
- Makes it easier for the Mayor and Council to change the composition of the BSE should they wish to do so.

Cons

- Assures that no new BSE appointees will be able to support more than one election, and gain election experience to support subsequent elections, unless they are reappointed.
- Any significant prior election experience to support an election will require the reappointment of several BSE members with such experience.

Options Other Than the Current Practice

Option B: Extend the BSE terms to five years.

Pros

- Creates the possibility that a new BSE member could support two elections and acquire election experience for supporting the second election.
- Would be consistent with the terms of Planning Commission members, another commission where member experience is highly valued.

Cons

- Although this creates the possibility of a new BSE member supporting two elections, this outcome depends on their appointment coming in June of an election year, an odd-numbered year. In this case, incumbents would experience their first election with five months of experience and have that experience to support a second election if they remained on the BSE through the rest of their terms. BSE appointments with five-year terms coming after an election would generate no prior election experience.
- Requires a change to the Charter.
- Also requires BSE appointments to alternate between odd years and even years and will create oddly staggered terms that might prove difficult to keep straight for making new appointments.

Option C: Extend BSE terms to at least eight years.

Pros

- Assuming that new BSE members serve their entire terms, this would assure that they would support at least two elections and have experience with one prior election when they support their second elections.

Cons

- Requires a change to the Charter.
- It might be difficult to find BSE candidates willing to commit eight years at the outset of a volunteer role in which they haven't served.
- Would exceed the terms of any other Rockville boards and commission members and be inconsistent with the terms of other State and County boards and commissions.
- Would make it harder for the Council to change the composition of the BSE, should they wish to do so.

Recommendation

A majority of the Commission recommends retaining BSE terms at four years (Option A). Commissioners voting in favor: Kelly, Wright, Powell, Shaw, Hodges, and Kram. Commissioners Owen and Valeri voted for Option C and provided a Minority Statement below. Commissioner Becker was not present to vote.

Comments

None

Minority Statement
Commissioners Owen and Valeri.

The majority view of the Commission is to retain the term of BSE appointments at the *status quo* of four years. One of the majority's arguments supporting this position is it "[m]akes it easier for the Mayor and Council to change the composition of the BSE should they wish to do so." It is for this very reason the minority view disagrees with four-year terms.

The currently elected officials should not have the prerogative to appoint the BSE to meet their "wishes." Rather, the BSE is to be an independent body that is free of political influence.

Previously, the Mayor and Council served two-year terms until the terms were extended to four-year terms in 2015, but the BSE member's terms were not extended beyond the current four-year term. This omission creates a scenario in which a currently elected Mayor and Council could adjust the composition of the BSE in a manner that could insert political pressure on BSE members in order to impede a free, fair, and transparent elections process. As we have seen in 2020, the credibility of the elections process is crucial to a functioning democracy.

In order to mitigate against this possibility, the minority opinion recommends extending the BSE to serve eight-year terms, thereby permitting members to oversee two election cycles and reduce the opportunity for currently elected leaders from stacking the BSE for mere political gain.

Issue L – The appointment process for the members of the Board of Supervisors of Elections.

Considerations

Of all Rockville's boards and commissions, the BSE is the only one created by the Charter and whose membership and appointment requirements are provided there. All appointments, whether nominated by the Mayor or another Councilmember, must be approved by the full Council. The Charter is silent on the authority to reappoint BSE members and there has been some confusion as to whether it is appropriate for the Mayor to act as a member of the Council when nominating new BSE members. Table 6 shows that Councilmembers made 38 of the 40 nominations for new or reappointed BSE members and eight of the nine vacancy appointments made since the 1991 Charter amendments. Table 2 shows nine appointments or reappointments of BSE Chairs by the Mayor and Council from 1998 to 2010, but they are not summarized in their own separate table. The Mayor is considered a member of the Council when nominating new BSE members, but the Council's nominations to fill vacancies and to appoint or reappoint BSE Chairs are clear violations of the Charter.

Option A: Current Practice: The Charter requires that the Council appoint new BSE members, that the Mayor fill BSE vacancies with the approval of the Council, and is silent on the responsibility for reappointing BSE members.

Pros

- Requires no change to the Charter.
- Is consistent with how some Maryland jurisdictions handle BSE appointments.

Cons

- Allowing the Mayor to make vacancy appointments to the BSE is inconsistent with, and contrary to, the Charter's intent to eliminate the appearance of undue political influence by a single elected official in appointing other BSE members.
- Creates an incentive for any Mayor to claim that a normal appointment is a vacancy appointment in order to control that appointment. This could create an "optics" problem seemingly giving undue political influence to a single elected official that the Charter sought to avoid for normal BSE appointments.
- Retains the current ambiguity about who has the authority to make reappointments and whether it is appropriate for the Mayor to act as a member of the Council when nominating new BSE members.
- Maintains the inconsistency in the authorities to appoint new BSE members and to fill vacancies.

Options Other Than the Current Practice

Option B: Modify the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Council.

Pros

- Would give all Councilmembers an equal chance to nominate BSE members, thereby applying the intentionally apolitical nomination philosophy in the current Charter to all BSE members, including persons appointed to fill vacancies.
- Eliminates the inconsistency in the authorities to appoint new BSE members and to fill vacancies.
- Eliminates any questionable vacancy appointments that might cause "optics" problems.
- Is consistent with how most vacancy appointments have been made in practice.
- Eliminates any ambiguity about the authority to reappoint BSE members.

Cons

- Requires a change to the Charter.

Option C: Modify the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Mayor and confirmed by the Council.

Pros

- Gives the Mayor the same appointment authority that exists for most other boards and commissions.
- Eliminates any ambiguity or inconsistency in the authorities to appoint new BSE members and to fill vacancies.
- Eliminates any ambiguity about the authority to reappoint BSE members.

Cons

- Requires a change to the Charter.
- Eliminates the intentionally apolitical nomination philosophy that the Charter currently provides for new BSE members.
- Eliminates any ambiguity about the authority to reappoint BSE members.

Recommendation

A majority of the Commission recommends modifying the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Council (Option B). Commissioners voting in favor of Option B: Kelly, Wright, Kram, and Owen.

Comments

Commissioner Becker was not present to vote.

During the discussion of the presented Options A, B, and C, several Commissioners expressed a desire for an independent and impartial Board of Supervisors of Elections. This inspired two alternative proposals for the formation of a BSE. Commissioner Hodges proposed Option D, an

elected BSE, but chose not to submit a Minority Statement. Commissioners Powell, Shaw and Valeri proposed Option E, creating a Board of Supervisors of Elections Nominating Commission. They chose to prepare a Minority Statement.

A discussion about the content of the Minority Statement concluded it was not to be written in the format of another option. It is to express the thoughts and reasoning of those present but not voting for any option presented or those voting in the minority.

Minority Statement

Commissioners Valeri, Shaw, and Powell

Creation of a Board of Supervisors of Elections Nominating Commission

In order to preserve the necessary independence and impartiality required of the BSE, elected officials must not play a large role in the nomination and confirmation process. Independent commissions are a common practice for state level judicial nominations and redistricting in order to maintain impartiality. The report noted under *Source* outlines in part how an election official nominating commission would work on the state-level. Adapting their recommendations, the below proposal would be one example of how a Commission could be created for the Board of Supervisors of Elections.

- Seven (7) members total including a chair and vice-chair
- Three (3) members appointed by Mayor and Council
- Four (4) members selected by the City Clerk from applications
- Five (5) Commissioners will constitute a quorum
- Chair and Vice Chair selected by Commission
- Reappointments and new appointments to the Nominating Commission to be approved by the Nominating Commission as a whole
- Primary purpose to review applicants and re-appointments to the Board of Supervisors of Elections and approve them accordingly
- Secondary task of developing a fair and just appointment criteria to ensure equitable representation based on the City's racial equity and social justice mandate, in concert with the City's Director of Diversity, Equity, and Inclusion

Source

Johnson, K. (2022). New Models for Keeping Partisans out of Election Administration [Review of New Models for Keeping Partisans out of Election Administration]. The Carter Center and Elections Reformers Network. https://electionreformers.org/wp-content/uploads/2022/01/REV6_with-links.pdf

Issue M – The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings with the Mayor and Council and timely responding to information requests.

Considerations

Shortly before the 2019 election – after the date in September on which candidates were certified by the BSE – the Mayor and Council asked the BSE to appear before them to answer questions about election procedures. At that time, the Mayor and every member of the Council were incumbents and candidates for City office. The BSE felt that answering questions for some candidates and not others would undermine its appearance of impartiality by providing incumbents with what might be viewed as an unfair advantage over non-incumbents. Consequently, the BSE declined to appear, and instead, responded to the Mayor and Council in writing with the reasons for its decision and posted its response on the BSE's website.

The Mayor and Council asked the Commission to provide an independent opinion on whether the Charter or City Code should be amended to require the BSE to meet with the Mayor and Council whenever summoned, or to provide information to them whenever requested.

Option A: Current Practice: Neither the Charter nor the City Code specifically obligates the BSE to meet with the Mayor and Council or to provide the Mayor and Council with requested information.

Pros

- Preserves the independence of the BSE from the demands of incumbent officeholders who frequently are also current or future candidates.
- Avoids providing incumbent officeholders/candidates with an unfair advantage over nonincumbents, who do not have an opportunity to demand meetings with, or information from, the BSE.
- Allows the BSE to make its own judgments on what conduct would or would not undermine its independence and credibility as an impartial election body.
- Avoids unfairly imposing on the BSE an obligation not imposed on any other Board or Commission.

Cons

- May prevent the Mayor and Council from posing questions (and follow-up questions) to the BSE and obtaining needed information from the BSE.

Options Other Than the Current Practice

Option B: Insert language into the Charter or City Code requiring the BSE to meet on request with the Mayor and Council and to provide, in a timely manner, requested information.

Pros

- Would permit the Mayor and Council to pose questions (and follow-up questions) to the BSE and obtain needed information from the BSE about preparations for the election and election procedures.

Cons

- Would undermine the BSE's appearance of impartiality and independence.
- Would provide incumbent officers/candidates with an unfair advantage over nonincumbents.
- Might undermine public confidence in the fairness of the electoral process.
- Would unfairly impose on the BSE an obligation not imposed on any other board or commission.
- That obligation, if imposed, would be difficult or even impossible to enforce.

Option C: Insert into the Charter or City Code language requiring the BSE to meet on request with the Mayor and Council and to provide, in a timely manner, requested information, but create an exemption to that requirement for the period between certification of candidates and certification of election results.

Pros

- Would permit the Mayor and Council to pose questions (and follow-up questions) to the BSE and obtain needed information from the BSE about preparations for the election and election procedures, but only during the period preceding certification of candidates.
- Would avoid undermining the BSE's appearance of independence and impartiality at least during the critical period immediately preceding the election.

Cons

- During all other periods, would undermine the BSE's appearance of impartiality and independence.
- Would provide incumbents/future candidates with an unfair advantage over nonincumbents.
- Might undermine public confidence in the fairness of the electoral process.
- Would appear to solve a problem that doesn't exist, since the BSE has no problem responding to requests from the Mayor and Council prior to the certification of candidates.
- Would unfairly impose on the BSE an obligation not imposed on any other board or commission.
- That obligation, if imposed, would be difficult or even impossible to enforce.

Recommendation

The Commission was unanimous in maintaining the current state of affairs, in which neither the Charter nor the City Code specifically obligates the BSE to meet with the Mayor and Council or to provide the Mayor and Council with requested information. Commissioners voting in favor:

Hodges, Kelly, Valeri, Wright, Kram, Shaw, Owen, and Powell. Commissioner Becker was not present to vote. Several Commissioners wanted to add an emphasis on raising concerns about the independence of the BSE.

Comments

Although the Commission unanimously recommends maintaining the *status quo*, the Commission also expresses strong concerns about maintaining the independence of the Board of Supervisors of Elections from undue influence by the Mayor and Council. The Commission urges the Mayor and Council, in conjunction with the Board of Supervisors of Elections and the City Attorney's Office, to amend Section 2(a) of the Charter to include appropriate language effectuating this recommendation.

Issue N: Any Additional Provisions on Topics Raised by the Vote by Mail Election

Considerations:

The Commission was tasked with reviewing "(a)ny additional provisions on topics raised during the vote by mail election, for example, ballot harvesting." In reviewing the Lessons Learned presentation from the BSE website[1], "Vote by Mail did not result in any evidence or allegations of voter fraud or impropriety." The current City code already includes language in regard to "ballot harvesting" as noted below, so the Commission did not find a need to review this.

> **ARTICLE III. - CONDUCT OF ELECTIONS Sec. 8-44. Voter assistance.**
>
> (a) *Mail-in and absentee ballot voting.*
>
> (2) (i) A candidate, treasurer, campaign committee chair or treasurer, or any person at the direction of a candidate, treasurer, or campaign committee chair or treasurer may not receive or collect a mail-in or absentee ballot from a registered voter.
>
> (ii) An individual that is permitted to receive or collect a registered voter's mail-in or absentee ballot must:
>
> (1) Accept only a ballot that is within a sealed envelope;
>
> (2) Deliver the ballot in a manner that will get the ballot to the City Clerk prior to the closing of the election polls on election day; and
>
> (3) Not accept payment in any form for the collection and/or delivery of the ballot. [2]

Several important points from the Lessons Learned presentation and the May 21, 2020 BSE presentation[3] informed the recommendations from the Commission on additional vote by mail provisions. The Commission engaged in a discussion beyond the scope of the BSE's report that included provisions related to voters in abusive domestic relationships and voters who have a protective order in place to keep themselves safe. Each topic is noted below along with the pros and cons of each.

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[1] https://www.rockvillemd.gov/DocumentCenter/View/38911/Lessons-Learned-Presentation-

[2] Laws of Rockville, Ch. 4, § 4-34; Ord. No. 7-87, § 2, 5-11-87; Ord. No. 18-87, 9-14-87; Ord. No. 16-89, 5-22-89; Ord. No. 7-01, 2-27-01; Ord. No. 6-18, 4-9-18; Ord. No. 21-19, 9-9-19

[3] https://www.rockvillemd.gov/DocumentCenter/View/38909/May-21-2020-Meeting-PowerPoint-Presentation-

1. Increasing the number of ballot drop-off boxes throughout the City

Pros

- Would bring the City of Rockville more in line with Maryland Election Law which states:
    - "A local board shall consider the following factors when determining the location of a ballot drop box:
        1. the accessibility of the ballot drop box to historically disenfranchised communities, including voters with disabilities, cultural groups, ethnic groups, and minority groups;
        2. proximity of the ballot drop box to dense concentrations of voters;
        3. accessibility of the ballot drop box by public transportation;
        4. equitable distribution of ballot drop boxes throughout the county; and
        5. maximizing voter participation, including through placement of ballot drop boxes at community centers and public gathering places."[4]
- Multiple drop-off boxes will make it easier for individuals who rely on public transit to drop off their ballot. There are no bus stops right at City Hall. The closest stops are at Maryland Ave and East Jefferson Street (Ride On Routes 46, 54, 63) or Maryland Ave and Fleet Street (RideOn Routes 47, 56). These routes only service Rockville Pike and exclude important transit corridors such as Veirs Mill Road or Hungerford Drive. The 63 does not run on the weekend.
- Geographic parity to the ballot box could be achieved with more than one ballot box
- Ability to strategic locate the second ballot box in an area of lower voter turnout to see if proximity increases turnout - would then inform and guide discussion of drop boxes in each election district
- Drop-off box visibility could create greater awareness of the election and the City's unique vote by mail only status

Cons

- Cost - each drop-off box costs approximately $6,700 for both purchasing the box and installing it.
- Administrative time to develop along with the BSE the optimal location of a second box
- Staff time to purchase it, install it, and incorporate it into the process of ballot gathering on Election Day.

[4] MD Code, Election Law, § 2-304

2. Opening an additional voting center to bring the total number to two (2) for voters to utilize.

Pros

- Like with the additional drop-off box, an additional voting center will create geographic parity for fundamental resident resources
- Would utilize the same
- Ability to have multiple ADA-compliant centers to assist residents with disabilities and residents unable to read or write
- Additional support for voters with questions about voting and/or ballots will result in voters with a more favorable view of City elections and positive view on voting in future elections

Cons

- Administrative time
- Staff time
- Possibly create confusion among voters that are used to a single voting center

3. Implement a multi-dwelling building outreach plan to guarantee election mail reaches residents.

Pros
- Expands the number of voters who are assured to receive election mail
- Provides for the same rights for multi-dwelling building as single family homeowners already enjoy
- Displays a real commitment to racial equity and social justice in the City

Cons
- Administrative/staff time to implement provisions
- Potential costs attributed to these administrative needs

4. Iimplement provisions to ensure the safety and wellbeing of voters who are survivors of intimate partner violence, the target of stalking and harassment, witnesses to felony offenses, and/or the immediate family member of an individual eligible for address confidentiality:

(a) Add the following language to Chapter 8 Article I Sec. 8-1 of the City Charter;
1. *Confidential voter* means any individual eligible to vote in City of Rockville municipal elections, having met the residency, registration, and other requirements as set forth in applicable law, who is entitled to confidentiality due to their status as a
(A) law enforcement personnel
(1) police officer;

(2) correctional employee with frequent inmate contact; or
(3) prosecutor or an investigator employed by a prosecutor

(B) person being threatened
(1) an abused spouse or other domestic partner;
(2) an abused family member;
(3) a stalked individual;
(4) an individual whose safety has been threatened by an unidentified person; or
(5) an individual for whom disclosure of residential address or telephone number poses a threat to the individual's safety or is likely to lead to an unwarranted and serious invasion of privacy

(C) member of the County, State or Federal Judiciary;
(D) victim of or witness to felony; or
(E) immediate family member of any of the above.

(b) Create and utilize a form/affidavit for individuals to register as a confidential voter with no requirement for witness beyond the City staff accepting the affidavit.
(c) Allow confidential voters as defined in (a) to vote in person at voting centers for City municipal elections.
(d) Provide sample ballots that can be picked up in person for confidential voters as defined in (a).
(e) Implement and advertise safe public locations to complete a vote by mail ballot.
A. Examples of locations that could be used include City Hall, Rockville Police Department building, City libraries or City community centers.
(f) Add information for individuals eligible to register as a confidential voter who want to vote in municipal elections to the City website and display it prominently on the Voting and Elections and Board of Supervisors of Elections pages. Incorporate a quick escape button[5] on those pages. The City should prominently link to the State of Maryland Confidentiality Request Form[6] for confidential voters who want to vote in County, State, and Federal elections.
(g) Implement survivor-focused training for election officials, including training on how to identify signs of domestic abuse, in order to respond appropriately and with extra discretion when survivors come to voting centers or seek out election-related resources.

Pros

- Removes barriers to safe voting such as proof of abuse or stalking.
- Creates necessary protections for a class of individuals already marginalized and living in fear
- Ensures that all voters are free to vote in City elections without fear of coercion, abuse or bodily harm.

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[5] https://www.health.columbia.edu/content/quick-escape-button

[6] https://elections.maryland.gov/forms/documents/Confidentiality%20Request%20Form.pdf

- Clarifies the "Safe At Home" election guidance[7] for Rockville as the only vote by mail jurisdiction in Maryland. Currently, the only guidance from the Maryland Board of Elections for confidential voters is to vote absentee but only if they are enrolled in the Address Confidentiality Program (ACP). The Board also has an onerous requirement to provide proof of abuse or threats — "[Eligibility is s]ubject to appropriate documentation satisfactory to the election board"[8].
- The ACP is not intended to be the single solution for voters in need of confidentiality. It is a burdensome process and only valid for four year. Creating protective election regulations for eligible voters in Rockville would alleviate these problems.
- State election regulations do not provide sample ballot to individuals eligible for address confidentiality.

Cons

- Administrative/staff time to implement provisions
- Potential costs attributed to these administrative needs

Recommendations

The Commission recommends the City increase the number of ballot drop off boxes from the current one (1) to two (2) for the 2023 election with the goal of having a drop-off box in every election district by 2034 if not sooner.

The Commission also recommends the BSE drafts and implements a multi-dwelling building outreach strategy to guarantee election mail reaches residents.

Finally, the Commission recommends that the City implement the provisions outlined previously to ensure the safety and wellbeing of voters who are survivors of intimate partner violence, the target of stalking and harassment, witnesses to felony offenses, and/or the immediate family member of an individual eligible for address confidentiality.

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[7] https://sos.maryland.gov/Documents/SafeatHomeBrochure.pdf

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Cons
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(2) correctional employee with frequent inmate contact; or
(3) prosecutor or an investigator employed by a prosecutor

(B) person being threatened
(1) an abused spouse or other domestic partner;
(2) an abused family member;
(3) a stalked individual;
(4) an individual whose safety has been threatened by an unidentified person; or
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(C) member of the County, State or Federal Judiciary;
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(d) Provide sample ballots that can be picked up in person for confidential voters as defined in (a).
(e) Implement and advertise safe public locations to complete a vote by mail ballot.
A. Examples of locations that could be used include City Hall, Rockville Police Department building, City libraries or City community centers.
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(g) Implement survivor-focused training for election officials, including training on how to identify signs of domestic abuse, in order to respond appropriately and with extra discretion when survivors come to voting centers or seek out election-related resources.

Pros

- Removes barriers to safe voting such as proof of abuse or stalking.
- Creates necessary protections for a class of individuals already marginalized and living in fear
- Ensures that all voters are free to vote in City elections without fear of coercion, abuse or bodily harm.

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- The ACP is not intended to be the single solution for voters in need of confidentiality. It is a burdensome process and only valid for four year. Creating protective election regulations for eligible voters in Rockville would alleviate these problems.
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- Administrative/staff time to implement provisions
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Recommendations

The Commission recommends the City increase the number of ballot drop off boxes from the current one (1) to two (2) for the 2023 election with the goal of having a drop-off box in every election district by 2034 if not sooner.

The Commission also recommends the BSE drafts and implements a multi-dwelling building outreach strategy to guarantee election mail reaches residents.

Finally, the Commission recommends that the City implement the provisions outlined previously to ensure the safety and wellbeing of voters who are survivors of intimate partner violence, the target of stalking and harassment, witnesses to felony offenses, and/or the immediate family member of an individual eligible for address confidentiality.

[7] https://sos.maryland.gov/Documents/SafeatHomeBrochure.pdf

[8] https://elections.maryland.gov/forms/documents/Confidentiality%20Request%20Form.pdf

O. (Part 1) Provisions that May Increase Voter Turnout

Recommendation

Explore changing the scheduling of the Rockville City Elections to coincide with the Presidential or State Gubernatorial Elections.

Issue Summary

Rockville, like many jurisdictions with off year elections has historically had low voter turnout. Generally, low voter turnout can lead to local elected officials and policies being disproportionately influenced by a small percent of municipal residents, undermining our representative democracy and the effectiveness of local government.

The Mayor and Council recognized the problem with low voter turnout and asked the 2020 Commission to research provisions that may increase turnout.

History of the large percentage of the electorate that has not participated in Rockville elections[1]

BALLOT	2011	2013	2015	2019
Turnout - number of ballots cast	**6,240**	**6,685**	**6,468**	**12,287**
Approximate percentage of the electorate (registered voters) that did not vote/participate in the election.	**83% did not vote**	**83% did not vote**	**84% did not vote**	**70% did not vote**

A healthy democracy requires the majority of the electorate participating in the elections to ensure there is equitable representation of the whole community it serves. In 2019 approximately 70% (27,212) of registered Rockville voters (39,499) did not participate in the municipal election. Although there was a marked increase in voter turnout from the previous 2015 election that may have been associated with the increased outreach tactics used to promote vote by mail option – the overwhelming majority of the Rockville electorate did not vote. This does not even account for residents that are not registered yet, but are eligible to vote - a segment of the population that requires much greater attention and outreach. Additionally, the number of registered voters decreased overall from the 2015 election to the 2019 election[2].

Lower voter turnout leads to less representative policy making and inequitable resource allocation. Additionally, less representative elections can contribute to disparate outcomes for socially and economically marginalized communities, including unequal prioritization of public spending. The 2020 Commission was additionally charged by the Mayor and Council to consider the "demographics and characteristics of the City." and "Racial and other inequities and social

[1] Rockville Board of Supervisors of Elections November 5, 2019 Election Report https://mdmunicipal.org/DocumentCenter/View/7465/Vote-by-Mail---Rockville-Election-Report?bidId=

[2] Ibid.

justice" in 9-20 Resolution. It is imperative that these research findings also be reviewed through this lens to ensure our City advances equity.

According to the Rockville Board of Elections in their *Rockville Board of Supervisors of Elections November 5, 2019 Election Report*:

> Data from jurisdictions that have moved to a VBM process show that voter turnout increases significantly the first time VBM is offered. Although turnout tends to go down after that, it remains higher than in pre-VBM elections.[3]

Considering there is already existing low voter turnout (approximately 70% did not vote), and projecting that simply maintaining the status quo will further decrease the turnout from 2019, it is important that the Commission focus on broader ways to engage the majority voters.

Moving the timing of the Rockville election to coincide with the Presidential elections or Gubernatorial elections can drastically increase voter turnout because this approach brings the Rockville election to where most Rockville voters are. While off-year elections, as practiced in Rockville, have historically had lower voter turnout. Just in Maryland, Takoma Park, City of Baltimore, the Town of Ocean City, and the City of Cumberland have all changed their election date from off years to coincide with the state and federal elections and have all seen drastic increases in their voting results.

Some thoughts expressed around changing the timing of the election were concerns about removing vote-by mail. Vote-by-mail has become far more accessible and has become more commonly used since 2019 (pre-pandemic) and due to the pandemic has increased in the county and state elections in 2020 and 2022. Vote-by-mail is now essentially a norm, not an innovation. However, this idea that vote-by-mail will go away if we change the timing of the City election is misleading. Rockville has the creative ability to incorporate both methods - like Takoma Park BSE, Baltimore City BSE and Ocean City BSE who all have changed their elections timing to increase voter turnout and offer vote-by-mail.

If the City decides to change the timing, the city may consider keeping municipal elections and county elections separate, which will allow for greater autonomy. For example, the City may opt to implement a two- ballot system, as practiced in many of the jurisdictions that have changed the election timing. This practice maintains the independence of the municipal election, keeps the municipal candidates on its own ballot; and allows for additional provisions like vote by mail and expanding the voter franchise to new communities, while leveraging the motivation and the increased civic engagement from the timing of the national election.

Although these benefits of changing the timing the elections are appealing to increase voter turnout, the Commission recognizes that additional research is needed to ensure feasibility, determine if the election should be integrated with the county's or kept separate, determine if

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[3] Ibid.

the election should be changed to a Presidential or Gubernatorial elections, and more accurately estimate the cost of resources around these decisions. Hence, the majority of the Commission recommends *exploring* changing the timing, instead of implementing.

Pros:

- Based on election results of other Maryland cities and cities across the country, changing the timing will significantly increase voter turnout thus achieving a broader representative democracy.
- Captures Rockville voters that do not vote or are not aware of the municipal elections, but turnout for the Presidential or Gubernatorial elections.
- Aligns with the City's commitment to advance equity and inclusion, as this provision will likely diversify the number of voters since Presidential and Gubernatorial elections have an increased awareness and deeper reach into communities not yet engaged in municipal elections.
- Leverages the electorate's interest in the upcoming national and state elections and increased civic engagement to participate in the local Rockville elections. Voters may also be more open to learning about local issues and Rockville government services that have an impact on the everyday lives of residents, which will further increase civic engagement in the long term.
- Sends a message to voters that Rockville municipal elections are just as important as federal and state elections.

Cons:

- The change to the timing will require changes to the current terms of service to extend to the next Presidential election year.
- The City will need to determine if it will combine the election with the county's or integrate them.

Current Practice

Not explore changing the scheduling of the Rockville City Elections to coincide with the Presidential or State Gubernatorial Elections and continue holding elections during off-years (Status Quo).

Comments

Option 1: (Explore changing the scheduling of the Rockville City Elections to coincide with the Presidential or State Gubernatorial Elections.) Commissioners Valeri, Shaw, Hodges, Becker, Wright, Kelly, and Powell

Option 2: (Status Quo): Commissioners Owen and Kram

Minority Statement

Commissioners Kram and Owen

The City implemented vote by mail for the first time for the 2019 municipal election, expending considerable time and resources for its successful implementation. Moving the municipal

elections to the year of a gubernatorial, federal, presidential election imperils the ability of the City to continue to vote by mail as the State of Maryland has not implemented a state-wide vote by mail option similar to Colorado, Hawaii, Utah, Washington, and Oregon. Although the majority opinion avers the City could still hold vote by mail for municipal elections while voters vote in-person under a two-ballot system, this recommendation doubles the burden of voters to vote in a single election cycle by completing two ballots, one by mail and the other in person. There is no evidence that a two-ballot voting system would increase voter participation and, in fact, such an election system could likely reduce voter turnout.

Additionally, creating a two-ballot system wherein the municipal election were by mail and the state/federal election were in person, may also create confusion among voters who may only vote by one method assuming that they cast a complete ballot for all elections.

O. (Part 2) Provisions that May Increase Voter Turnout

Recommendation

The Commission recommends amending Article III § 1 of the City Charter to define the term "qualified voter" as:

> "Qualified Voter" shall mean any person who has been a resident of the City of Rockville for six (6) months preceding a municipal election, without regard to citizenship, and is at least sixteen (16) years of age.

Issue Summary

Rockville is a diverse city with residents representing many nations around the world[1]. As of the 2020 Decennial Census, Rockville has population of 67,117[2]. It is estimated that 15.8%[3] of Rockville residents are not U.S. citizens and 33.5% of Rockville residents were born outside the United States.[4] These statistics do not take into account individuals such as undocumented residents who are historically undercounted in the Census process. Despite the diversity of Rockville's demographic numbers, it does not translate to equitable electoral power, representation in policymaking, or inclusion in the decision-making process for resource allocation through the budget process.

From the founding of the United States, voting rights were determined not by citizenship but by other criteria such as race, gender, and property ownership. Here in Maryland, citizenship was not a requirement to vote from 1776 until 1851 when rising nativism stoked fears about the new immigrants to the U.S., particularly those of the Catholic faith[5]. However, Maryland's state constitution recognizes the autonomy of local municipalities to craft their own voting eligibility requirements. Because of this, Maryland has the most municipalities granting the right to vote for noncitizens in local elections than any other state in the country — with the majority of them located right here in Montgomery County.

Maintaining the status quo that disenfranchises Rockville residents who are not U.S. citizens will continue to limit the voting power of residents who are the least engaged with the City and have less policy making influence. The status quo endorses the existing discriminatory structure of disenfranchisement and must be changed in order for the City of Rockville to truly reflect diversity, equity and inclusion as outlined in Resolution 10-21[6].

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[1] Rockville Ranks High in Diversity Study, Rockville Reports, February 27, 2019

[2] U.S. Census Quickfacts, Rockville, MD

[3] U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

[4] U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

[5] Democracy for All: Restoring Immigrant Voting Rights in the United States, R. Hayduk

[6] Resolution 10-21, City of Rockville, adopted July 12, 2021

Voting is fundamental to all other rights in the City. Expanding the franchise is the initial action that builds civic engagement and increases voter turnout — the Commission's priorities when addressing this question within the mandate. Enfranchisement recognizes and respects the underlying human need for agency in our day to day lives and the need for empowerment in order to engage the City on government policies and administration. Expanding the right to vote in City elections will help create a more equitable city government and one more likely to listen to previously silent voices within our community.

Pros:

- The U.S. Constitution does not prohibit voting by noncitizens, and both state and federal courts have upheld noncitizen voting. The Supreme Court, for example, affirmed in the 1874 case *Minor v. Happersett* that "citizenship has not in all cases been made a condition precedent to the enjoyment of the right of suffrage."
- Enfranchisement recognizes the significant contribution to the local economy, education system and our society as a whole from Rockville residents that are not U.S. citizens such as paying local taxes (including contributing towards the cost of the Rockville election) and contributing to Rockville's overall revenue.
- It aligns with the City's commitment to advance equity and inclusion, as this voting expansion provision will likely diversify the number of voters and better represent the changing demographics of Rockville residents.
- Continuing to disenfranchise residents who are not US citizens excludes the experiences and needs of a significant portion of Rockville residents and structurally promotes discriminatory public policy and resource allocation.
- There is no evidence that allowing people who are not U.S. citizens to vote discourages them from seeking citizenship. If anything, the existing naturalization system does that on its own.
- The process of becoming a citizen is no longer simple and is fraught with bureaucratic roadblocks, steep application fees, interminable wait times, application backlogs, and a lack of access to the English and civics classes needed to prepare for the naturalization exam. It can take years to become a U.S. citizen and, in the meantime, undocumented immigrants are unable to vote on the issues crucial to their daily lives.
- Elected officials can enact public policy contrary to the needs of residents who are not citizens— in employment, housing, education, health care, welfare, and criminal justice — with the knowledge that non-citizens have no recourse at the polls.

Cons:

- Requires implementing new administrative measures.
- May require creation of a voter roll to capture residents who are not U.S. citizens.

Current Practice

The City of Rockville disenfranchises residents who are not U.S. citizens to vote in municipal elections.

Comments

The following chart was developed to show examples of other municipalities' charter amendments to allow for residents who are not U.S. citizens to vote in municipal elections.

Municipality	Charter and municipal website language allowing noncitizens to vote or not limiting voting to citizen status
Chevy Chase, **Montgomery County**	"'Qualified Voter' shall mean any person who is a resident of Chevy Chase Section 3, without regard to citizenship, and is at least eighteen (18) years of age."
Takoma Park, **Montgomery County**	"City residents who are not citizens of the United States can register to vote in Takoma Park elections by completing the Takoma Park Voter Registration Application." (city website)
Garrett Park, **Montgomery County**	"Qualified persons may register by universal registration with either Montgomery County or the town, or may register only with the town, including residents who are not citizens of the United States, up to and including election day."
Glen Echo, **Montgomery County**	"Any person who is not a United States citizen, and (a) is a resident of the Town of Glen Echo, (b) is a lawful resident of the United States, and (c) except for the United States citizenship requirement, meets the voter qualifications provided in Section 501(a) may register to vote in Town elections."
Barnesville, **Montgomery County**	"Having resided therein for six months previous to any town election and being eighteen years of age."
Somerset, **Montgomery County**	"Every person who (1) is at least eighteen years of age, (2) has resided within the corporate limits of the town for fourteen days next preceding any election, (3) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections."[I]

Martin's Additions, **Montgomery County**	"Qualified Voter' is any person who owns property or any resident of Martin's Additions who is eighteen (18) years of age or over."
Hyattsville, Prince George's County	"Hyattsville residents who are not U.S. citizens, or do not wish to register with the State, may use the Hyattsville City Voter Registration Form." (City website)
Riverdale, Prince George's County	"(a) Every resident of the town who (1) has the Town of Riverdale Park as his or her primary residence, (2) is at least sixteen (16) years of age, (3) has resided within the corporate limits of the town for at least forty-five (45) days immediately preceding any nonrunoff town election, (4) does not claim the right to vote elsewhere in the United States, (5) has not been found by a court to be unable to communicate a desire to vote, and (6) is registered to vote in accordance with the provisions of § 503 of this charter shall be a qualified voter of the Town."
Mount Rainier, Prince George's County	"Regardless of their nationality or immigration status"
Cheverly, Prince George's County	Amended the charter by removing the voting requirement "Shall be a citizen of the United States"

The Commission acknowledges that there will need to be administrative changes in order to implement this enfranchisement. Some of these concerns are noted in the "Cons" section of this recommendation. However, this additional administrative work should not be a deterrent to implementation. The Commission urges the Board of Supervisors of Elections (BSE) and the City to make this reasonable accommodation in order to enfranchise our fellow community members and residents.

Option 1: (Amend Article III § 1 of the City Charter to define the term "'Qualified Voter' shall mean any person who has been a resident of the City of Rockville for six (6) months preceding a municipal election, without regard to citizenship, and is at least sixteen (16) years of age." Commissioners Powell, Valeri, Kelly, Hodges, Shaw, Kram, and Owen.

Option 2: Continue to disenfranchise Rockville residents that are not US Citizens (Status Quo) Commission Wright.

Commissioner Becker abstained.

Minority Statement

Robert Wright

Allowing non-citizens (foreign residents) to vote requires careful thought and ought to have stipulations. The only stipulation proposed is to have lived six months within the municipal boundaries of Rockville. These individuals must voluntarily appear before the City Clerk/Director of Council Operations (CC/DCO) to register with the City. What credentials must they present to prove they meet the criteria? Besides name, birthday, and address is additional information legally required? Must it be reported to another authority? A secure and robust data base must now be kept by the City. Is it a public record? Or not? Who has access? Is it secure? The City once kept a separate municipal voting roster for military personnel living in the City.

Which non-citizens are eligible to register? Temporary tourist visa holders, foreign students, temporary work visa holders, legal permit residents (green card holders), an asylee refugee, or a non-citizen whose deportation is being withheld, a non-citizen paroled into the U.S for at least one-year, non-citizen granted conditional entry, Cuban/Haitian entrant, etc. Apparently, all are eligible if they meet the resident criteria.

The right of non-citizens to vote in the United State has historically been a contentious issue. Since enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, signed into law by President Clinton, federal law has prohibited non-citizens from voting in federal elections. States, including Maryland, that early on allowed non-citizens to vote have repealed those laws so that non-citizens no longer can vote in state elections. Maryland allows municipalities to decide whether non-citizens can vote in municipal elections.

O. (Part 3) Expand the voter franchise by lowering the voting age to 16 years old

Lowering the voting age to 16 will not only help to increase voter turnout in the short term, but will establish new engaged voters that will increase voter turnout for the long term. This provision also has proven to have a multiplying effect, as younger people who vote directly influence voter turnout of their parents/caretakers and older residents within their community.

People who are 16 and 17 years of age are a part of our community, experience and receive Rockville government services, are impacted by policy in which they have no voice, are employed in Rockville and pay taxes, contribute to their households and to our community. The City's youth are frequently in contact with City services, whether it be playgrounds, youth sports, City summer camps, or swim lessons at the City pool. People under 18 will also be disproportionately impacted by several current policy decisions, particularly related to our environment, how we address long-term City debt, affordable housing, policing, decisions impacting our school system and City planning decisions.

Additionally, the preconceived notion that people who are 16 and 17 years of age as new voters will not be informed when selecting candidates for our municipal election is discriminatory. This prejudicial thinking will continue to limit the voting power to the residents least engaged and have less policy making influence – it also directly maintains the structure of their disenfranchisement. More importantly, having knowledge and understanding issues are not requirements in a democracy to have the right to vote. Tactics like tests and questions to voters to support this discriminatory way of thinking have been historically deemed unconstitutional and unfair. Voting is fundamental to all other rights and expanding the franchise is in fact the initial action that builds civic engagement and increases voter turnout – our priorities.

Pros:

- 16 years old is the same age Maryland residents are able to register to vote.
- Expanding the franchise to people 16 and 17 years of age will increase voter turnout and data shows will significantly increase civic engagement in the long term.
- Lowering the voting age has a trickle up effect since younger people can directly influence the voter turnout of community members of all ages.
- Research shows that voting is habitual. A person who votes in the first election they are eligible for is likely to continue voting consistently; voting data from Takoma Park that lowered its voting age, shows that voters under 18 vote at higher rates than older first-time voters who are older than 18.
- People under 18 are an integral part of our community, are employed, support their families, pay Rockville taxes (including paying for the City election), contribute to our economy and community, thus should have the right to vote.

- Lowering the voting age will directly improve the lives of Rockville youth (many of our neighbors). Policy decisions that will have a disproportionate impact on people under 18 are being made without their input, particularly in the areas of environment, how we address long-term City debt, affordable housing, policing, decisions impacting our school system and city planning decisions.
- Aligns with the City's commitment to advance equity and inclusion, as this provision will likely diversify the number of voters and better represent the changing demographics of Rockville residents.
- People 16 and 17 years of age are both neurologically and socially mature enough to vote responsibly.[1]

Cons:
After deliberation, the Commission was unable to identify any specific arguments against implementing this recommendation.

Current Practice
The minimum voting age in municipal elections is 18 years old. (Status Quo).

Recommendation
Expand the voter franchise by lowering the voting age to 16 years old.

Comments
The Commission unanimously voted to recommend the City expand the voter franchise by lowering the voting age to 16 years old.

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, and Owen voted in support of this recommendation.

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[1] Rutgers University, 16- and 17-year-olds are both neurologically and socially mature enough to vote responsibly; https://journals.sagepub.com/doi/abs/10.1177/0002716210382395

Issue P – Provisions in the election code for internal consistency with the Charter and vice-versa.

The Commission was tasked with reviewing key provisions of the City Ordinance, and that of the Rockville City Charter. The goal was to identify any discrepancies between both documents; and if found, recommend ways to resolve them. While the Commission did not discover any discrepancies, we identified areas considered as needed for clarification.

City charters and ordinances form the legal structure of a given city's mission to guarantee open, transparent democracy. Chances are that most people will never read the Rockville code and ordinances on election administration as daily reading. However, leaders such as the Mayor and Council must understand the importance of codifying election rules with clear language, with defined terms to ensure the better transparency of our local system, and educating the public.

The Charter and Ordinance do not appear to be perfectly aligned to cover similar election topics. Whether that was intentional or not was not clear upon our review. Uniformity would improve the City's ability to communicate and administer key electoral functions.

Upon reviewing election codes by topic, the Commission observed key differences between the language used in City Ordinances and the City Charter relative to election administration and other similar topics. Cross-walking key topics such as the process for Recall and Absentee Voting should be implemented.

Considerations

The historical record of voter disenfranchisement in the US is well documented.[1] A combination of poll taxes, secret ballots, literacy/understanding tests, grandfather clauses, and the biased manipulation of registration procedures achieved the goal of disenfranchising the overwhelming number of African Americans and women for decades. The manipulation of literacy and understanding tests represented among the most effective tools used, serving as one of the greatest barriers to universal suffrage.[2]

Congress enacted the language minority provisions because it found that citizens of language minorities have been effectively excluded from participation in the electoral process.[3] *Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and*

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[1] https://www.nps.gov/subjects/tellingallamericansstories/upload/CivilRights_VotingRights.pdf

[2] *Voter Registration in Today's Democracy: Barriers & Opportunities*; Shah, Niyati, et al. https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-rights/-use-it-or-lose-it---the-problem-of-purges-from-the-registration/

[3] https://www.justice.gov/crt/about-language-minority-voting-rights

low voting participation.[4] The Civil Rights Division of the US Justice Department offers guidance to local election officials on how to comply with language minority provisions.

Voter participation is enhanced when the process and administration of voting is more easily understood. Code and ordinance sections related to elections that are consistent; used clearly defined terms; and crosswalk key concepts better inform the public, administrators, and our local democracy.

Option A: Address discrepancies in election policy between the City Ordinances and Charter and incorporate plain language by conducting the following:

- Address differences identified in the Code and Charter by providing cross-walking topics not equally covered.
- Provide an addendum to the City Ordinance and Charter titled "elections glossary" that serves as a guide to election-related terms; and provide currently based examples to put them into current context.
- Periodically update the charter and ordinance with applied examples of how listed knowledge can be used to enhance their ability to vote timely and participate in the Rockville elections.
- Specific change to various Charter sub-sections per Table 1.1 above

Option 2: Leave the code language as is and do not address discrepancies incorporating plain language.

Pro:

- Saves money and time.
- Exclusion of uninitiated, non-English speaking minority

Cons:

- Exclusion of uninitiated, non-English speaking minority
- Perpetuates unclear messaging to voters

Comments

Commissioners Powell, Kram, Hodges, Wright, Becker, Valeri, Shaw, Kelly, and Owen voted in support of this recommendation.

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[4] *Why Should I Go Vote Without Understanding What I Am Going to Vote For?: The Impact of First Generation Voting Barriers on Alaska Natives*; Thomas, James, et al; 2017, https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1074&context=mjrl

Recommendation:

The Commission unanimously recommends Option A, that the Mayor and Council address discrepancies in election policy between the City Ordinances and Charter and incorporate plain language.

PART III
Resolution 9-20
APPENDICES A-H

Resolution No. 9-20

RESOLUTION: To establish the scope of review, topics and subject matter for the Charter Review Commission to review and make recommendations to the Mayor and Council regarding provisions contained in the City of Rockville Charter

WHEREAS, at its meeting of January 13, 2020, the Mayor and Council discussed the establishment of a Charter Review Commission to review and make recommendations to the Mayor and Council for changes to the City of Rockville Charter; and

WHEREAS, on February 24, 2020, the Mayor and Council adopted resolution 1A-20 establishing a Charter Review Commission; and

WHEREAS, Resolution 1A-20 provided that Mayor and Council would adopt a resolution at a later date setting forth the scope of review of the Charter for the Charter Review Commission on which the Commission would make its recommendations to the Mayor and Council; and

WHEREAS, on October 19, 2020, the Mayor and Council appointed 10 members, the Mayor appointed a chair, and the chair of the Board of Supervisors of Elections as an ex-officio non-voting member to the Charter Review Commission; and

WHEREAS, on October 19, 2020, the Mayor and Council discussed the scope of review of the Charter by the Charter Review Commission and determined that the provisions of the charter involving the following topics and subject matter should be the focus of review and recommendation by the Charter Review Commission

WHEREAS, the Mayor and Council desires that the Charter Review Commission solicit citizen input, deliberate with all due care, prepare a report with its recommendations, and deliver that report to the Mayor and Council.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE MARYLAND, as follows:

1. That the following topics and subjects shall comprise the scope of review by the Charter Review Commission for recommendations to the Mayor and Council:
   A. Election related topics:
      a. Expanding the size of the Council.
      b. Term limits of the Mayor and Council.
      c. Staggered terms of councilmembers.
      d. Representative districts and the boundaries for Districts.
      e. The addition of a "resign to run" provision.
      f. The process for filling a vacancy in the office of mayor and vacancy in the office of councilmember.
      g. Alternative voting systems.
      h. Translation of election information in various languages.

i. Alternative methods of advertising the election.
j. Increasing the number of members on the Board of Supervisors of Elections.
k. Lengthening the term for the members of the Board of Supervisors of Elections.
l. The appointment process for the members of the Board of Supervisors of Elections.
m. The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings with the Mayor and Council and timely responding to information requests.
n. Any additional provisions on topics raised during the vote by mail election, for example, ballot harvesting.
o. Provisions that may increase voter turnout.
p. Provisions in the election code for internal consistency with the Charter and vice-versa.

B. Additional topics

a. Review the provisions for which the Mayor and Council have authority to adopt ordinances for updating or additional authority as needed:

Authority to appoint a Board of Health
Authority to establish quarantine regulations

b. Review the provisions regarding urban renewal for updating and/or revisions.
c. Review methods of advertising for public hearings and charter amendments for updating and/or revisions.
d. Consider the addition of language to provide for emergency legislation and/or expedited legislation and the process for such legislation.
e. Review the roles and responsibilities of the three charter appointed officials including any conflict of those provisions with the administrative responsibility of the City Manager.
f. Consider adding provisions regulating firearms.
g. Review provisions for upkeep and maintenance of sidewalks.
h. Review and evaluate any additional provisions of the City Charter and Rockville City Code related to all the topics herein as well as any additional topics that the Commission believes are appropriate.
i. Identify any provisions in the Charter that are more appropriate for inclusion in an ordinance.

2. As part of the process of reviewing and preparing recommendations, the Charter

Review Commission shall include the following considerations:

a. Hold meetings as necessary to accomplish the goals of the Commission.

b. Solicit citizen input regarding these issues by public forums, public hearings or other processes.

c. Solicit input from City staff as to what may be needed or desired revisions to the Charter.

d. The demographics and characteristics of the City including the various neighborhoods, the various types of housing, and the economic and development trends.

e. Racial and other inequities and social justice.

3. The Charter Review Commission shall prepare a final report and deliver it to the Mayor and Council no later than June 30, 2022, setting forth the findings, recommendations, and any proposals for amendments to the Charter, or changes to the Code, of the City of Rockville.

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I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of November 2, 2020.

Sara Taylor-Ferrell, City Clerk
Director of Council Operations

Appendix A

Survey Responses

Updated Questions for Mayor and Council

31	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	I support following the Charter. The clerk is actually who puts the dates into the recommendations.
32	**The appointment process for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	I'm not clear that the statement "buut all ten nominations to fill vacancies during that period, except one in 202, were made by a Councilmember, not by the Mayor" is true. Please provide this supporting documentation. Once again – happy to have this conversation with the committee to gain more understanding.

34	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	Up until a few years ago – the Mayor and Council had a good relationship with the BSE and meetings were cordial and transparent. During the run up to the 2019 election however – the former CA decreed that the BSE did not have to meet with the Mayor and Council and blocked many overtures for dialogue. If not for the previous experience in VBM by CC/DCO Conway and 2 former members of the BSE – and the support of CM Feinberg and Mayor Newton – the City would have only mailed 2 advance notices to each household with the Ballot being the 3rd instead of 3 (and the Ballot being the 4th) which gave far more notice and information that this change was coming. Once again – I am happy to meet with the subcommittee and or full Commission to discuss.

Questions for Human Rights Commission		Response
1.	**Alternative Voting & Franchise Expansion** What are your thoughts on expanding the franchise to residents who are not US citizens?	The HRC believes expanding voter rights to residents who are not US citizens would enhance representation of and create greater civic engagement for Rockville's immigrant communities. Expanding the franchise in this manner would also be consistent with prior City efforts to maintain a welcome atmosphere for immigrants.
2.	**Alternative Voting & Franchise Expansion** What are your thoughts on expanding the franchise by lowering the voting age to 16?	The HRC believes lowering the voting age to 16 will foster civic engagement, involvement, and awareness at a younger age. We hope that allowing Rockville's youth population to exercise their rights will translate to higher voter participation rates in the future among young people generally.
3.	**Alternative Voting & Franchise Expansion** What are your thoughts on changing the timing of the elections to coincide with the Presidential elections, in an effort to reach more communities who have been historically less engaged?	Although there is some reason to believe that holding City elections during presidential election years would draw some voters who would not otherwise participate, the HRC is unclear on how such a change would hinder the City's efforts to provide mail-in ballots to all eligible voters in Rockville's communities and more generally inhibit the City's ability to tailor elections to fulfill its accessibility needs. There should also be a close examination of whether holding City elections during Presidential election years would enhance or stifle awareness of local issues and candidates.

4.	**Alternative Voting & Franchise Expansion** What are your thoughts on removing male and female gender pronouns to be more inclusive of non-binary residents?	The HRC believes think that removing male and female gender pronouns will be more inclusive of non-binary residents while respecting their preferred way of being addressed.
5.	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	The HRC believes that expanding the size of the Council could improve the representation of minority and other demographic communities through an improved ratio of representatives to residents.
6.	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	The HRC believes that much more information is needed before any determination can be made as to whether implementing voting districts would improve or hurt the representation of minority and other demographic communities in Rockville. Any potential advantages to adopting a district approach would need to be weighed against the burden and potential controversy surrounding the drawing and periodic redrawing of district lines. The HRC does not believe it can provide an informed and more specific opinion on this issue without in-depth study, consideration, and analysis of how such a district approach could be implemented.

	City Staff Questions	RESPONSE

	Alternative Voting & Franchise Expansion
	• Are there any administrative issues or costs you foresee with implementing the following alternate voting systems?
	  ○ "None of the above" (NOTA) ballot option
	  ○ Ranked Choice Voting (RCV)
	  ○ If so, what are some solutions or resources that can address these issues?
		Administrative issues there would be none, however if you where to go to Rank Choice Voting this would involve the programing of the voting systems with a cost associated with customizing the data for the voting equipment.

	Alternative Voting & Franchise Expansion • Do you understand how RCV works? If you are not sure, could staff benefit from an RCV tutorial, like the one provided to the CRC in June?	I somewhat understand how RCV works but would still need more information and tutorial on the benefit of RCV.
	Alternative Voting & Franchise Expansion • Are there any administrative issues or costs you foresee with translating election information into the top languages spoken after English in Rockville (Spanish, Chinese (Incl. Mandarin, Cantonese))?	No administrative issues for translating into different languages, it would be a significant cost to the City for translation.

	Alternative Voting & Franchise Expansion • Does the city know who its bi-lingual or multi-lingual employees are?	At one time there was a list of employees who assist with bi-lingual or multi-lingual employees, however now, it's not known who they are or if they are still with the City.
	Alternative Voting & Franchise Expansion • Is city staff open to new external partnerships that can help to facilitate the process to reach communities and groups with election information?	Yes, certainly the City is open to partnership with the communities and groups for outreach.
	Alternative Voting & Franchise Expansion • Does the city have the resources to conduct an analysis to identify the affected communities who may benefit from increased or non-traditional outreach?	The City does not have the resources and would need a consultant to conduct and would require an official request to the Mayor and Council as it would have a cost associated.

	Alternative Voting & Franchise Expansion • What are the racial/ethnic demographics of Rockville staff? ○ Does city staff represent the demographics and diversity of Rockville residents?	I am not sure about how to answer this question as the City has representation of all diversity across the departments.
	Alternative Voting & Franchise Expansion • Does the city currently have the relationships/network it needs to reach out to communities that have not voted and have been less civically engaged in the past?	Yes, the City has relationships with the neighborhood resources and civic associations to network and to engage in all the communities.
	Alternative Voting & Franchise Expansion • How will staff ensure when implementing new advertisement tactics, they are done in an equitable way? ○ *There was special outreach to homeowners and older populations for the 2019 elections ond these efforts may not have been equitably conducted for renters or younger populations.*	The City's Communications Department works closely with the CC/DCO and BSE to educate and inform the communities of resources during the election cycle mailings, Rockville Reports to all residents, website, Nextdoor, all social media, visual aids, banners and electronic displays, businesses, information signage in town center displays, and outreach to all civic associations.

	Alternative Voting & Franchise Expansion • Could you provide facts and explain the 2015 referendum when the historically more engaged portion of the electorate (15%) decided to not schedule the election to coincide with presidential elections? o Considering Rockville elections have low voter turnout to begin with (approximately 15% for the three elections prior to 2015), what broader community input, if any, was included in the decision to hold a referendum to ask the most engaged (15%) to make decisions about voter turnout for the least engaged (85%)?	It was decided by the voters that having a municipal election to coincide with presidential elections, the local election would be lost.
	Alternative Voting & Franchise Expansion • What is the estimated cost of the municipal election and how would the city save money if it was changed to the presidential? *The CRC estimated the city would sove approximately $50,000 in 2010.*	The cost would be significant as it would not be an individual cost to the municipality for the cost of the materials, equipment, locations of the voting centers would be divided among the jurisdiction, county and statewide.
	Alternative Voting & Franchise Expansion • If the CRC recommends removing the US citizen requirement to expand the franchise and reflect the growing demographics of the city, what ways would our administrative process have to change? o What are some solutions or resources that can address any issues with this process?	If this was to be a recommendation, it would have to be approved by the Mayor and Council and code change. The City would be required to establish and maintain their own voter registration database separate from the state data, and this is a requirement by Maryland State law.

	Alternative Voting & Franchise Expansion • If the CRC recommends expanding the franchise to people who are 16 and 17 years old, in what ways would our administrative process have to change? o What are some solutions or resources that can address any issues with this process?	Administrative process would not have that much change on the process, it would require resources from the State to request database of those registered 16 and 17 years older. The only issue with this as the need to educate the 16 and 17 years old, that they would only be eligible to vote in the municipal election no matter what year the election.
	Alternative Voting & Franchise Expansion • If changes need to be made to the City Election Code and Charter, what staff would be responsible for making such changes?	Changes to the Election and Charter would be the responsible staff of the City's legal department.
	Alternative Voting & Franchise Expansion • Do you understand the election provisions within the City Ordinance Code and Charter?	Yes, as the CC/DCO is the staff liaison to the Board of Supervisors of Elections who administers the election process.
	Should the size of the Council be expanded? • What resources would need to be added to increase the size of the City Council (e.g., office space, IT support, etc.).	I would leave this question to the voters, and it would require office space, IT support, staff, and budget cost.

	Should there be staggered terms for Mayor and Council? • Other than the City Manager, the City Attorney, and the City Clerk/Director of Council Operations, what city staff would be affected by the election of five new members of Mayor and Council? Why?	Staggered terms for the Mayor and Council would require there be an election every 2-4 years and would have budget implementations on the City and staff to run an election every 2 and 4 years.
	Should there be staggered terms for Mayor and Council? • What do you feel are potential advantages and disadvantages of implementing staggered terms?	Staggered terms would only benefit that you don't potentially have all new Mayor and Councilmembers appointed at the same time. Disadvantage it would be an election every 2 and 4 years.
	Should a "resign to run" provision be implemented for elected officials in Rockville? • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?	Yes, it's always best practices to have a defined provision in the code.
	What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember? • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?	There should be a recommendation from CRC to define a process in the code that outlines to fill a vacancy in the office of the Mayor and Council.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
2.	**General BSE-Related Questions** How do you judge the performance of the BSE overall? Please explain.	I haven't been following the BSE in a level of detail sufficient to judge its performance so I will not comment.
3.	**General BSE-Related Questions** If you could, what changes would you make in the BSE to improve its performance?	I haven't been following the BSE in a level of detail sufficient to judge its performance so I will not comment.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
4.	**General BSE-Related Questions** Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	I believe that the appointment process provides sufficient insulation from politics because all board members are selected by all members of the council and the board elects its own chair. There's enough checks and balances in the appointment process that prevents anyone on the council from wielding too much power and influence. I suspect the politics may be targeting the operations and termination of board members and would suggest the authority of the mayor in these matters be clarified in the charter.
5.	**General BSE-Related Questions** In what ways could the BSE influence the outcome of an election, if it chose to do so?	Without context, I find this to be a highly unusual question by itself! But presuming no ill intent, I suppose the BSE may be able to influence the outcome of an election by influencing the number of voters by holding elections in Presidential or non-Presidential years. Either cycle would influence the number of voters who turn out for the local election. Other more overt ways to influence the election are probably prohibited by state or federal election laws but I am not an attorney so will forego mentioning those.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
6.	**Increasing the number of members of the Board of Supervisors of Elections** Is the current BSE the proper size for its workload? Please explain.	I haven't been following the BSE in a level of detail sufficient to provide a comment.
7.	**Increasing the number of members of the Board of Supervisors of Elections** Is the current BSE the proper size for its workload? Please explain.	This is a repeat of question #6 above. Same answer still applies.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
8.	**Increasing the number of members of the Board of Supervisors of Elections** Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I would support a system that had one group of five who were 'active' experienced members and a second group of five with no voting power who 'shadowed' the active members. Both groups would serve 5-year terms. 'Shadow members' would be appointed a year before the election to learn the ropes. They would gain voting power when the more experienced group completed their terms one year after the election. Appointing members in a staggered way gives all board members the experience of two elections before they complete their term.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Should the terms of BSE members be lengthened? If so, how long?	Current members serve 4-year terms but since our elections run on 4-year cycles, it seems reasonable to lengthen the term to 5-years. A 5-year term would give board members experience with two election cycles before they completed their term. I believe a term longer than 5-years would be detrimental to recruitment.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes, it is absolutely important that at least one member of the board have prior experience with conducting an election because that experience will help ensure that the board has some minimum level of first-hand knowledge to anticipate problems or find solutions to ensure a smooth election.
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	Having never served on the BSE, I really don't have the background to answer this question properly. I will say that elections are absolutely critical to the functioning of our democracy and the city cannot have inexperienced people running them. We cannot afford to have a debacle in our elections, especially now given the fragile state of our democracy.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
12.	**Lengthening the term for the members of the Board of Supervisors of Elections** • How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? o Or Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Change the Charter to reflect the actual practice of making fixed 5-year appointments that begin and end on the month and day of the appointment.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
13.	**The appointment process for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. o Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies. This way, no one person holds all the power and we can ensure checks and balances by spreading the power of appointments between all members of the council.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
14.	**The appointment process for the members of the Board of Supervisors of Elections** The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	What does 'the same as appointments' mean in this question? It would be helpful to know the areas the author of this question is referring to. In principle, I think reappointments should be considered the same as appointments in terms of time, authority, and expectations. Those who believe differently need to explain the reasons why. And any differences between 'appointed' and 'reappointed' risk power imbalances between the two that I would find a hard time supporting.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications.	I have nothing to add here.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
	Please respond to the following to shed light on this issue. Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	Having never served on the BSE, I have no basis to answer this question.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
17.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Context is everything. While I cannot now imagine why a board would 'ever decline' to meet with the mayor and council, there might be a situation that arises where it might be justified but the word 'ever' really leaves no room for that. Perhaps the charter can define what the protocol would be in this situation. Could the chair decline independently on behalf of the rest of the board or would the board have to vote in majority to decline? What powers would the mayor and council have, if any in this situation?
18.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	Since this is a repeat question, see answer above.

	CRC - Mayor and Council Questions	Assignee	Comments / Outcome
1.	**Should the size of the Council be expanded?** • Would increasing the number of seats on the City Council improve or hinder the operations of the Mayor and Council? Please explain your response.		Yes to expansion; increased opportunities for more residents to be involved with the political process
2.	**Should the size of the Council be expanded?** • If additional seats were added to City Council, how many seats would you recommend adding and why?		I would recommend adding at least two new seats. The City has grown and so should the number of representatives.
3.	**Should the size of the Council be expanded?** • What resources would need to be added to increase the size of the City Council (e.g., office space, IT support, etc.).		The current shared office space may need an extra file cabinet/cubby spaces
4.	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?		There would likely have to be seats held aside in order to ensure that certain underrepresented groups are represented. Though potentially controversial, set asides are implicit in district (as opposed to at-large) elections.
5.	**Should there be term limits for Mayor and Council?** • What do you feel would be the advantages and disadvantages of imposing term limits for the elected offices of Mayor and Councilmember?		Advantages: allows people with new perspectives to serve; potentially eliminates "career politicians" at municipal level Disadvantages: lame duck decision-making; loss of some institutional knowledge
6.	**Should there be term limits for Mayor and Council?** • Are you aware of historical, operational, or other impediments that have prevented the City of Rockville from implementing term limits for elected officials? If so, what are they?		I do not know of any historical, operational or other impediments outside of was outlined in question #5
7.	**Should there be term limits for Mayor and Council?** • Have you been directly affected by term limits in other elected offices in the County? What are the challenges or advantages that		I haven't' experienced any direct effects of term limits. At the

	you see in working with other elected officials who are term limited such as County Council?		county level, the only woman serving is term-limited.
8.	**Should there be staggered terms for Mayor and Council?** • What specific impacts could occur if the entire Mayor and Council is replaced in an election? What policies and/or budget categories depend on the continuity of Mayor and Council members being re-elected?		There is a learning curve for all who serve and if the entire slate were newly elected, they would likely be even more reliant upon City Staff for procedural knowledge.
9.	**Should there be staggered terms for Mayor and Council?** • Other than the City Manager, the City Attorney, and the City Clerk/Director of Council Operations, what city staff would be affected by the election of five new members of Mayor and Council? Why?		Every City Staff person is affected (indirectly/directly) by the Mayor & Council (M&C)—those most effected are likely closer in proximity to the Appointed in the flow-diagram
10.	**Should there be staggered terms for Mayor and Council?** • What do you feel are potential advantages and disadvantages of implementing staggered terms?		Advantages: less of a learning curve for the M&C as a whole Disadvantages: monetary and temporal cost (especially to the Clerk's office)
11.	**Should there be representative districts? What would the boundaries look like?** • If the City creates representative districts for Councilmembers, do you feel this would impact policymaking? Why or why not?		Having guaranteed geographic representation (districts) will improve the likelihood that multiple viewpoints are represented.
12.	**Should there be representative districts? What would the boundaries look like?** • How would you recommend drawing and defining boundary lines for geographic districts within the City?		A Northeast-Lincoln Park/East Rockville (E of 355 & N of 1st/Norbeck) B Southeast-Twinbrook: (S of 1st/Norbeck, E of 355) C Central (S of Gude, E of 270, W of 355, N of Maryland)) D Northwest-Fallsgrove/King Farm (N of Gude + W of 270, N of Darnestown)

			E West (S of Darnestown, W of 270, N of Montrose, W of 355 in the S) everything W of 270 and S of Wootton F South (S of Maryland, E of 270, W of 355)
1	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?		I think there may be SES differences which sometimes track with race and gender but there may not be a statistically significant difference if there are solely geographic districts
2	**Should there be representative districts? What would the boundaries look like?** • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?		Ask for community input either at the beginning and/or after several options are proposed
3	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • Should elected officials resign to run from their position prior to announcing that they are running for a different position? Why or why not?		I think such a provision should be in place if the office for which they are running has an election in the same year of the City's.
4	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?		At the latest, it should take effect once a person files to run in the non-Rockville race in the same year of the City's election.
5	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • What are the advantages and disadvantages of an elected official resigning to run for another elected office?		Advantages: ensures M&C candidates have adequate time to prepare to run Disadvantages: (if the other election is in a different year) punishes a candidate if they seek another office

6	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?		The seat was not filled so there was a failure. It is probably best that the process occurs outside of the M&C. If there are districts, then perhaps members of that district can select their own candidate.
7	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • If you could design and implement the ideal process for filling a vacancy in the office of Mayor or Council, what would that look like? What role would the Rockville community play in filling a vacancy?		See question #6 above for how the community could potentially be involved in making the decision.
8	**Election Process / Franchise Expansion (Alternative Voting Systems (G)** • Do you understand how RCV works? If you are not sure, could staff benefit from a RCV tutorial, like the one provided to the CRC?		What is RCV? If it refers to Ranked-Choice Voting then yes, I am familiar.
9	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?		At the time M&C had two-year terms, the BSE had four year terms in the Charter. Now that M&C have four-year terms, then BSE terms should perhaps be extended.
10	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • How do you judge the performance of the BSE overall? Please explain.		I think they did a great job, particularly so during the 2019 election when vote by mail was first implemented.
11	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • How do you judge the performance of the BSE overall? Please explain.		As above in #10. It appears to be the same question.

12	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • If you could, what changes would you make in the BSE to improve its performance?		Making sure that they have enough time and funding to perform their job optimally. Potentially extending the terms. Ensuring that those appointed have some background or training in running elections.
13	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?		It does help that our elections are non-partisan. Every person has some bias and it is important that one consciously recognizes it and works to ensure it does not influence their decision-making to the extent possible. I had no concerns about partisanship nor bias in running of the 2019 election.
14	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.		I would defer to the BSE to assess their needs to determine if it is right-sized.
15	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.		I think it is important to have diversity (age, ethnic, gender & geographic) on the BSE.

16	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.		I'm unsure. I'd have to get a sense of when an alternate would be activated.
17	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?		I'd recommend staggered terms (as an alternative or in addition to lengthening), if they aren't staggered already.
18	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** •		
19	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** • Which of the following three ways of addressing this situation would you prefer and why? o Improve the discipline over the timing of BSE appointments to maintain compliance with the Charter. o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?		-I don't think that the Mayor should be the only person making nominations -I do think that there should be improved discipline in the filling of BSE vacancies.
20	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Which of the following three ways of addressing this situation would you prefer and why?		Looks to be the same question as #19

	○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.		
21	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.		I think they should be considered similarly to the extent that the requirements should be the same.
22	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.		I do recall one post-2019 election BSE meeting/presentation that outlined what they did and challenges they encountered. As a general rule, I think the BSE should refrain from any other meetings so as to maintain their independence from the body whose election they oversee
23	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council that occur outside of meetings and who usually initiates them.		I am not aware of any communications that occurred between M&C and the BSE outside the meetings and public information settings. This does not mean that they do not occur but I haven't attended any. There should not be any such communications for the reasons outlined in #22.

24	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? Please explain.		Yes, I think that members of the BSE should be empowered to decline any meeting with M&C they feel may compromise the integrity of the BSE or have the appearance of impropriety.
25	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? Please explain.		Yes as above
26	**Election Process / Franchise Expansion** **Mayor and Council: Questions:** • Could you provide facts and explain the 2015 referendum when the historically more engaged portion of the electorate (15%) decided to not schedule the election to coincide with presidential elections? • Considering Rockville elections have low voter turnout to begin with (approximately 15% for the three elections prior to 2015), what broader community input, if any, was included in the decision to hold a referendum to ask the most engaged (15%) to make decisions about voter turnout for the least engaged (85%)?		I was still serving active duty in the Navy and was not in Rockville for that 2015 referendum. I would recommend syncing our elections with (at a minimum) Congressional midterm elections or presidential elections for the reasons outlined in the question.
27	**Election Process / Franchise Expansion** **Provision in the Election Code for Internal Consistency with the Charter and Vice-Versa (P)** **Mayor and Council: Questions:** • Do you fully understand the Rockville Election Code? • Do you consider public education on the City Code and Charter with respect to elections a high priority, if not why?		I have a pretty good understanding of the Code and do consider public education about the Code a high priority from both an informational and civic engagement perspective.
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CRC – Current BSE Questions to Support Issue Analyses		Comments / Outcome
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	The Charter and Code do adequately describe the BSE's role. Section 8-4 of the Code states broadly that the BSE "shall supervise elections" and that the BSE "shall make recommendations to the Mayor and Council." Those sections and others provide the BSE with the authority and flexibility it needs to perform its job.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	The mission of the BSE is "to conduct fair and open elections that are safe and secure, provide access to the election process, protect the integrity of the vote, and maintain a transparent, accurate, and efficient process." The BSE judges its own performance by its success or failure in fulfilling that mission.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	In one important respect, the BSE is unlike other Boards and Commissions. It does more than prepare reports and make recommendations. It oversees an important city function – the conduct of elections. Particularly in election years, the BSE workload is significant. Those members with full-time jobs are frequently required to use their available vacation or unpaid leave to fulfill their obligations to the BSE. Article III, Section 2(a) of the City Charter states that "[t]he compensation of the members of the Board shall be as determined by the Council." That section contemplates compensation for BSE members. The BSE would urge the Mayor and Counsel to exercise the authority granted by that section to provide reasonable compensation to BSE members.
4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	The BSE is satisfied that the BSE and its individual members are sufficiently insulated from City politics.
5.	**Increasing the number of members of the Board of Supervisors of Elections**	The membership of the BSE should be expanded from 5 to 7. Increasing membership to 7 would allow the BSE to have at least 3 members at the vote center and 3 members at the Montgomery

	• Is the current BSE the proper size for its workload? Please explain.	County Board of Elections throughout the day on Election Day, which would be beneficial since there is a substantial amount of work to be done at both locations. Expanding the membership would also allow appointments that would increase diversity among BSE members.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain. •	See response to question no. 5
7.	**Increasing the number of members of the Board of Supervisors of Elections** • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	Members of the BSE are chosen by the Mayor and Counsel. The BSE has no influence or control over its own composition. The BSE expresses no view on whether those that the Mayor and Council have chosen adequately reflect the diversity of the City. We do note that those currently serving on the BSE include members of different ages, races, religions, national origins, and experiences, and those currently residing in different parts of the City of Rockville.
8.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	If the membership of the BSE were expanded to 7, the BSE would not need or benefit from the addition of alternate members.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	Terms of BSE members should continue to be 4 years. But new appointments should not be made, or vacancies filled, during the critical period between May 1 and December 31 of an election year. Adding an inexperienced board member during that critical period would hinder, rather than help the BSE perform its job of conducting and certifying the election and reporting to the Mayor and Counsel on the success or failure of the election process.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections**	Conducting an election requires the BSE to perform numerous tasks and resolve several problems. Without prior experience and the

	• Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	institutional knowledge that comes with that experience, it would be difficult to perform these tasks efficiently. These tasks include, for example, the procedure for transporting voted ballots from the City's vote center to the County's Board of Elections, orienting and swearing in the City's paid canvassers, and duplicating ballots rejected by the County's scanners. If none of the BSE members had prior election experience, these tasks might be performed incorrectly, raising questions about the accuracy and validity of the vote.
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	The BSE and the City of Rockville would be better served if several BSE members – rather than just one – had participated in a complete election cycle.
12.	**Lengthening the term for the members of the Board of Supervisors of Elections** How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	The BSE expresses no opinion on how the Mayor and Council should resolve this issue.
13.	**The appointment process for the members of the Board of Supervisors of Elections** • How would you address the issue? Please explain. o Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.	The BSE expresses no opinion on who should or should not be able to fill vacancies on, or appoint new members to, the BSE. Nevertheless, the BSE believes that the actual practice and language of the Charter should be consistent with each other.

	○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	
14.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	The BSE expresses no opinion on how the Mayor and Council should resolve this issue.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	The BSE and Mayor and Council do not meet, other than at formal Mayor and Council meetings open to the public. No private meetings occur or are requested. The chair of the BSE has on occasion appeared before the Mayor and Council to explain recommended changes to the City Code, answer questions about preparations for the 2019 vote-by-mail election, and report on the success of that election and lessons learned.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	The Mayor and Council and the BSE can communicate with each other by memo or letter. The BSE's 2021 recommended changes to the City Charter and Chapter 8 of the City Code were, for example, communicated by memo. In 2019, a request to appear before the Mayor and Council was communicated by letter. Such communications are rare
17.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests**	It might be appropriate to decline to appear before the Mayor and Council if the request came shortly before the election and those serving on the Council were also candidates for office. Answering questions about election procedures under those circumstances might be deemed unfair to candidates who would be unable to pose questions in the same manner. A better and fairer option would be

	• Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	for a candidate or a candidate's campaign manager to attend a BSE meeting – all of which are open to the public – and pose questions to the BSE at that time.
18.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	The BSE should respond to all reasonable requests from the Mayor and Council, as long as the information provided is also made available to the public, including other candidates for office. Statements made, or information conveyed, in closed session, however, should not be publicly disclosed.
19.	**Election Process / Franchise Expansion** **BSE: Questions** • Considering the city's re-affirmed commitment to racial equity and social justice, how are you accounting for this in the way you are making decisions and collecting demographic data?	The BSE pioneered vote-by-mail for Rockville. Vote-by-mail removed many of the barriers that prevented marginalized groups – including people of color, people of limited economic means, and people with disabilities – from voting. Those who could not vote because they lacked transportation, could not get time off from work, had childcare responsibilities or were sick, elderly, or disabled were able to vote from home. By removing these barriers, the BSE promoted racial equity and social justice. The BSE is also exploring strategies for encouraging under-represented communities to participate in the electoral process. The BSE does not itself collect demographic data. It relies on data provided by the City of Rockville.
20.	**Election Process / Franchise Expansion** **BSE: Questions** • What community input, if any, was included in the ideas to advertise the 2019 election?	Section 8-41(c) of the Rockville City Code required the BSE to provide Rockville residents and voters with 4 mailed notices containing information about the 2019 election. The BSE adopted several other strategies – advertisements on broadcast and social media, text messages, banners, signs, wrapped vans, presentations at community meetings, booths at Rockville events, backpack stuffers for students, displays at the public library, to name just a few – to bring the election to the voters. In formulating those strategies, the BSE studied the strategies used by other jurisdictions that had adopted vote-by-mail and relied on the experience and the expertise of the Rockville Communications Department. Seeking public input on how to advertise something about which the public was not yet aware

		likely would not have been productive and might have significantly delayed efforts to educate the public.
21.	**Election Process / Franchise Expansion** **BSE: Questions** • Which communities in Rockville have lower voter turnout (geographical, race/ethnicity, renters) and have been historically less engaged? ○ How are you gathering demographic data to track disparities in voter turnout among these communities? ○ How have you involved these community members in the development of election outreach tactics? ○ If you have solicited input from communities that have not historically voted in the last two elections, what has your engagement process told you about the burdens or benefits experienced by these community members during the election?	The BSE collects data by voting district. That data showed that participation in each district increased significantly in 2019. The district-by-district information can be accessed here: https://www.rockvillemd.gov/DocumentCenter/View/38416/BSE-Report-wLetter?bidId=. See also the May 21, 2020 power point presentation on the BSE's website. The BSE has formed a joint committee with the Rockville Human Rights Commission and the Rockville Asian Pacific American Task Force to explore ways of encouraging participation by those in Rockville's Asian-American Community. Anecdotal evidence suggests that many in that community do not register or vote because of limited proficiency in English or Spanish.
22.		Although the question has not been asked, the BSE strongly opposes changing the date of Rockville's elections to coincide with federal elections. That change would require Rockville to abandon vote-by-mail and re-establish all the barriers that had previously prevented poor and marginalized groups from voting, thereby disserving the goal of promoting racial equity and social justice. It would contravene the results of the 2015 referendum in which approximately 6,000 voters participated and most voted not to change the election date. Conducting municipal elections during a presidential election campaign would deprive local candidates and local issues of the voters' attention. It would confuse voters by requiring them to cast

		votes on a lengthy ballot that included partisan and non-partisan choices. And it would require Rockville to, in large part, forfeit control of its own election. It would, for example, effectively nullify provisions in Chapter 8 of the City Code on scheduling, tabulating results, election challenges, and conducting recounts.
23.		Although the question has not been asked, the BSE also opposes staggered terms for councilmembers. Staggered terms would require either longer terms or more frequent elections. Conducting an election is an expensive and labor-intensive undertaking. The estimated cost of the 2019 election was $193,540 plus an additional $24,966 in communication costs. The cost of printing, which included the four notices mandated by Rockville law and the ballots themselves, exceeded $100,000. Election preparation requires at least 18 months. So, conducting an election every two years would constitute a significant additional expense and place an additional burden on City staff and the BSE. With perhaps only a short break, the BSE and staff would be constantly preparing for the next election.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	No Opinion.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	No Opinion.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	No Opinion.

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	It used to be. However, recent Mayors and Councils have been complicit in manipulating appointments by stifling public comment. I have no solution for this problem at this time.
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	Any system can be manipulated if unethical people assume control. That is why it is so important for the Chair to attempt to be as fair as possible. Leadership matters.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	The current BSE is the proper size at this time. I have no faith in the current administration regarding adding members to the BSE. The current administration has already demonstrated a tendency to follow FDR's court packing scheme which was eventually rebuffed to maintain some semblance of decency. Hopefully, this precedent will be followed in Rockville.

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	No. It is hard enough to attract legitimate volunteers for these positions now. Lengthening the term would make this an even more difficult task.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	This is important but should not be legislated. Going through the first complete election cycle is difficult. Having at least one experienced Board member to serve as a guide through this process is very helpful.

10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	I am concerned that, if all BSE members had no prior election experience, they would be at the mercy of the dictates of the administration in power, even if it is via pressure on City employees staffing the Board.
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** • How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Make this easy – do NOT lengthen the terms.

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
		Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Regardless of how it is done, reappointments should be considered the same as appointments. This includes giving stronger consideration to folks with experience, regardless of whether it is an appointment or a reappointment.

14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	In the past, meetings between the BSE and the Mayor & Council were more often (although not solely) requested by the BSE when major elections issues arose, regardless of the timing of the next, or prior election. Regularly scheduled meetings/updates were seen as a waste of time for both parties. Yet, clearly, informal communication was constant either face-to-face or, more often, via City staff assigned to assist the BSE.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	See answer to #14 above.

16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Historically in Rockville, Mayors and Councils have treated staff poorly but maintained a certain level of civility with citizen volunteers serving unpaid on boards and commissions. Past treatment of volunteers encouraged as much communication with the Mayor & Council as possible. This was changed radically by the last few administrations and apparently has continued. The Mayor & Council seemed to forget that board & commission members are unpaid volunteers. When the Mayor & Council starting treating citizen volunteers as poorly as they treated staff, the stage was set to limit communication as much as possible.

Questions for Other Members of the Community

	Should the size of the Council be expanded? • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	Yes, the size of the Rockville City Council should be expanded to seven (Mayor and 6 councilmembers). A greater number of council seats would allow more and hopefully different members of Rockville's diverse cultural and gendered communities to run for office.
	Should there be representative districts? What would the boundaries look like? • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	If there are representative districts, I believe that an even larger body would be required. A mayor and council consisting of nine would allow for both district and at-large council seats. The creation of district seats would increase the likelihood of racial, gender and gender expression, immigration status, economic status, sexuality, and disability representation on the Council, due to the differing demographics and socio-economic circumstances in each district.
	Should there be representative districts? What would the boundaries look like? • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	That's a good question. Should districts be broken down within the "Standard Rockville Model?" e.i. Twinbrook, East Rockville, Lincoln Park, West End, etc. Would it be better to use other geographic boundaries or a "grid map" to allocate district boundries, thus breaking up the above "standard model," making districts more diverse in their makeup? Otherwise, one may see tribalism in the creation of "standard model" districts, which could reinforce divisions within Rockville.

	BSE General Questions • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	ABSOLUTELY NOT. The Charter and Code need massive revisions, when it comes to the Rockville Board of Supervisors of Elections. There are many aspects of the BSE and voting in Rockville, which are not adequately described with Chapter 8 and elsewhere.

	BSE General Questions • How do you judge the performance of the BSE overall? Please explain.	For the 2019 election, better in some areas, not good in several others. GOOD: Greater voter turnout BAD: Improperly certified candidates, with little oversight Cost of election was extreme (prior elections les than $75K, the 2019 election as much as $500k) Low transparency regarding issuance of BSE meeting minutes and too many closed sessions

	BSE General Questions • If you could, what changes would you make in the BSE to improve its performance?	Many changes have already been made to improve performance and transparency. In addition to meeting minutes, post videos of each BSE meeting.

	BSE General Questions • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	No. Not sure how to improve on this other than greater transparency.
	Increasing the number of members of the Board of Supervisors of Elections • Is the current BSE the proper size for its workload? Please explain.	Not really. The sheer amount of work requires more members.

	Increasing the number of members of the Board of Supervisors of Elections • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	A seven or nine member Rockville City Council with some district seats may help ameliorate this issue.

	Increasing the number of members of the Board of Supervisors of Elections • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	Yes, at least three (3) alternates. This may help when BSE members retire unexpectantly from the BSE.
	Lengthening the term for the members of the Board of Supervisors of Elections • Should the terms of BSE members be lengthened? If so, how long?	The current term is adequate. Lengthening of terms may be needed as it is difficult to recruit new BSE members. A five year term would bridge the time btween our new four year election cycle.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	No, recruiting to the BSE is hard enough. How and/or who would determine the what constitutes experience? BSE members can come up to speed on Rockville election matters within their first year of service.
	Lengthening the term for the members of the Board of Supervisors of Elections • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	No prior experience could be a problem. It is important to stagger terms as much as possible, so that BSE members with prior experience are always on the BSE.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment.
	The appointment process for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. o Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. o Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.

	The appointment process for the members of the Board of Supervisors of Elections • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	No, this aspect of the process seems to be working.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	Unfortunately, there is just so much the City can ask of its volunteer "workforce." How many hours per week can the City expect of its volunteers? The number of BSE/M&C meeting is currently adequate.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	I don't know much about this other than to say that ALL communications need to be transparent to the public, with all meeting minutes (or videos) posted to Rockville's website as soon as possible.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Possibly, if the nature of the issue concerned a councilmember or group of councilmembers that are running for office in an upcoming election.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	Same reason as in the previous response... Possibly, if the nature of the issue concerned a councilmember or group of councilmembers that are running for office in an upcoming election.

Questions for Other Members of the Community

	Should the size of the Council be expanded? • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	I do believe that the city council should expand by a minimum of two persons. This does not have any correlation to diversity and/or equity in the ranks of the elected, but is a reflection of the growing population and size of our city. There are two ways to encourage an increase in representation: 1. Increase stipend amount/pay for elected officials 2. Limit / restrict the correlation between election campaign finances and elections wins. Consider public financing of elections or other economically equitable means to ensure that all have access to leadership.
	Should there be representative districts? What would the boundaries look like? • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	These are two very different questions. Repeating my statement above, I believe that economic equity is the key to encouraging and fostering greater representation within the groups you cite. I believe that representative districts are worth exploring, but do not think they alone will significantly impact overall representation.
	Should there be representative districts? What would the boundaries look like? • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	An important consideration for representative districts is whether they would further enhance or distill the influence and advocacy of existing civic associations and homeowners associations. Would a representative district that included the whole of the West End or East Rockville be anything more than an extension of WECA or ERCA, further entrenching existing influence?

		What would the ramifications be if traditional neighborhood boundaries were bisected by representative districts to include different areas in one representative district? (For example, Lincoln Park + Town Center + east West End) Perhaps we think beyond the traditional dividing lines of our city (railroad tracks, I270) to create districts that have greater social economic and ethnic diversity.
	BSE General Questions • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	I am not well versed enough in this topic to provide a meaningful response.

	BSE General Questions • How do you judge the performance of the BSE overall? Please explain.	I am not well versed enough in this topic to provide a menacing ful response.

	BSE General Questions • If you could, what changes would you make in the BSE to improve its performance?	I firmly believe that diversity in economic status, demographics, gender, and ability makes for stronger and more effective effort.

	BSE General Questions • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	I am not well versed enough on this topic to provide a meaningful response.
	Increasing the number of members of the Board of Supervisors of Elections • Is the current BSE the proper size for its workload? Please explain.	I do not know.

	Increasing the number of members of the Board of Supervisors of Elections • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	I do not know.

	Increasing the number of members of the Board of Supervisors of Elections • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I do not know.
	Lengthening the term for the members of the Board of Supervisors of Elections • Should the terms of BSE members be lengthened? If so, how long?	I am not aware of the current terms, but feel they should last at least four years and one day (one election cycle), but not more than two election cycles and that no individual can serve on BSE for three consecutive election cycles.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes. See above.
	Lengthening the term for the members of the Board of Supervisors of Elections • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	There is value in institutional knowledge., and there is danger in homogeneous and monotony..balance is key.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	1
	The appointment process for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. o Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. o Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	2

	The appointment process for the members of the Board of Supervisors of Elections • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Yes. Reappointments are not automatic.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	I am not well versed in this topic to provide a meaningful response.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	I am not well versed in this topic to provide a meaningful response.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	If invited to a M&C meeting, then no, BSE should attend.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	No, so long as those information requests and the responses were transparent and made public.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Yes. I do not recommend excessive detail or definition. Since election processes and procedures change, the description should be fluid and flexible, such the BSE administers, oversees, supervises; the staff conducts, interacts with agencies/departments, provides outreach, safeguards safety.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	Overall, the performance rating for the BSE is excellent. Regular meetings, agendas, minutes, reference materials/videos, and speakers kept the BSE focused on identified items of business for discussion. Guests attended the open meetings and bought issues and opinions to the attention of the entire BSE. All BSE members brought topics for consideration and operated impartially. Final BSE positions and decisions occurred only after thorough discussion and vote by the entire body. As a performance outcome, most recently the BSE oversaw the first VBM election and an increase in voter turnout (from 16% to 32%).

3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	Qualifications should vet potential appointees for their election experience and knowledge of election terminology, procedures, and practices. During the appointment process, applicants should commit to devoting the required time necessary to address the serious work of the BSE for their entire term not just the election year.
4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	No, they are not sufficiently insulated from politics. The BSE must operate independently and impartially in accordance with established standards. If elected officials have input for BSE deliberations it should be considered at BSE meetings by the entire body.
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	They cannot. There are numerous checks and balances throughout the entire system designed to prevent any interference. The election is not contaminated when the procedures and laws are followed. The BSE must maintain election integrity and function to maintain the trust of the public in elections and democracy.

6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	Yes, the current BSE is the proper size for its workload. The work is distributed to each member of the BSE to take the lead on topics determined by the entire BSE. The BSE places the timeline for topic presentation and discussion on the meeting agenda. The meeting agenda is placed on the city website to allow the public to remain informed.
7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No. Upon application, review, and appointment, applicants should accept that they will fulfill their obligations of participation, involvement, and commitment to serve on a team that has a specialized knowledge base and function. The team develops continuity and cohesiveness to develop, complete, and implement a workplan. Temporary members disrupt team cohesiveness and workplan completion.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	No – knowledgeable, effective, impartial board members should be reappointed at the end of their existing term. Every effort should be made to retain their service for another term.

9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes, it is critical that more than one member of the BSE have election experience preferably beyond one election cycle. Experience at a complete election cycle may not be sufficient. Board members should know the components of an election, policies, and procedures. Election integrity is essential. They must know how to oversee a fair, transparent, ethical, safe, and secure election.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	This is dangerous and irresponsible for the city. The risk of overseeing a questionable election is enormous and should be avoided, especially in the current national election environment. There are a huge number of moving parts to an election such as communication, timing, coordination, schedules, equipment, training, safety, and personnel. If none of the BSE members and staff knew anything about elections, how could they know what to do? How would they explain what went right or wrong? The risk of problems is huge. How can unprepared and uninformed people be held accountable? How can your voters have any faith and trust in the election if the overseers know nothing about elections they are to oversee? Why would the city consider such an alternative? The question is disturbing.

11.	**Lengthening the term for the members of the Board of Supervisors of Elections** • How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Second choice
12.	**The appointment process for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. o Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. o Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Second choice. It is confusing why elected councilmembers would be prevented from nominating and filling vacancies, giving them no voice to participate in the very government in which they were elected to serve.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Yes, reappointments should be considered the same as appointments unless there is some unique reason for exceptions. Having said that, since the reappointed person is already known and has the experience and knowledge of the BSE, an abbreviated application would suffice.
14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	The BSE typically presents at the Mayor and Council meetings on the results of the most recent election and then any follow up requested by the Mayor and Council. The Mayor and Council offer any suggestions and concerns that are then discussed by the BSE. Responses go to the Mayor and Council either by report or presentation at another Mayor and Council meeting. These meetings occur as needed. When they occur is up to the date of certification of candidates for the election. The topics discussed are related to the election data such as number of mailed ballots, number of returned ballots, date of return of the ballots, budget, number of voters, etc. Specific data is requested by Mayor and Council during the reporting period.

15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	There is limited communication between the BSE and Mayor and Council outside of officially noticed meetings. The BSE rarely initiates communication with elected officials. Since the BSE conducts open meetings, the Mayor and Council members, any candidate or potential candidate, and guests can attend/observe at BSE meeting. All election candidates are privy to the same information. The board expects that the intensity of an election year brings increased scrutiny for the board and the staff. The board and staff strive to be fair, promote integrity and remain impartial.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes, if it is during the months between certification of candidates and the certification of the election to avoid any appearance of conflicts of interest between election supervisors and elected officials who are candidates in the upcoming election. All candidates are privy to the same information. There is every attempt to maintain election integrity, impartiality, and fairness.
17.	Comment	This response is based on election literature reviews, research, and practice predicated on the belief that the City of Rockville wants to conduct fair, safe, and just elections with an active, knowledgeable, impartial, committed election board of Rockville residents and staff of Rockville employees to enable voters to vote. Above all, the goal is always trust, which is generated by enhancing the principles of integrity and making ethical decisions. This is essential lest voters become disillusioned not only with elections but democracy itself.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	The City Charter and Code should more clearly describe the role of the BSE. It is important to have a city attorney work closely with the BSE. The Chair should be responsible for setting the agenda with the agreement of the BSE members and the city representative to make sure legal election laws are followed. If there is a conflict the city attorney needs to provide advice.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	Having served on the BSE, I felt that it was run very well by the Chair. The Board members respected her leadership. Getting a response in a timely manner from the BSE is a way to judge the performance. In most cases, requests were answered in a timely manner. Obviously, complicated matters take more research time.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	To improve performance, have a long-range goal on what is expected of the BSE. For example, list what Election Codes need to be updated by year. Propose a timeline to the Rockville Mayor and Council so they can schedule public hearings for any necessary changes. Major changes should not be made during an election year.

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	Most people don't know what happens behind closed-door conversations. This is unacceptable. Because of how the BSE appointment process has worked, I believe there has been a perception that there were conflicts with the City Council on how they handled appointments. It was obvious there were disagreements and some decisions lingered without a consensus. The City Attorney needs to make sure that there is no politics and personal preferences, but a consensus.
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	If the BSE allowed the incumbent Mayor and Council to influence their agenda during an election year, it could give the Council an advantage. Decisions and information are power to the incumbents
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	I have worked with a board of 5 or 7 and it worked well if they are conscientious and experienced members. I find 7 to be a more acceptable size especially since these are volunteer positions and members are not always able to attend. There is plenty of evidence of times when a quorum was not possible because members were absent.

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I support increasing the members to 7 with an alternative member. This person is expected to attend meetings periodically when a member is absent. My experience is that volunteers are usually appointed who have full-time jobs and conflicts arise. Rescheduling meeting makes it more difficult for city staff to accommodate meeting rooms.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	A four-year term is sufficient. Appointments should be staggered so there are always experienced members on the Board.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes, it is important to have one experienced BSE member. Board members should have some election qualifications. The member doesn't need to know everything, but it would help if the Board member worked as an election judge, was a candidate, or ran a campaign. Let the new members get more experience while other more experienced member serves on the Board.

10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	The Board could make poor decisions and possibly create noncompliance issues. The burden is with the City Attorney to make sure that all election laws are followed. Additional staff can be temporarily be hired during an election year.
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** • How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	It should be clear how Board members are appointed and when their term begins and ends. Reappointments need to be discussed with the entire Mayor and Council. Yes, have the Charter reflect the actual 4-year appointment with beginning and ending term dates.
12.	**The appointment process for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. o Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. o Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Make sure the Charter is clear that any Council members may nominate to fill a vacancy and the entire City Council votes on the nominee. Maybe this would work better if we had 7 City Council Members. It has been an embarrassment how appointments have been so contentious.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Yes, the Charter should clarify that reappointments should be handled the same way as original appointments. There should be no confusion. The last BSE Chair appointment I observed was disappointing and embarrassing. It appeared that certain Council Members had a personal opinion on who was to be appointed. Why have appointments for the Planning Commission been such a disaster by that same Mayor and Council? I believe it is because of politics.
14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	There should be no set rule on when the BSE meets with the Mayor and Council. Meetings should occur when necessary. It is advisable to have the BSE and Mayor and Council meet once a year to review to see if the 4-year plan needs revisions or if Codes need to be updated.

15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	The frequency of communications between the BSE and Mayor and Council during the months between certification of candidates and the certification of the election should be limited and monitored carefully to avoid any conflicts of interest. Incumbents should not receive information that other candidates don't receive. This is most important in creating election integrity, impartiality, and fairness.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	The BSE and Mayor and Council should not meet if there is a conflict of interest. The City Attorney should monitor any inappropriateness of the BSE and Mayor and Council meeting. There could be legal reasons for not meeting. Meetings are not as important as is direction through email communication from the Mayor and Council
17.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	Yes, if the subject is not appropriate, the meeting can take place to discuss why not. During Election Year, the city attorney should review the appropriateness of the decline.

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
2.	**General BSE-Related Questions** How do you judge the performance of the BSE overall? Please explain.	Candidates should not be asked this question. The BSE must be an independent body and should not be taking direction from candidates.
3.	**General BSE-Related Questions** If you could, what changes would you make in the BSE to improve its performance?	Again, why is this question being asked? Why is this the subject of this survey?

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
4.	**General BSE-Related Questions** Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	It is not. Bridget Newton and her political allies on the City Council gutted the leadership and experience of the BSE after the election. This was completely unacceptable and they should not have been able to remove the two experienced BSE Commissioners. This must be investigated and prevented in the future.
5.	**General BSE-Related Questions** In what ways could the BSE influence the outcome of an election, if it chose to do so?	If the BSE is filled with appointees dedicated to certain Mayoral and Councilmember candidates, they could make the BSE adopt election rules and procedures that provide more accessibility to the voters supporting those candidates. The BSE must not be beholden to the Mayor, Counciilmembers, or any other candidate. The BSE must be as independent and beholden to the people as possible.

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
6.	**Increasing the number of members of the Board of Supervisors of Elections** Is the current BSE the proper size for its workload? Please explain.	The BSE and City Staff working on elections would be best suited to respond to this question if you need the answer.
7.	**Increasing the number of members of the Board of Supervisors of Elections** Is the current BSE the proper size for its workload? Please explain.	question is repeated

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
8.	**Increasing the number of members of the Board of Supervisors of Elections** Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	Again, the BSE and City Staff working on elections would be best suited to answer these types of questions.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Should the terms of BSE members be lengthened? If so, how long?	

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	As many experienced people as possible should be on the BSE to use their expertise in running the elections. Competent, experienced people should not be removed. It is not okay that competent and respected BSE commissioners were removed even if one experienced person remained.
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	Experience is key and must be maintained across elections. This is simply common sense.

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
12.	**Lengthening the term for the members of the Board of Supervisors of Elections** • How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? o Or Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	
13.	**The appointment process for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.	The Mayor and Councilmembers should be able to nominate. No mayor should have complete control of the BSE.

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
	• How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	
14.	**The appointment process for the members of the Board of Supervisors of Elections** The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	The Mayor and Council should not be influencing the election by making the BSE abide by their influence for at least a year before an election.

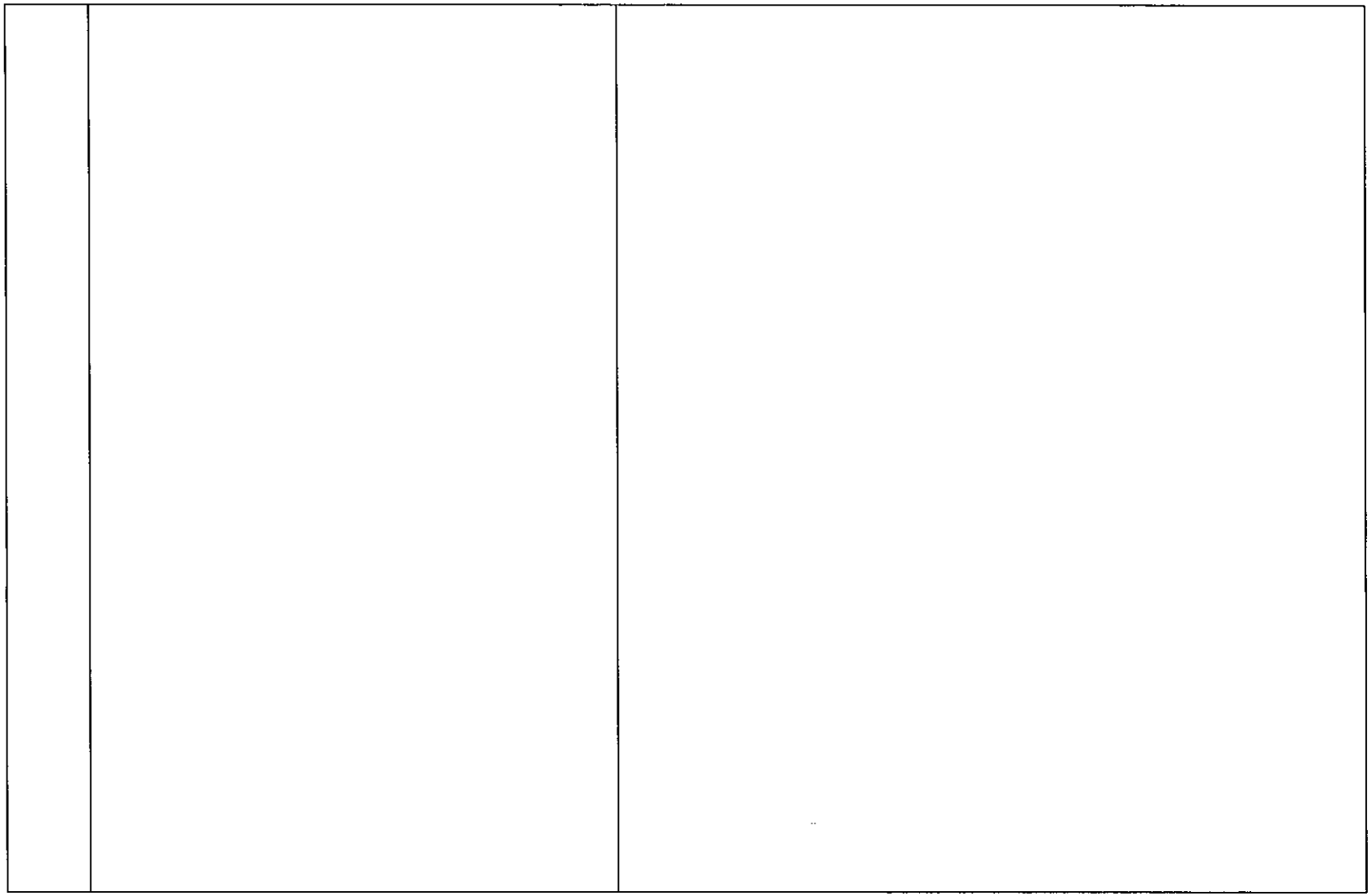
Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	The Mayor and Council should not be influencing the election by making the BSE abide by their influence for at least a year before an election. One could not help but notice that the candidates, Bridget Newton and Beryl Feinberg wanted to have the BSE report to them and have influence on the election. I will not support any Mayor or Councilmember influencing an election or having the BSE report to them. Undue influence must not be permitted. More than an arms length should be implemented with policy.
17.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	I will not support any Mayor or Councilmember influencing an election or having the BSE report to them. Undue influence must not be permitted. More than an arms length should be implemented. The BSE can report to the residents of Rockville. The BSE works for us, the people, not the Mayor and Council, who should not be permitted to give feedback on the election process.

Questions for Mayoral and Council Candidates

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
18.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	This is a repeated question.

	Questions for Former Rockville Elected Officials and Candidates for Mayor/Council	Response From Sima Osdoby 301-279-9306 Thank you for the opportunity to respond.
1	**Should the size of the Council be expanded?** • Would increasing the number of seats on the City Council improve or hinder the operations of the Mayor and Council? Please explain your response.	Yes, the Council should be expanded. The City has grown significantly.



2	• **Should the size of the Council be expanded, If additional seats were added to City Council, how many seats would you recommend adding and why?**	Add a minimum of 2 more seats would be a good start. That should increase the probability of improved workloads, opportunity for more diversity, attention to varying community needs (and success). Overall the size of the Council should not be more than 9 at this point.
3	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	See response above. Opening more seats on the Council coupled with thoughtful and relevant outreach should open up these possibilities. Rockville for some time now has been rated as among the most diverse municipalities in the US.

4	**Should there be term limits for Mayor and Council?** • Are you aware of historical, operational, or other impediments that have prevented the City of Rockville from implementing term limits for elected officials? If so, what are they?	For the most part, Rockville has been blessed with dedicated, informed and hardworking elected officials at all levels. It takes a long time and an investment to be up and running. It is a shame to lose that talent. While I realize it is difficult to defeat an incumbent, I don't think term limits in general is the most useful approach for change.
5	**Should there be term limits for Mayor and Council?** • Have you been directly affected by term limits in other elected offices in the County? What are the challenges or advantages that you see in working with other elected officials who are term limited such as County Council?	The implementation of the County Council term limits resulted in many talented and dedicated elected officials deciding not to run or losing at the ballot box. Whether the elected official is term limited or not they are expected to be working on behalf of their constituents. In my experience officials did their job, providing information and actions as needed. .

6	**Should there be staggered terms for Mayor and Council?** • What specific impacts could occur if the entire Mayor and Council is replaced in an election? What policies and/or budget categories depend on the continuity of Mayor and Council members being re-elected?	Yes. Better to staggered terms and have a higher chance for continuity (or a needed fresh start
7	**Should there be representative districts? What would the boundaries look like?** • If the City creates representative districts for Councilmembers, do you feel this would impact policymaking? Why or why not?	How would the districts be drawn? Who gets what? Of course, it would affect policy making.

8	**Should there be representative districts? What would the boundaries look like?** • How would you recommend drawing and defining boundary lines for geographic districts within the City?	I would strongly prefer implementing Ranked Choice voting for a City of this size and complexity as a first choice.
9	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	It depends on how the districts are drawn. One way or another it will effectively divide the city rather than building more unity. The selection is likely to at least appear to favor some.

	Should there be representative districts? What would the boundaries look like? • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	People need to understand what in fact is the work of the City of Rockville and why they need to participate.
1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • Should elected officials resign to run from their position prior to announcing that they are running for a different position? Why or why not?	As long as the person has broken no laws, has no conflict of interest and work is not impeded why lose the talent

1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?	
1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • What are the advantages and disadvantages of an elected official resigning to run for another elected office?	In some cases, it could avoid a conflict of interest.

1	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?	It seemed to be a pretty fair process.
1	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • If you could design and implement the ideal process for filling a vacancy in the office of Mayor or Council, what would that look like? What role would the Rockville community play in filling a vacancy?	If an election is not required because of the time frame, then a list of candidates should be made public. The public should have an opportunity to comment, and the Mayor and Council should decide In a timely manner and should conform to relevant laws. Done properly it is a good opportunity to engage the public – and perhaps increase voter turnout if the importance of local government is understood.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Basically, yes. The Charter charges the BSE to ensure elections are fair and open and to maximize/encourage voter participation. Those charges are, on the one hand, specific enough to limit the scope of the BSE and, on the other hand, broad enough to give the BSE sufficient latitude to respond to new challenges and changes to the environment and take advantage of, for example, new technologies. More subtle, but extremely significant, is structure of the Charter. First, as is to be expected, the Charter establishes and defines Rockville. Second, the Charter creates a Mayor & Council form of government. The, rather than addressing important issues such as finance, land use, or public health and safety, the Charter establishes the BSE and addresses elections. Such prominent placement in the Charter speaks to the importance of the BSE and elections. (If I remember correctly, the BSE is the only board established in the Charter, again speaking to its importance.) The Code, however, is another matter. Elements of the Code addressing elections and the Board's role are poorly organized, imprecisely worded, and sometimes contradictory. Section 8 needs a complete rewrite and a very good edit.

2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	The performance of the BSE since 2013 has been exceptional. It ran three successful elections (2013, 2015, and 2019). The only major issue I remember, the presentation of candidate names on the touchscreen voting machines in 2015, was something the BSE had no control over. In 2019 election, at the suggestion of the BSE and with the necessary legislative action of the M&C, the election was a Vote by Mail process that significantly increased voter turn-out (one of the responsibilities given to the BSE by the Charter). The BSE also automated reporting of campaign finances, which made it much easier for candidates to file accurate campaign finance reports and for the BSE to review them.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	Members of the BSE are appointed by the M&C so, there is no way to completely insulate the BSE from politics. However, on its face, this is a strange question. Rockville boasts that its elections are "non-partisan" at least to the extent that no candidates are identified by party affiliation. But, given today's reality . . . The Charter insulates the BSE from political pressure by establishing it as an entity that does not exist at the pleasure of the M&C. As long as the BSE remembers this, the BSE will be fine. The BSE must also be perceived to be non-partisan and unbiased. To that end, the BSE operates in the open. All meetings are open to the public. Observers are allowed in all polling places. Canvassing and counting of the votes are open to the public. Further, the BSE follows best practices of boards that oversee partisan elections. For example, any activity involving handling or processing of ballots is conducted by at least two people (either BSE members or a BSE member and member of the City Clerk's office). Finally, to the best of my knowledge, no member of the BSE has ever endorsed (directly or indirectly) a candidate. Members who decide to run for office resign from the Board before doing so.

5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	Maybe I am not imaginative enough, but there really isn't a way the BSE could influence the outcome of an election. There are only two processes that the BSE is involved in that could potentially do so: certification of signatures on forms potential candidates submit and making decisions on whether to accept or reject questioned ballots. For a variety of reasons, the BSE could not use any of these procedures to influence the outcome of an election. Remember, running an election (designing, printing, and mailing ballots, determining the location of polling places and/or drop boxes, hiring election judges) is the purview of the City Clerk, not the BSE.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	No. Unless all BSE members are retirees who don't like to travel, there is too much work to do, especially in an election year. (And having only retirees on the BSE is a bad idea). Even in off-years, there is a lot to do.

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No. Either you are on the BSE or you are not. I would support adding at least one or two more members. If only one is added, perhaps the Chair could only vote in case of a tie. Note, however, that even now, the meeting room is crowded. The table usually has 5 BSE members, the Clerk, usually the Election Specialist in the Clerk's office, and an attorney. In addition, accommodation must be made for any members of the public who wish to attend. So, if the size of the Board is increased, you'll need to find a bigger meeting room.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	I suggest a 4-year term.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Even assuming an experienced City Clerk (which the City is lucky to have) there are too many things that can wrong, too many moving parts. Besides, running and election is more than following a schedule. So at least on member of the BSE must have experience. But what happens if that person resigns, gets sick, or is otherwise unavailable. So, it is important for more than one member of the BSE to have gone through at least one election cycle. Also note that it was an experienced BSE member—not the Clerk's office—that suggested Vote by

		Mail. Board members look at elections from a difference perspective.
10.	**Lengthening the term for the members of** the **Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	At the very least, too much responsibility would be placed on the Clerk's office. If the primary role of the BSE is to oversee the election (and it is), how will inexperienced members know what they are looking for. How will an inexperienced BSE member know whether all procedures are being properly followed at a polling site if the member has no idea of what those procedures are and what is supposed to be going on at the site?
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** • How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Change the charter. Assume the January after an election is Year 0. Stagger appointments so that one member is appointed in April of Year 0. (I choose April because the report on the previous year's election should be pretty much done by then. To be safe, make the appointment in July rather than April). Appoint another BSE member 3 months later. Continue to appoint BSE members at 3-month intervals until the Board is full. Even if the BSE expands to 7 members, all will have served at least 2.5 years before the next election. Not quite the same thing as having election experience, but even if only two members are reappointed in each 4-year cycle, there will always be at

		least two experienced people on the BSE in all subsequent elections. Obviously, some current BSE members will need to have their terms lengthened or shortened to ensure the BSE is at full strength until the first batch of members is appointed under the new scheme.
12.	**The appointment process for the members of** the Board **of Supervisors of Elections** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. o Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. o Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Change the Charter to allow Councilmembers, not just the Mayor, nominate people to fill vacancies.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Am I correct in assuming an appointment is not the same as a nomination? In that case, a reappointment should be treated just like a new nomination. That is, the Mayor (or, if the Charter is changed, a Councilmember) may renominate a BSE member whose term is ending or nominate someone else to fill that seat. Or both. That is, a BSE member may be renominated and one (or more) others may be nominated. A vote by the M&C would determine which nominee (if there is more than one) is appointed.
14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	As I've noted, the BSE is an independent entity, established by the Charter. To that extent, unless I've missed something, the BSE is not obligated to report to the M&C. However, the BSE should make recommendations, in writing to the M&C regarding the conduct of elections and propose changes to the Code it deems appropriate. The BSE should meet with the M&C in person to support any such requests and to respond to queries from the M&C. The BSE should report to the M&C after each election on that election paying particular attention to lessons learned. Frequently this report has included a to-do list, things the BSE thinks it needs to do (or would like to do) before the next election. If the BSE has provided a to-do list to the M&C, the BSE should submit an annual status report, in writing, and meet with the M&C, if requested to answer questions concerning that report.

		Finally, the BSE must always be aware that one or more members of the M&C may be candidates at the next election or, if it is in an election year, may actually be candidates. Therefore, it may be inappropriate to respond to every request for information from the M&C. To the best of my knowledge, such responses are not statutorily required. If nothing else, I suggest the BSE ask the attorney assigned to them for guidance (which the BSE, of course, is not obligated to follow).
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	

16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes. As noted above, because members of the M&C are, at the very least, potential candidates, any meeting that would give the M&C an advantaged a potential—or even a perceived—advantage would be inappropriate. For example, if a member of the M&C requested a written report on voter registration or participation by district during an active election—a report that might not be made public for some days or weeks after it is submitted—that might be perceived as giving incumbents an advantage. On a broader level, any request from the M&C that gives the impression that the M&C is overseeing the Board, might be considered inappropriate by the Board. It is the Board that oversees elections, not the M&C. Any action that implies otherwise, advertently or not, weakens the status and perception of the BSE as an independent, non-partisan body.

From:	steven stevenvangracklaw.com
To:	Charter Review Commission
Cc:	Andrea Escher; Agnes Saenz; Andrea Wink; Anita Neal Powell; communitywildlifehabitat@gmail.com; amherbster@gmail.com; dbjackso1@gmail.com; Ben Parry; Beryl Feinberg; Bridget Newton; coburg1@verizon.net; charleslittlefield3; David Celeste; David Levy; Dennis KIng; Don Hadley; Doug Duncan; Drew Powell; Jack Kelly; James Hedrick; Janet Kelly; Jim Coyle; beckerjec@gmail.com; Kathleen Conway; Ken Reichard; Ken Sonner; Larry Giammo; Lorraine Tarnove; Maargaret Chao; Bridget Newton; Monique Ashton; Rev. Jane Wood; Robert DiSpirito; Rose Krasnow; Susan Hoffman; Terry Treschuk; Victor Brito; Virginia Onley; Arthur Jacobson; Bonnie Chernikoff; Hal Scheinberg; Janet Frank; JoAnne Gravallese; Katherine Roberts; Lillian Caplan; Linda Jacobson; Lisa Freda; Margaret Barrett; Richard Barrett; Robert Chernikoff; Roberta Laskin; Samia Khalaf; William Frank
Subject:	REVISIONS TO THE CHARTER
Date:	Thursday, February 3, 2022 1:38:45 PM

Members of the Charter Review Commission

Thank you for reaching out to Former Elected Officials for input on the Rockville Charter (also referred to as the Constitution).

Allow me to initially comment on the 2012 Charter Review Commission's recommendations. As you might recall, we proposed changing the terms of office of the Mayor and Council (M&C) to four years, increase the number of the M&C to seven and provide mail-in voting. These recommendations were made after many public hearings. Two of these recommendations were adopted.

You have asked for opinions on several topics which will be addressed as well as a few new issues.

SIZE OF THE MAYOR AND COUNCIL

In the public hearings we conducted in 2012 there was strong support to increase the size of the M&C. We learned that of the 157 municipalities in Maryland the number of elected representatives in Rockville was among the lowest. We now have over 70,000 residents. We also have a diversity of 22% Asian Americans and 17% Hispanic/Latino Americans. There has not been a member of these groups elected to the M&C. Our city will continue to grow and become more diverse. We should enhance more minorities to better reflect the make-up of our city.

REPRESENTATIVE DISTRICTS

The M&C are now all elected city wide. There has been a very disproportionate

representation from a few geographical areas of the city. King Farm, where I presently reside, is the largest residential community in Rockville with over 10,000 residents and there has never been a member of the M&C. Fallsgrove is another heavily populated area with no representative. Geographical balance is important and we should have members of the M&C from more areas.

STAGGERED TERMS

Staggered terms is likely to mean more elections and is not a good idea.

TERM LIMITS

We have had some elected officials who serve for very long terms and their name recognition is sometimes the reason for keeping them in office. With 4 year terms we might limit 3 terms for Mayor and 3 terms for Council.

FULL TIME MAYOR AND COUNCIL

The past 3 mayors, over 20 years of service, have been able to devote full time to the office. The job requires a full time commitment. Councilmembers who have full time jobs find it extremely difficult to devote the time necessary to make decisions on the policies and budget as well as attend to the important events of our city. It is a lot to ask of each member of the M&C to have a family, a full time job and give our city the time needed.

VOTING ENHANCEMENT

We should consider providing that all titleholders of houses and condominiums are automatically registered to vote. All other residents, including tenants and other occupants, should be required to complete a Voter Registration Form. We also should prepare for online voting which would include communications to registered voters on how to vote online.

Thank you for the time which you are devoting to our city in review of our Charter (AKA Constitution).

Steve

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	Questions for Former Rockville Elected Officials and Candidates for Mayor/Council	Response
1	**Should the size of the Council be expanded?** • Would increasing the number of seats on the City Council improve or hinder the operations of the Mayor and Council? Please explain your response.	The size of the Council should be expanded to both lighten the load of the current Council members and to potentially broaden representation of the residents.

2	**Should the size of the Council be expanded?** • If additional seats were added to City Council, how many seats would you recommend adding and why?	Two seats, to start. This should be a slow roll to accommodate the budget and budget development process. There is also the impact on staff that must be considered.
3	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	In an open, free, and fair election we cannot guarantee that the makeup of the Council will accurately reflect the demographics of the residents, but it makes it more likely. Other election reforms, such as a spending cap and/or public financing of local elections would go a long way to leveling the playing field.

4	**Should there be term limits for Mayor and Council?** • What do you feel would be the advantages and disadvantages of imposing term limits for the elected offices of Mayor and Councilmember?	I see this as nothing but an advantage. Two terms for Council members and two for the Mayor would allow for enough turn-over to keep things fresh but enough time for Council members who are truly committed to getting things done to accomplish something for the people of Rockville. When someone is reasonably secure in their position for as long as they wish there is no incentive to make things happen in a timely manner, and no reason to develop up-and-coming leaders to take their place to continue their priorities and provide continuity.
5	**Should there be term limits for Mayor and Council?** • Are you aware of historical, operational, or other impediments that have prevented the City of Rockville from implementing term limits for elected officials? If so, what are they?	I am not aware of any real impediments to the implementation of term limits.

6	**Should there be term limits for Mayor and Council?** • Have you been directly affected by term limits in other elected offices in the County? What are the challenges or advantages that you see in working with other elected officials who are term limited such as County Council?	I have not been directly affected by term limits in the County. Working with someone who is term-limited should serve as motivation to get the work done before you, or the person you are working with, are out of time. It could potentially be a de-motivator once the term is almost up, and I can see where some might retire before leaving the building once the end of their term is near.
7	**Should there be staggered terms for Mayor and Council?** • What specific impacts could occur if the entire Mayor and Council is replaced in an election? What policies and/or budget categories depend on the continuity of Mayor and Council members being re-elected?	Staggered terms are a great idea, although the cost of a second round of elections should be considered. If the entire Council were to be replaced in one election, I think it would impact most City functions and operations. Bringing all 5 new members up to speed would be an onerous task for the staff. Mentorship by outgoing members would be critical.

8	**Should there be representative districts? What would the boundaries look like?** • If the City creates representative districts for Councilmembers, do you feel this would impact policymaking? Why or why not?	Representative districts would definitely impact policymaking. Rockville already has a problem with neighborhoods being too insular, often at the expense of other neighborhoods. We need to do a better job of balancing the unique history and needs of our neighborhoods with the wellbeing of the entire City. Creating districts where each representative is tasked with only looking out for the interest of their side of town would exacerbate this issue. City leadership needs to do a better job of creating a sense of belonging at the whole-City level rather than relying on neighborhood leadership to build a sense of neighborhood belonging and loyalty.
9	**Should there be representative districts? What would the boundaries look like?** • How would you recommend drawing and defining boundary lines for geographic districts within the City?	I do not recommend this.

1	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	I think this would especially impact economic differences (and therefore racial and citizenship status differences), with neighborhoods in need of more resources having to compete with neighborhoods that are affluent. This already happens, but because the Mayor and Council are dependent on votes from all residents, they have a reason to work hard for all. I see districting as divisive in an entity the size of Rockville.
1	**Should there be representative districts? What would the boundaries look like?** • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	We all know from experience that community participation would be so uneven as to be unethical. I have tried to prove myself wrong on this point, and I haven't been able to.

1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • Should elected officials resign to run from their position prior to announcing that they are running for a different position? Why or why not?	Elected officials should resign to run for a new position upon filing for election to the new position.
1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?	They should resign at filing and immediately announce it to the public. This announcement should be considered 30 days' notice.

1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • What are the advantages and disadvantages of an elected official resigning to run for another elected office?	If someone doesn't want to be here, we should wish them well and let them go. It creates disruption and undue work for the rest of the Council and the staff, and distrust with residents who thought they could count on that person as their representative. By requiring their resignation and proceeding with a reasonable replacement process, the City can minimize the disruption of having someone on Council whose time and attention are no longer focused on City business. Minimizing the disruption and the drama creates confidence that the City knows what it's doing, and that the remaining elected leaders have the residents' best interest in mind.
1	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?	Some consideration should be given to candidates who received enough votes to get them into the top 7-10 spots in the prior election, and appointment by the Mayor with final approval by the Council should be considered. There should be a first round of interviews that are private, and each candidate should be able to make a 2-3-minute video to be aired on Channel 11 rather than the lengthy public interview that the last round of applicants went through. Questions should be standard, and questions from the public should be considered.

1	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • If you could design and implement the ideal process for filling a vacancy in the office of Mayor or Council, what would that look like? What role would the Rockville community play in filling a vacancy?	See above.

Questions for Other Members of the Community

	Should the size of the Council be expanded? • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	I support adding two members to the city council. The size of the body has been fixed even as the city has grown substantially in recent decades. Adding two seats would distribute the work of council across more members. I cannot speculate as to how this would affect the factors of representation mentioned in the question. In theory an expanded council would increase opportunities for more demographic groups to see themselves represented in the body, but it doesn't always work out that way. In addition to expanding the council, I believe increasing the compensation for councilmembers from the current ~26K (est.) should be considered. While the position is "part-time," we must recognize the overwhelming demands it places on officeholders. The relatively modest compensation is a deterrent for those who are inclined to serve but cannot afford to take the time away from other work. Higher compensation may help alter the calculation for some. I understand the level of councilmember compensation is not set by charter, but it should not be overlooked as a potential factor limiting the pool of candidates for elected office in the city.

	Should there be representative districts? What would the boundaries look like? • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	I am open to representative districts, or perhaps a mixed model of at-large and representative districts like we have at the county level. I don't think districts can or should be drawn with gender, sexuality, or physical abilities in mind. That doesn't make sense to me, as these traits do not follow geographic characterization. However, we do have more reliable data on race and economic status which are salient factors for drawing boundaries. My view is that the primary factor driving boundaries should be Rockville's historical neighborhood identities and "communities of interest."
	Should there be representative districts? What would the boundaries look like? • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	The city excels at outreach to the community. The extensive outreach done for the 2040 master plan is a good model for the city to follow. However, I am concerned that the Charter Review process is moving too slowly to enact representative districts before the 2023 election.

	BSE General Questions • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Generally, yes. Section 8.4 establishing the BSE is simple and direct: follow the law and make recommendations annually. I cannot suggest a way to improve upon that.

	BSE General Questions • How do you judge the performance of the BSE overall? Please explain.	Some metrics I would consider: • Are city elections conducted fairly, in fact and in perception? • Are elections outcomes accurate, unambiguous and accepted? • Is voter participation on par with comparable jurisdictions with off-year municipal elections? • Does the BSE operate with transparency and integrity? • Do candidate packets and campaign finance guidance enable candidates to comply with city code? • Does the BSE strive to reach all residents eligible to vote, with a particular emphasis on historically marginalized groups?

	BSE General Questions • If you could, what changes would you make in the BSE to improve its performance?	I have no suggestions to improve the BSE performance.

	BSE General Questions • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	Under the leadership of Lois Neuman, Rockville's BSE did an excellent job conducting the 2019 election, which saw huge gains in turnout in Maryland's first vote-by-mail election. After such a groundbreaking success, it's baffling that her nomination for reappointment failed to gain support. In denying her nomination, the council majority cited a desire to "cast a wider net" to diversity the BSE membership, yet she was subsequently replaced by a white male. With the efforts around the country to undermine local boards of elections as a backdrop, Neuman's rejection was a jarring moment for Rockville that called into question whether she faced retribution for defending the BSE's independence. Expanding diversity obviously had nothing to do with it. It's unfortunate the Mayor and Council put the BSE in the position where its independence from political interference is questioned. I'm not sure what I would change because ultimately, the council majority—elected by voters—decides who is appointed. I do not support direct election of BSE members.

	Increasing the number of members of the Board of Supervisors of Elections • Is the current BSE the proper size for its workload? Please explain.	Expanding the size of the BSE would reduce the risk of loss of institutional memory and experience. With just five members, the loss of even one experienced member is significant. A larger BSE would allow for a wider range of tenures, expertise, and demographics, as well as promote continuity.
	Increasing the number of members of the Board of Supervisors of Elections • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	The process works about just as well as it does for any other Board or Commission.

	Increasing the number of members of the Board of Supervisors of Elections • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I do not support alternates. If we have qualified residents willing to serve, appoint them as full members. Add two seats to the BSE so that a vacancy or two presents less hardship than it does with a body of just five members.
	Lengthening the term for the members of the Board of Supervisors of Elections • Should the terms of BSE members be lengthened? If so, how long?	The BSE term should be at least four years so members can complete an election cycle.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Of course having at least one member with experience makes sense, but I don't know how the charter can mandate this. What if the experienced members resign, or God forbid, die? The charter can't control which seats are vacated or when. In the end, Mayor and Council must exercise good judgment in evaluating the spectrum of experience on the BSE when considering appointments.
	Lengthening the term for the members of the Board of Supervisors of Elections • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	Let's hope we don't face this. This points to the importance of the City Clerk and her staff in this process to train and advise BSE members on the procedural conduct of our city elections.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or o Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Adherence to the Charter should be an imperative. I believe making the appointments for a fixed duration at the time of appointment is preferable. Eventually this is likely to result in a membership with overlapping terms and a blend of experience levels.
	The appointment process for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. o Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. o Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Change the charter to reflect long-standing practice. Allowing any member of the elected body to nominate minimizes the risk that the BSE is beholden to one figure, or the perception that it is. It also creates more opportunities for diverse representation. Nomination does not mean appointment, so a majority is still required, as is appropriate.

	The appointment process for the members of the Board of Supervisors of Elections • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	I am not a lawyer, but it seems to me that the charter needs to speak only to appointments. It is immaterial whether a vacancy is filled by a returning member or a new member. Perhaps instead the Charter Review Commission should concern itself with the practice of members of Boards and Commissions remaining in place after their appointments have expired, sometimes for years. Once a term is expired, the seat should be vacant and subject to appointment as set forth in the charter. This is true for BSE and any other Board or Commission, but particularly for those with statutory roles.
	The **required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	No basis to comment.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	No basis to comment.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes, the BSE must strive to maintain its independence, in fact and in perception, so it may appropriately decline an invitation to appear before Mayor and Council. Non-incumbent candidates do not have the privilege of summoning the BSE and giving it direction during an election season. Thus, the BSE may rightly decide that appearing in person before the Mayor and Council presents an intolerable risk to its independence and the conduct of unbiased of elections. This is not to say the BSE is unaccountable, but rather that the M&C must show proper deference to its BSE appointees and the unique role they play in our governance.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	The bar for declining a written information request is higher than refusing a request to appear. It depends on the nature of the information request and whether the disclosure is appropriate. If the BSE feels the information request is made in good faith, then it should generally comply with the request.

Appendix A

Survey Responses

Updated Questions for Mayor and Council

31	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	I support following the Charter. The clerk is actually who puts the dates into the recommendations.
32	**The appointment process for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	I'm not clear that the statement "buut all ten nominations to fill vacancies during that period, except one in 202, were made by a Councilmember, not by the Mayor" is true. Please provide this supporting documentation. Once again – happy to have this conversation with the committee to gain more understanding.

34	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	Up until a few years ago – the Mayor and Council had a good relationship with the BSE and meetings were cordial and transparent. During the run up to the 2019 election however – the former CA decreed that the BSE did not have to meet with the Mayor and Council and blocked many overtures for dialogue. If not for the previous experience in VBM by CC/DCO Conway and 2 former members of the BSE – and the support of CM Feinberg and Mayor Newton – the City would have only mailed 2 advance notices to each household with the Ballot being the 3rd instead of 3 (and the Ballot being the 4th) which gave far more notice and information that this change was coming. Once again – I am happy to meet with the subcommittee and or full Commission to discuss.

Questions for Human Rights Commission		Response
1.	**Alternative Voting & Franchise Expansion** What are your thoughts on expanding the franchise to residents who are not US citizens?	The HRC believes expanding voter rights to residents who are not US citizens would enhance representation of and create greater civic engagement for Rockville's immigrant communities. Expanding the franchise in this manner would also be consistent with prior City efforts to maintain a welcome atmosphere for immigrants.
2.	**Alternative Voting & Franchise Expansion** What are your thoughts on expanding the franchise by lowering the voting age to 16?	The HRC believes lowering the voting age to 16 will foster civic engagement, involvement, and awareness at a younger age. We hope that allowing Rockville's youth population to exercise their rights will translate to higher voter participation rates in the future among young people generally.
3.	**Alternative Voting & Franchise Expansion** What are your thoughts on changing the timing of the elections to coincide with the Presidential elections, in an effort to reach more communities who have been historically less engaged?	Although there is some reason to believe that holding City elections during presidential election years would draw some voters who would not otherwise participate, the HRC is unclear on how such a change would hinder the City's efforts to provide mail-in ballots to all eligible voters in Rockville's communities and more generally inhibit the City's ability to tailor elections to fulfill its accessibility needs. There should also be a close examination of whether holding City elections during Presidential election years would enhance or stifle awareness of local issues and candidates.

4.	**Alternative Voting & Franchise Expansion** What are your thoughts on removing male and female gender pronouns to be more inclusive of non-binary residents?	The HRC believes think that removing male and female gender pronouns will be more inclusive of non-binary residents while respecting their preferred way of being addressed.
5.	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	The HRC believes that expanding the size of the Council could improve the representation of minority and other demographic communities through an improved ratio of representatives to residents.
6.	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	The HRC believes that much more information is needed before any determination can be made as to whether implementing voting districts would improve or hurt the representation of minority and other demographic communities in Rockville. Any potential advantages to adopting a district approach would need to be weighed against the burden and potential controversy surrounding the drawing and periodic redrawing of district lines. The HRC does not believe it can provide an informed and more specific opinion on this issue without in-depth study, consideration, and analysis of how such a district approach could be implemented.

	City Staff Questions	RESPONSE

	Alternative Voting & Franchise Expansion
	• Are there any administrative issues or costs you foresee with implementing the following alternate voting systems?
	  ○ "None of the above" (NOTA) ballot option
	  ○ Ranked Choice Voting (RCV)
	  ○ If so, what are some solutions or resources that can address these issues?
		Administrative issues there would be none, however if you where to go to Rank Choice Voting this would involve the programing of the voting systems with a cost associated with customizing the data for the voting equipment.

	Alternative Voting & Franchise Expansion • Do you understand how RCV works? If you are not sure, could staff benefit from an RCV tutorial, like the one provided to the CRC in June?	I somewhat understand how RCV works but would still need more information and tutorial on the benefit of RCV.
	Alternative Voting & Franchise Expansion • Are there any administrative issues or costs you foresee with translating election information into the top languages spoken after English in Rockville (Spanish, Chinese (Incl. Mandarin, Cantonese))?	No administrative issues for translating into different languages, it would be a significant cost to the City for translation.

	Alternative Voting & Franchise Expansion • Does the city know who its bi-lingual or multi-lingual employees are?	At one time there was a list of employees who assist with bi-lingual or multi-lingual employees, however now, it's not known who they are or if they are still with the City.
	Alternative Voting & Franchise Expansion • Is city staff open to new external partnerships that can help to facilitate the process to reach communities and groups with election information?	Yes, certainly the City is open to partnership with the communities and groups for outreach.
	Alternative Voting & Franchise Expansion • Does the city have the resources to conduct an analysis to identify the affected communities who may benefit from increased or non-traditional outreach?	The City does not have the resources and would need a consultant to conduct and would require an official request to the Mayor and Council as it would have a cost associated.

	Alternative Voting & Franchise Expansion • What are the racial/ethnic demographics of Rockville staff? ○ Does city staff represent the demographics and diversity of Rockville residents?	I am not sure about how to answer this question as the City has representation of all diversity across the departments.
	Alternative Voting & Franchise Expansion • Does the city currently have the relationships/network it needs to reach out to communities that have not voted and have been less civically engaged in the past?	Yes, the City has relationships with the neighborhood resources and civic associations to network and to engage in all the communities.
	Alternative Voting & Franchise Expansion • How will staff ensure when implementing new advertisement tactics, they are done in an equitable way? ○ *There was special outreach to homeowners and older populations for the 2019 elections and these efforts may not have been equitably conducted for renters or younger populations.*	The City's Communications Department works closely with the CC/DCO and BSE to educate and inform the communities of resources during the election cycle mailings, Rockville Reports to all residents, website, Nextdoor, all social media, visual aids, banners and electronic displays, businesses, information signage in town center displays, and outreach to all civic associations.

	Alternative Voting & Franchise Expansion • Could you provide facts and explain the 2015 referendum when the historically more engaged portion of the electorate (15%) decided to not schedule the election to coincide with presidential elections? ○ Considering Rockville elections have low voter turnout to begin with (approximately 15% for the three elections prior to 2015), what broader community input, if any, was included in the decision to hold a referendum to ask the most engaged (15%) to make decisions about voter turnout for the least engaged (85%)?	It was decided by the voters that having a municipal election to coincide with presidential elections, the local election would be lost.
	Alternative Voting & Franchise Expansion • What is the estimated cost of the municipal election and how would the city save money if it was changed to the presidential? *The CRC estimated the city would save approximately $50,000 in 2010.*	The cost would be significant as it would not be an individual cost to the municipality for the cost of the materials, equipment, locations of the voting centers would be divided among the jurisdiction, county and statewide.
	Alternative Voting & Franchise Expansion • If the CRC recommends removing the US citizen requirement to expand the franchise and reflect the growing demographics of the city, what ways would our administrative process have to change? ○ What are some solutions or resources that can address any issues with this process?	If this was to be a recommendation, it would have to be approved by the Mayor and Council and code change. The City would be required to establish and maintain their own voter registration database separate from the state data, and this is a requirement by Maryland State law.

	Alternative Voting & Franchise Expansion • If the CRC recommends expanding the franchise to people who are 16 and 17 years old, in what ways would our administrative process have to change? ○ What are some solutions or resources that can address any issues with this process?	Administrative process would not have that much change on the process, it would require resources from the State to request database of those registered 16 and 17 years older. The only issue with this as the need to educate the 16 and 17 years old, that they would only be eligible to vote in the municipal election no matter what year the election.
	Alternative Voting & Franchise Expansion • If changes need to be made to the City Election Code and Charter, what staff would be responsible for making such changes?	Changes to the Election and Charter would be the responsible staff of the City's legal department.
	Alternative Voting & Franchise Expansion • Do you understand the election provisions within the City Ordinance Code and Charter?	Yes, as the CC/DCO is the staff liaison to the Board of Supervisors of Elections who administers the election process.
	Should the size of the Council be expanded? • What resources would need to be added to increase the size of the City Council (e.g., office space, IT support, etc.).	I would leave this question to the voters, and it would require office space, IT support, staff, and budget cost.

	Should there be staggered terms for Mayor and Council? • Other than the City Manager, the City Attorney, and the City Clerk/Director of Council Operations, what city staff would be affected by the election of five new members of Mayor and Council? Why?	Staggered terms for the Mayor and Council would require there be an election every 2-4 years and would have budget implementations on the City and staff to run an election every 2 and 4 years.
	Should there be staggered terms for Mayor and Council? • What do you feel are potential advantages and disadvantages of implementing staggered terms?	Staggered terms would only benefit that you don't potentially have all new Mayor and Councilmembers appointed at the same time. Disadvantage it would be an election every 2 and 4 years.
	Should a "resign to run" provision be implemented for elected officials in Rockville? • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?	Yes, it's always best practices to have a defined provision in the code.
	What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember? • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?	There should be a recommendation from CRC to define a process in the code that outlines to fill a vacancy in the office of the Mayor and Council.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
2.	**General BSE-Related Questions** How do you judge the performance of the BSE overall? Please explain.	I haven't been following the BSE in a level of detail sufficient to judge its performance so I will not comment.
3.	**General BSE-Related Questions** If you could, what changes would you make in the BSE to improve its performance?	I haven't been following the BSE in a level of detail sufficient to judge its performance so I will not comment.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
4.	**General BSE-Related Questions** Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	I believe that the appointment process provides sufficient insulation from politics because all board members are selected by all members of the council and the board elects its own chair. There's enough checks and balances in the appointment process that prevents anyone on the council from wielding too much power and influence. I suspect the politics may be targeting the operations and termination of board members and would suggest the authority of the mayor in these matters be clarified in the charter.
5.	**General BSE-Related Questions** In what ways could the BSE influence the outcome of an election, if it chose to do so?	Without context, I find this to be a highly unusual question by itself! But presuming no ill intent, I suppose the BSE may be able to influence the outcome of an election by influencing the number of voters by holding elections in Presidential or non-Presidential years. Either cycle would influence the number of voters who turn out for the local election. Other more overt ways to influence the election are probably prohibited by state or federal election laws but I am not an attorney so will forego mentioning those.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
6.	**Increasing the number of members of the Board of Supervisors of Elections** Is the current BSE the proper size for its workload? Please explain.	I haven't been following the BSE in a level of detail sufficient to provide a comment.
7.	**Increasing the number of members of the Board of Supervisors of Elections** Is the current BSE the proper size for its workload? Please explain.	This is a repeat of question #6 above. Same answer still applies.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
8.	**Increasing the number of members of the Board of Supervisors of Elections** Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I would support a system that had one group of five who were 'active' experienced members and a second group of five with no voting power who 'shadowed' the active members. Both groups would serve 5-year terms. 'Shadow members' would be appointed a year before the election to learn the ropes. They would gain voting power when the more experienced group completed their terms one year after the election. Appointing members in a staggered way gives all board members the experience of two elections before they complete their term.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Should the terms of BSE members be lengthened? If so, how long?	Current members serve 4-year terms but since our elections run on 4-year cycles, it seems reasonable to lengthen the term to 5-years. A 5-year term would give board members experience with two election cycles before they completed their term. I believe a term longer than 5-years would be detrimental to recruitment.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes, it is absolutely important that at least one member of the board have prior experience with conducting an election because that experience will help ensure that the board has some minimum level of first-hand knowledge to anticipate problems or find solutions to ensure a smooth election.
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	Having never served on the BSE, I really don't have the background to answer this question properly. I will say that elections are absolutely critical to the functioning of our democracy and the city cannot have inexperienced people running them. We cannot afford to have a debacle in our elections, especially now given the fragile state of our democracy.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
12.	**Lengthening the term for the members of the Board of Supervisors of Elections** • How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? ○ Or Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Change the Charter to reflect the actual practice of making fixed 5-year appointments that begin and end on the month and day of the appointment.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
13.	**The appointment process for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies. This way, no one person holds all the power and we can ensure checks and balances by spreading the power of appointments between all members of the council.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
14.	**The appointment process for the members of the Board of Supervisors of Elections** The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	What does 'the same as appointments' mean in this question? It would be helpful to know the areas the author of this question is referring to. In principle, I think reappointments should be considered the same as appointments in terms of time, authority, and expectations. Those who believe differently need to explain the reasons why. And any differences between 'appointed' and 'reappointed' risk power imbalances between the two that I would find a hard time supporting.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications.	I have nothing to add here.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
	Please respond to the following to shed light on this issue. Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	Having never served on the BSE, I have no basis to answer this question.

1.	**General BSE-Related Questions** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
17.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Context is everything. While I cannot now imagine why a board would 'ever decline' to meet with the mayor and council, there might be a situation that arises where it might be justified but the word 'ever' really leaves no room for that. Perhaps the charter can define what the protocol would be in this situation. Could the chair decline independently on behalf of the rest of the board or would the board have to vote in majority to decline? What powers would the mayor and council have, if any in this situation?
18.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	Since this is a repeat question, see answer above.

CRC - Mayor and Council Questions		Assignee	Comments / Outcome
1.	**Should the size of the Council be expanded?** • Would increasing the number of seats on the City Council improve or hinder the operations of the Mayor and Council? Please explain your response.		Yes to expansion; increased opportunities for more residents to be involved with the political process
2.	**Should the size of the Council be expanded?** • If additional seats were added to City Council, how many seats would you recommend adding and why?		I would recommend adding at least two new seats. The City has grown and so should the number of representatives.
3.	**Should the size of the Council be expanded?** • What resources would need to be added to increase the size of the City Council (e.g., office space, IT support, etc.).		The current shared office space may need an extra file cabinet/cubby spaces
4.	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?		There would likely have to be seats held aside in order to ensure that certain underrepresented groups are represented. Though potentially controversial, set asides are implicit in district (as opposed to at-large) elections.
5.	**Should there be term limits for Mayor and Council?** • What do you feel would be the advantages and disadvantages of imposing term limits for the elected offices of Mayor and Councilmember?		Advantages: allows people with new perspectives to serve; potentially eliminates "career politicians" at municipal level Disadvantages: lame duck decision-making; loss of some institutional knowledge
6.	**Should there be term limits for Mayor and Council?** • Are you aware of historical, operational, or other impediments that have prevented the City of Rockville from implementing term limits for elected officials? If so, what are they?		I do not know of any historical, operational or other impediments outside of was outlined in question #5
7.	**Should there be term limits for Mayor and Council?** • Have you been directly affected by term limits in other elected offices in the County? What are the challenges or advantages that		I haven't' experienced any direct effects of term limits. At the

	you see in working with other elected officials who are term limited such as County Council?		county level, the only woman serving is term-limited.
8.	**Should there be staggered terms for Mayor and Council?** • What specific impacts could occur if the entire Mayor and Council is replaced in an election? What policies and/or budget categories depend on the continuity of Mayor and Council members being re-elected?		There is a learning curve for all who serve and if the entire slate were newly elected, they would likely be even more reliant upon City Staff for procedural knowledge.
9.	**Should there be staggered terms for Mayor and Council?** • Other than the City Manager, the City Attorney, and the City Clerk/Director of Council Operations, what city staff would be affected by the election of five new members of Mayor and Council? Why?		Every City Staff person is affected (indirectly/directly) by the Mayor & Council (M&C)—those most effected are likely closer in proximity to the Appointed in the flow-diagram
10.	**Should there be staggered terms for Mayor and Council?** • What do you feel are potential advantages and disadvantages of implementing staggered terms?		Advantages: less of a learning curve for the M&C as a whole Disadvantages: monetary and temporal cost (especially to the Clerk's office)
11.	**Should there be representative districts? What would the boundaries look like?** • If the City creates representative districts for Councilmembers, do you feel this would impact policymaking? Why or why not?		Having guaranteed geographic representation (districts) will improve the likelihood that multiple viewpoints are represented.
12.	**Should there be representative districts? What would the boundaries look like?** • How would you recommend drawing and defining boundary lines for geographic districts within the City?		A Northeast-Lincoln Park/East Rockville (E of 355 & N of 1st/Norbeck) B Southeast-Twinbrook: (S of 1st/Norbeck, E of 355) C Central (S of Gude, E of 270, W of 355, N of Maryland)) D Northwest-Fallsgrove/King Farm (N of Gude + W of 270, N of Darnestown)

			E West (S of Darnestown, W of 270, N of Montrose, W of 355 in the S) everything W of 270 and S of Wootton F South (S of Maryland, E of 270, W of 355)
1	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?		I think there may be SES differences which sometimes track with race and gender but there may not be a statistically significant difference if there are solely geographic districts
2	**Should there be representative districts? What would the boundaries look like?** • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?		Ask for community input either at the beginning and/or after several options are proposed
3	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • Should elected officials resign to run from their position prior to announcing that they are running for a different position? Why or why not?		I think such a provision should be in place if the office for which they are running has an election in the same year of the City's.
4	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?		At the latest, it should take effect once a person files to run in the non-Rockville race in the same year of the City's election.
5	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • What are the advantages and disadvantages of an elected official resigning to run for another elected office?		Advantages: ensures M&C candidates have adequate time to prepare to run Disadvantages: (if the other election is in a different year) punishes a candidate if they seek another office

6	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?		The seat was not filled so there was a failure. It is probably best that the process occurs outside of the M&C. If there are districts, then perhaps members of that district can select their own candidate.
7	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • If you could design and implement the ideal process for filling a vacancy in the office of Mayor or Council, what would that look like? What role would the Rockville community play in filling a vacancy?		See question #6 above for how the community could potentially be involved in making the decision.
8	**Election Process / Franchise Expansion (Alternative Voting Systems (G)** • Do you understand how RCV works? If you are not sure, could staff benefit from a RCV tutorial, like the one provided to the CRC?		What is RCV? If it refers to Ranked-Choice Voting then yes, I am familiar.
9	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?		At the time M&C had two-year terms, the BSE had four year terms in the Charter. Now that M&C have four-year terms, then BSE terms should perhaps be extended.
10	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • How do you judge the performance of the BSE overall? Please explain.		I think they did a great job, particularly so during the 2019 election when vote by mail was first implemented.
11	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • How do you judge the performance of the BSE overall? Please explain.		As above in #10. It appears to be the same question.

12	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • If you could, what changes would you make in the BSE to improve its performance?		Making sure that they have enough time and funding to perform their job optimally. Potentially extending the terms. Ensuring that those appointed have some background or training in running elections.
13	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?		It does help that our elections are non-partisan. Every person has some bias and it is important that one consciously recognizes it and works to ensure it does not influence their decision-making to the extent possible. I had no concerns about partisanship nor bias in running of the 2019 election.
14	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.		I would defer to the BSE to assess their needs to determine if it is right-sized.
15	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.		I think it is important to have diversity (age, ethnic, gender & geographic) on the BSE.

16	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.		I'm unsure. I'd have to get a sense of when an alternate would be activated.
17	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?		I'd recommend staggered terms (as an alternative or in addition to lengthening), if they aren't staggered already.
18	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** •		
19	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** • Which of the following three ways of addressing this situation would you prefer and why? ○ Improve the discipline over the timing of BSE appointments to maintain compliance with the Charter. ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?		-I don't think that the Mayor should be the only person making nominations -I do think that there should be improved discipline in the filling of BSE vacancies.
20	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Which of the following three ways of addressing this situation would you prefer and why?		Looks to be the same question as #19

	○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.		
21	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.		I think they should be considered similarly to the extent that the requirements should be the same.
22	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.		I do recall one post-2019 election BSE meeting/presentation that outlined what they did and challenges they encountered. As a general rule, I think the BSE should refrain from any other meetings so as to maintain their independence from the body whose election they oversee
23	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council that occur outside of meetings and who usually initiates them.		I am not aware of any communications that occurred between M&C and the BSE outside the meetings and public information settings. This does not mean that they do not occur but I haven't attended any. There should not be any such communications for the reasons outlined in #22.

24	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? Please explain.		Yes, I think that members of the BSE should be empowered to decline any meeting with M&C they feel may compromise the integrity of the BSE or have the appearance of impropriety.
25	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? Please explain.		Yes as above
26	**Election Process / Franchise Expansion** **Mayor and Council: Questions:** • Could you provide facts and explain the 2015 referendum when the historically more engaged portion of the electorate (15%) decided to not schedule the election to coincide with presidential elections? • Considering Rockville elections have low voter turnout to begin with (approximately 15% for the three elections prior to 2015), what broader community input, if any, was included in the decision to hold a referendum to ask the most engaged (15%) to make decisions about voter turnout for the least engaged (85%)?		I was still serving active duty in the Navy and was not in Rockville for that 2015 referendum. I would recommend syncing our elections with (at a minimum) Congressional midterm elections or presidential elections for the reasons outlined in the question.
27	**Election Process / Franchise Expansion** **Provision in the Election Code for Internal Consistency with the Charter and Vice-Versa (P)** **Mayor and Council: Questions:** • Do you fully understand the Rockville Election Code? • Do you consider public education on the City Code and Charter with respect to elections a high priority, if not why?		I have a pretty good understanding of the Code and do consider public education about the Code a high priority from both an informational and civic engagement perspective.
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CRC – Current BSE Questions to Support Issue Analyses		Comments / Outcome
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	The Charter and Code do adequately describe the BSE's role. Section 8-4 of the Code states broadly that the BSE "shall supervise elections" and that the BSE "shall make recommendations to the Mayor and Council." Those sections and others provide the BSE with the authority and flexibility it needs to perform its job.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	The mission of the BSE is "to conduct fair and open elections that are safe and secure, provide access to the election process, protect the integrity of the vote, and maintain a transparent, accurate, and efficient process." The BSE judges its own performance by its success or failure in fulfilling that mission.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	In one important respect, the BSE is unlike other Boards and Commissions. It does more than prepare reports and make recommendations. It oversees an important city function – the conduct of elections. Particularly in election years, the BSE workload is significant. Those members with full-time jobs are frequently required to use their available vacation or unpaid leave to fulfill their obligations to the BSE. Article III, Section 2(a) of the City Charter states that "[t]he compensation of the members of the Board shall be as determined by the Council." That section contemplates compensation for BSE members. The BSE would urge the Mayor and Counsel to exercise the authority granted by that section to provide reasonable compensation to BSE members.
4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	The BSE is satisfied that the BSE and its individual members are sufficiently insulated from City politics.
5.	**Increasing the number of members of the Board of Supervisors of Elections**	The membership of the BSE should be expanded from 5 to 7. Increasing membership to 7 would allow the BSE to have at least 3 members at the vote center and 3 members at the Montgomery

	• Is the current BSE the proper size for its workload? Please explain.	County Board of Elections throughout the day on Election Day, which would be beneficial since there is a substantial amount of work to be done at both locations. Expanding the membership would also allow appointments that would increase diversity among BSE members.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain. •	See response to question no. 5
7.	**Increasing the number of members of the Board of Supervisors of Elections** • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	Members of the BSE are chosen by the Mayor and Counsel. The BSE has no influence or control over its own composition. The BSE expresses no view on whether those that the Mayor and Council have chosen adequately reflect the diversity of the City. We do note that those currently serving on the BSE include members of different ages, races, religions, national origins, and experiences, and those currently residing in different parts of the City of Rockville.
8.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	If the membership of the BSE were expanded to 7, the BSE would not need or benefit from the addition of alternate members.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	Terms of BSE members should continue to be 4 years. But new appointments should not be made, or vacancies filled, during the critical period between May 1 and December 31 of an election year. Adding an inexperienced board member during that critical period would hinder, rather than help the BSE perform its job of conducting and certifying the election and reporting to the Mayor and Counsel on the success or failure of the election process.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections**	Conducting an election requires the BSE to perform numerous tasks and resolve several problems. Without prior experience and the

	• Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	institutional knowledge that comes with that experience, it would be difficult to perform these tasks efficiently. These tasks include, for example, the procedure for transporting voted ballots from the City's vote center to the County's Board of Elections, orienting and swearing in the City's paid canvassers, and duplicating ballots rejected by the County's scanners. If none of the BSE members had prior election experience, these tasks might be performed incorrectly, raising questions about the accuracy and validity of the vote.
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	The BSE and the City of Rockville would be better served if several BSE members – rather than just one – had participated in a complete election cycle.
12.	**Lengthening the term for the members of the Board of Supervisors of Elections** How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	The BSE expresses no opinion on how the Mayor and Council should resolve this issue.
13.	**The appointment process for the members of the Board of Supervisors of Elections** • How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.	The BSE expresses no opinion on who should or should not be able to fill vacancies on, or appoint new members to, the BSE. Nevertheless, the BSE believes that the actual practice and language of the Charter should be consistent with each other.

	○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	
14.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	The BSE expresses no opinion on how the Mayor and Council should resolve this issue.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	The BSE and Mayor and Council do not meet, other than at formal Mayor and Council meetings open to the public. No private meetings occur or are requested. The chair of the BSE has on occasion appeared before the Mayor and Council to explain recommended changes to the City Code, answer questions about preparations for the 2019 vote-by-mail election, and report on the success of that election and lessons learned.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	The Mayor and Council and the BSE can communicate with each other by memo or letter. The BSE's 2021 recommended changes to the City Charter and Chapter 8 of the City Code were, for example, communicated by memo. In 2019, a request to appear before the Mayor and Council was communicated by letter. Such communications are rare
17.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests**	It might be appropriate to decline to appear before the Mayor and Council if the request came shortly before the election and those serving on the Council were also candidates for office. Answering questions about election procedures under those circumstances might be deemed unfair to candidates who would be unable to pose questions in the same manner. A better and fairer option would be

	• Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	for a candidate or a candidate's campaign manager to attend a BSE meeting – all of which are open to the public – and pose questions to the BSE at that time.
18.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	The BSE should respond to all reasonable requests from the Mayor and Council, as long as the information provided is also made available to the public, including other candidates for office. Statements made, or information conveyed, in closed session, however, should not be publicly disclosed.
19.	**Election Process / Franchise Expansion** **BSE: Questions** • Considering the city's re-affirmed commitment to racial equity and social justice, how are you accounting for this in the way you are making decisions and collecting demographic data?	The BSE pioneered vote-by-mail for Rockville. Vote-by-mail removed many of the barriers that prevented marginalized groups – including people of color, people of limited economic means, and people with disabilities – from voting. Those who could not vote because they lacked transportation, could not get time off from work, had childcare responsibilities or were sick, elderly, or disabled were able to vote from home. By removing these barriers, the BSE promoted racial equity and social justice. The BSE is also exploring strategies for encouraging under-represented communities to participate in the electoral process. The BSE does not itself collect demographic data. It relies on data provided by the City of Rockville.
20.	**Election Process / Franchise Expansion** **BSE: Questions** • What community input, if any, was included in the ideas to advertise the 2019 election?	Section 8-41(c) of the Rockville City Code required the BSE to provide Rockville residents and voters with 4 mailed notices containing information about the 2019 election. The BSE adopted several other strategies – advertisements on broadcast and social media, text messages, banners, signs, wrapped vans, presentations at community meetings, booths at Rockville events, backpack stuffers for students, displays at the public library, to name just a few – to bring the election to the voters. In formulating those strategies, the BSE studied the strategies used by other jurisdictions that had adopted vote-by-mail and relied on the experience and the expertise of the Rockville Communications Department. Seeking public input on how to advertise something about which the public was not yet aware

		likely would not have been productive and might have significantly delayed efforts to educate the public.
21.	**Election Process / Franchise Expansion** **BSE: Questions** • Which communities in Rockville have lower voter turnout (geographical, race/ethnicity, renters) and have been historically less engaged? ○ How are you gathering demographic data to track disparities in voter turnout among these communities? ○ How have you involved these community members in the development of election outreach tactics? ○ If you have solicited input from communities that have not historically voted in the last two elections, what has your engagement process told you about the burdens or benefits experienced by these community members during the election?	The BSE collects data by voting district. That data showed that participation in each district increased significantly in 2019. The district-by-district information can be accessed here: https://www.rockvillemd.gov/DocumentCenter/View/38416/BSE-Report-wLetter?bidId=. See also the May 21, 2020 power point presentation on the BSE's website. The BSE has formed a joint committee with the Rockville Human Rights Commission and the Rockville Asian Pacific American Task Force to explore ways of encouraging participation by those in Rockville's Asian-American Community. Anecdotal evidence suggests that many in that community do not register or vote because of limited proficiency in English or Spanish.
22.		Although the question has not been asked, the BSE strongly opposes changing the date of Rockville's elections to coincide with federal elections. That change would require Rockville to abandon vote-by-mail and re-establish all the barriers that had previously prevented poor and marginalized groups from voting, thereby disserving the goal of promoting racial equity and social justice. It would contravene the results of the 2015 referendum in which approximately 6,000 voters participated and most voted not to change the election date. Conducting municipal elections during a presidential election campaign would deprive local candidates and local issues of the voters' attention. It would confuse voters by requiring them to cast

		votes on a lengthy ballot that included partisan and non-partisan choices. And it would require Rockville to, in large part, forfeit control of its own election. It would, for example, effectively nullify provisions in Chapter 8 of the City Code on scheduling, tabulating results, election challenges, and conducting recounts.
23.		Although the question has not been asked, the BSE also opposes staggered terms for councilmembers. Staggered terms would require either longer terms or more frequent elections. Conducting an election is an expensive and labor-intensive undertaking. The estimated cost of the 2019 election was $193,540 plus an additional $24,966 in communication costs. The cost of printing, which included the four notices mandated by Rockville law and the ballots themselves, exceeded $100,000. Election preparation requires at least 18 months. So, conducting an election every two years would constitute a significant additional expense and place an additional burden on City staff and the BSE. With perhaps only a short break, the BSE and staff would be constantly preparing for the next election.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	No Opinion.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	No Opinion.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	No Opinion.

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	It used to be. However, recent Mayors and Councils have been complicit in manipulating appointments by stifling public comment. I have no solution for this problem at this time.
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	Any system can be manipulated if unethical people assume control. That is why it is so important for the Chair to attempt to be as fair as possible. Leadership matters.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	The current BSE is the proper size at this time. I have no faith in the current administration regarding adding members to the BSE. The current administration has already demonstrated a tendency to follow FDR's court packing scheme which was eventually rebuffed to maintain some semblance of decency. Hopefully, this precedent will be followed in Rockville.

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	No. It is hard enough to attract legitimate volunteers for these positions now. Lengthening the term would make this an even more difficult task.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	This is important but should not be legislated. Going through the first complete election cycle is difficult. Having at least one experienced Board member to serve as a guide through this process is very helpful.

10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	I am concerned that, if all BSE members had no prior election experience, they would be at the mercy of the dictates of the administration in power, even if it is via pressure on City employees staffing the Board.

11.	**Lengthening the term for the members of the Board of Supervisors of Elections**
	• How should the Mayor and Council address this situation?
	  ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or
	  ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?
		Make this easy – do NOT lengthen the terms.

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
		Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Regardless of how it is done, reappointments should be considered the same as appointments. This includes giving stronger consideration to folks with experience, regardless of whether it is an appointment or a reappointment.

14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	In the past, meetings between the BSE and the Mayor & Council were more often (although not solely) requested by the BSE when major elections issues arose, regardless of the timing of the next, or prior election. Regularly scheduled meetings/updates were seen as a waste of time for both parties. Yet, clearly, informal communication was constant either face-to-face or, more often, via City staff assigned to assist the BSE.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	See answer to #14 above.

16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Historically in Rockville, Mayors and Councils have treated staff poorly but maintained a certain level of civility with citizen volunteers serving unpaid on boards and commissions. Past treatment of volunteers encouraged as much communication with the Mayor & Council as possible. This was changed radically by the last few administrations and apparently has continued. The Mayor & Council seemed to forget that board & commission members are unpaid volunteers. When the Mayor & Council starting treating citizen volunteers as poorly as they treated staff, the stage was set to limit communication as much as possible.

Questions for Other Members of the Community

	Should the size of the Council be expanded? • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	Yes, the size of the Rockville City Council should be expanded to seven (Mayor and 6 councilmembers). A greater number of council seats would allow more and hopefully different members of Rockville's diverse cultural and gendered communities to run for office.
	Should there be representative districts? What would the boundaries look like? • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	If there are representative districts, I believe that an even larger body would be required. A mayor and council consisting of nine would allow for both district and at-large council seats. The creation of district seats would increase the likelihood of racial, gender and gender expression, immigration status, economic status, sexuality, and disability representation on the Council, due to the differing demographics and socio-economic circumstances in each district.
	Should there be representative districts? What would the boundaries look like? • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	That's a good question. Should districts be broken down within the "Standard Rockville Model?" e.i. Twinbrook, East Rockville, Lincoln Park, West End, etc. Would it be better to use other geographic boundaries or a "grid map" to allocate district boundries, thus breaking up the above "standard model," making districts more diverse in their makeup? Otherwise, one may see tribalism in the creation of "standard model" districts, which could reinforce divisions within Rockville.

	BSE General Questions • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	ABSOLUTELY NOT. The Charter and Code need massive revisions, when it comes to the Rockville Board of Supervisors of Elections. There are many aspects of the BSE and voting in Rockville, which are not adequately described with Chapter 8 and elsewhere.

	BSE General Questions • How do you judge the performance of the BSE overall? Please explain.	For the 2019 election, better in some areas, not good in several others. GOOD: Greater voter turnout BAD: Improperly certified candidates, with little oversight Cost of election was extreme (prior elections les than $75K, the 2019 election as much as $500k) Low transparency regarding issuance of BSE meeting minutes and too many closed sessions

	BSE General Questions • If you could, what changes would you make in the BSE to improve its performance?	Many changes have already been made to improve performance and transparency. In addition to meeting minutes, post videos of each BSE meeting.

	BSE General Questions • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	No. Not sure how to improve on this other than greater transparency.
	Increasing the number of members of the Board of Supervisors of Elections • Is the current BSE the proper size for its workload? Please explain.	Not really. The sheer amount of work requires more members.

	Increasing the number of members of the Board of Supervisors of Elections • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	A seven or nine member Rockville City Council with some district seats may help ameliorate this issue.

	Increasing the number of members of the Board of Supervisors of Elections • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	Yes, at least three (3) alternates. This may help when BSE members retire unexpectantly from the BSE.
	Lengthening the term for the members of the Board of Supervisors of Elections • Should the terms of BSE members be lengthened? If so, how long?	The current term is adequate. Lengthening of terms may be needed as it is difficult to recruit new BSE members. A five year term would bridge the time btween our new four year election cycle.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	No, recruiting to the BSE is hard enough. How and/or who would determine the what constitutes experience? BSE members can come up to speed on Rockville election matters within their first year of service.
	Lengthening the term for the members of the Board of Supervisors of Elections • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	No prior experience could be a problem. It is important to stagger terms as much as possible, so that BSE members with prior experience are always on the BSE.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment.
	The appointment process for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.

	The appointment process for the members of the Board of Supervisors of Elections • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	No, this aspect of the process seems to be working.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	Unfortunately, there is just so much the City can ask of its volunteer "workforce." How many hours per week can the City expect of its volunteers? The number of BSE/M&C meeting is currently adequate.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	I don't know much about this other than to say that ALL communications need to be transparent to the public, with all meeting minutes (or videos) posted to Rockville's website as soon as possible.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Possibly, if the nature of the issue concerned a councilmember or group of councilmembers that are running for office in an upcoming election.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	Same reason as in the previous response… Possibly, if the nature of the issue concerned a councilmember or group of councilmembers that are running for office in an upcoming election.

Questions for Other Members of the Community

	Should the size of the Council be expanded? ● How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	I do believe that the city council should expand by a minimum of two persons. This does not have any correlation to diversity and/or equity in the ranks of the elected, but is a reflection of the growing population and size of our city. There are two ways to encourage an increase in representation: 1. Increase stipend amount/pay for elected officials 2. Limit / restrict the correlation between election campaign finances and elections wins. Consider public financing of elections or other economically equitable means to ensure that all have access to leadership.
	Should there be representative districts? What would the boundaries look like? ● Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	These are two very different questions. Repeating my statement above, I believe that economic equity is the key to encouraging and fostering greater representation within the groups you cite. I believe that representative districts are worth exploring, but do not think they alone will significantly impact overall representation.
	Should there be representative districts? What would the boundaries look like? ● How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	An important consideration for representative districts is whether they would further enhance or distill the influence and advocacy of existing civic associations and homeowners associations. Would a representative district that included the whole of the West End or East Rockville be anything more than an extension of WECA or ERCA, further entrenching existing influence?

		What would the ramifications be if traditional neighborhood boundaries were bisected by representative districts to include different areas in one representative district? (For example, Lincoln Park + Town Center + east West End) Perhaps we think beyond the traditional dividing lines of our city (railroad tracks, I270) to create districts that have greater social economic and ethnic diversity.
	BSE General Questions ● Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	I am not well versed enough in this topic to provide a meaningful response.

	BSE General Questions ● How do you judge the performance of the BSE overall? Please explain.	I am not well versed enough in this topic to provide a menacing ful response.

	BSE General Questions ● If you could, what changes would you make in the BSE to improve its performance?	I firmly believe that diversity in economic status, demographics, gender, and ability makes for stronger and more effective effort.

	BSE General Questions ● Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	I am not well versed enough on this topic to provide a meaningful response.
	Increasing the number of members of the Board of Supervisors of Elections ● Is the current BSE the proper size for its workload? Please explain.	I do not know.

	Increasing the number of members of the Board of Supervisors of Elections ● Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	I do not know.

	Increasing the number of members of the Board of Supervisors of Elections ● Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I do not know.
	Lengthening the term for the members of the Board of Supervisors of Elections ● Should the terms of BSE members be lengthened? If so, how long?	I am not aware of the current terms, but feel they should last at least four years and one day (one election cycle), but not more than two election cycles and that no individual can serve on BSE for three consecutive election cycles.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. ● Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes. See above.
	Lengthening the term for the members of the Board of Supervisors of Elections ● What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	There is value in institutional knowledge., and there is danger in homogeneous and monotony..balance is key.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	1
	The appointment process for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. ● How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	2

	The appointment process for the members of the Board of Supervisors of Elections ● The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Yes. Reappointments are not automatic.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. ● Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	I am not well versed in this topic to provide a meaningful response.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests ● Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	I am not well versed in this topic to provide a meaningful response.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests ● Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	If invited to a M&C meeting, then no, BSE should attend.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests ● Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	No, so long as those information requests and the responses were transparent and made public.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Yes. I do not recommend excessive detail or definition. Since election processes and procedures change, the description should be fluid and flexible, such the BSE administers, oversees, supervises; the staff conducts, interacts with agencies/departments, provides outreach, safeguards safety.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	Overall, the performance rating for the BSE is excellent. Regular meetings, agendas, minutes, reference materials/videos, and speakers kept the BSE focused on identified items of business for discussion. Guests attended the open meetings and bought issues and opinions to the attention of the entire BSE. All BSE members brought topics for consideration and operated impartially. Final BSE positions and decisions occurred only after thorough discussion and vote by the entire body. As a performance outcome, most recently the BSE oversaw the first VBM election and an increase in voter turnout (from 16% to 32%).

3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	Qualifications should vet potential appointees for their election experience and knowledge of election terminology, procedures, and practices. During the appointment process, applicants should commit to devoting the required time necessary to address the serious work of the BSE for their entire term not just the election year.
4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	No, they are not sufficiently insulated from politics. The BSE must operate independently and impartially in accordance with established standards. If elected officials have input for BSE deliberations it should be considered at BSE meetings by the entire body.
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	They cannot. There are numerous checks and balances throughout the entire system designed to prevent any interference. The election is not contaminated when the procedures and laws are followed. The BSE must maintain election integrity and function to maintain the trust of the public in elections and democracy.

6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	Yes, the current BSE is the proper size for its workload. The work is distributed to each member of the BSE to take the lead on topics determined by the entire BSE. The BSE places the timeline for topic presentation and discussion on the meeting agenda. The meeting agenda is placed on the city website to allow the public to remain informed.
7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No. Upon application, review, and appointment, applicants should accept that they will fulfill their obligations of participation, involvement, and commitment to serve on a team that has a specialized knowledge base and function. The team develops continuity and cohesiveness to develop, complete, and implement a workplan. Temporary members disrupt team cohesiveness and workplan completion.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	No – knowledgeable, effective, impartial board members should be reappointed at the end of their existing term. Every effort should be made to retain their service for another term.

9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes, it is critical that more than one member of the BSE have election experience preferably beyond one election cycle. Experience at a complete election cycle may not be sufficient. Board members should know the components of an election, policies, and procedures. Election integrity is essential. They must know how to oversee a fair, transparent, ethical, safe, and secure election.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	This is dangerous and irresponsible for the city. The risk of overseeing a questionable election is enormous and should be avoided, especially in the current national election environment. There are a huge number of moving parts to an election such as communication, timing, coordination, schedules, equipment, training, safety, and personnel. If none of the BSE members and staff knew anything about elections, how could they know what to do? How would they explain what went right or wrong? The risk of problems is huge. How can unprepared and uninformed people be held accountable? How can your voters have any faith and trust in the election if the overseers know nothing about elections they are to oversee? Why would the city consider such an alternative? The question is disturbing.

11.	**Lengthening the term for the members of the Board of Supervisors of Elections**
	• How should the Mayor and Council address this situation?
	  ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or
	  ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?
		Second choice

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
		Second choice. It is confusing why elected councilmembers would be prevented from nominating and filling vacancies, giving them no voice to participate in the very government in which they were elected to serve.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Yes, reappointments should be considered the same as appointments unless there is some unique reason for exceptions. Having said that, since the reappointed person is already known and has the experience and knowledge of the BSE, an abbreviated application would suffice.
14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	The BSE typically presents at the Mayor and Council meetings on the results of the most recent election and then any follow up requested by the Mayor and Council. The Mayor and Council offer any suggestions and concerns that are then discussed by the BSE. Responses go to the Mayor and Council either by report or presentation at another Mayor and Council meeting. These meetings occur as needed. When they occur is up to the date of certification of candidates for the election. The topics discussed are related to the election data such as number of mailed ballots, number of returned ballots, date of return of the ballots, budget, number of voters, etc. Specific data is requested by Mayor and Council during the reporting period.

15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	There is limited communication between the BSE and Mayor and Council outside of officially noticed meetings. The BSE rarely initiates communication with elected officials. Since the BSE conducts open meetings, the Mayor and Council members, any candidate or potential candidate, and guests can attend/observe at BSE meeting. All election candidates are privy to the same information. The board expects that the intensity of an election year brings increased scrutiny for the board and the staff. The board and staff strive to be fair, promote integrity and remain impartial.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes, if it is during the months between certification of candidates and the certification of the election to avoid any appearance of conflicts of interest between election supervisors and elected officials who are candidates in the upcoming election. All candidates are privy to the same information. There is every attempt to maintain election integrity, impartiality, and fairness.
17.	Comment	This response is based on election literature reviews, research, and practice predicated on the belief that the City of Rockville wants to conduct fair, safe, and just elections with an active, knowledgeable, impartial, committed election board of Rockville residents and staff of Rockville employees to enable voters to vote. Above all, the goal is always trust, which is generated by enhancing the principles of integrity and making ethical decisions. This is essential lest voters become disillusioned not only with elections but democracy itself.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	The City Charter and Code should more clearly describe the role of the BSE. It is important to have a city attorney work closely with the BSE. The Chair should be responsible for setting the agenda with the agreement of the BSE members and the city representative to make sure legal election laws are followed. If there is a conflict the city attorney needs to provide advice.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	Having served on the BSE, I felt that it was run very well by the Chair. The Board members respected her leadership. Getting a response in a timely manner from the BSE is a way to judge the performance. In most cases, requests were answered in a timely manner. Obviously, complicated matters take more research time.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	To improve performance, have a long-range goal on what is expected of the BSE. For example, list what Election Codes need to be updated by year. Propose a timeline to the Rockville Mayor and Council so they can schedule public hearings for any necessary changes. Major changes should not be made during an election year.

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	Most people don't know what happens behind closed-door conversations. This is unacceptable. Because of how the BSE appointment process has worked, I believe there has been a perception that there were conflicts with the City Council on how they handled appointments. It was obvious there were disagreements and some decisions lingered without a consensus. The City Attorney needs to make sure that there is no politics and personal preferences, but a consensus.
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	If the BSE allowed the incumbent Mayor and Council to influence their agenda during an election year, it could give the Council an advantage. Decisions and information are power to the incumbents
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	I have worked with a board of 5 or 7 and it worked well if they are conscientious and experienced members. I find 7 to be a more acceptable size especially since these are volunteer positions and members are not always able to attend. There is plenty of evidence of times when a quorum was not possible because members were absent.

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I support increasing the members to 7 with an alternative member. This person is expected to attend meetings periodically when a member is absent. My experience is that volunteers are usually appointed who have full-time jobs and conflicts arise. Rescheduling meeting makes it more difficult for city staff to accommodate meeting rooms.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	A four-year term is sufficient. Appointments should be staggered so there are always experienced members on the Board.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes, it is important to have one experienced BSE member. Board members should have some election qualifications. The member doesn't need to know everything, but it would help if the Board member worked as an election judge, was a candidate, or ran a campaign. Let the new members get more experience while other more experienced member serves on the Board.

10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	The Board could make poor decisions and possibly create noncompliance issues. The burden is with the City Attorney to make sure that all election laws are followed. Additional staff can be temporarily be hired during an election year.

11.	**Lengthening the term for the members of the Board of Supervisors of Elections**
	• How should the Mayor and Council address this situation?
	  ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or
	  ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?
		It should be clear how Board members are appointed and when their term begins and ends. Reappointments need to be discussed with the entire Mayor and Council.
		Yes, have the Charter reflect the actual 4-year appointment with beginning and ending term dates.

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
		Make sure the Charter is clear that any Council members may nominate to fill a vacancy and the entire City Council votes on the nominee. Maybe this would work better if we had 7 City Council Members.
		
		It has been an embarrassment how appointments have been so contentious.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Yes, the Charter should clarify that reappointments should be handled the same way as original appointments. There should be no confusion. The last BSE Chair appointment I observed was disappointing and embarrassing. It appeared that certain Council Members had a personal opinion on who was to be appointed. Why have appointments for the Planning Commission been such a disaster by that same Mayor and Council? I believe it is because of politics.
14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	There should be no set rule on when the BSE meets with the Mayor and Council. Meetings should occur when necessary. It is advisable to have the BSE and Mayor and Council meet once a year to review to see if the 4-year plan needs revisions or if Codes need to be updated.

15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	The frequency of communications between the BSE and Mayor and Council during the months between certification of candidates and the certification of the election should be limited and monitored carefully to avoid any conflicts of interest. Incumbents should not receive information that other candidates don't receive. This is most important in creating election integrity, impartiality, and fairness.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	The BSE and Mayor and Council should not meet if there is a conflict of interest. The City Attorney should monitor any inappropriateness of the BSE and Mayor and Council meeting. There could be legal reasons for not meeting. Meetings are not as important as is direction through email communication from the Mayor and Council
17.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	Yes, if the subject is not appropriate, the meeting can take place to discuss why not. During Election Year, the city attorney should review the appropriateness of the decline.

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
2.	**General BSE-Related Quesons** How do you judge the performance of the BSE overall? Please explain.	Candidates should not be asked this queson. The BSE must be an independent body and should not be taking direcon fr om candidates.
3.	**General BSE-Related Quesons** If you could, what changes would you make in the BSE to improve its performance?	Again, why is this queson being ask ed? Why is this the subject of this survey?

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
4.	**General BSE-Related Quesons** Given recent public discussions on the roles of local boards of elecons in assuring the non-parsan and unbiased nature of the elecon processes, do you think that the Rockville BSE is sufficiently insulated from polics? If not, wha t would you change?	It is not. Bridget Newton and her polic al allies on the City Council gu ed the leadership and experience of the BSE a. er the elecon. This w as completely unacceptable and they should not have been able to remove the two experienced BSE Commissioners. This must be invesg ated and prevented in the future.
5.	**General BSE-Related Quesons** In what ways could the BSE influence the outcome of an elecon, if it chose to do so?	If the BSE is filled with appointees dedicated to certain Mayoral and Councilmember candidates, they could make the BSE adopt elecon rules and procedures that provide more accessibility to the voters supporng those c andidates. The BSE must not be beholden to the Mayor, Counciilmembers, or any other candidate. The BSE must be as independent and beholden to the people as possible.

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
6.	**Increasing the number of members of the Board of Supervisors of Elecons** Is the current BSE the proper size for its workload? Please explain.	The BSE and City Staff working on elecons w ould be best suited to respond to this queson if y ou need the answer.
7.	**Increasing the number of members of the Board of Supervisors of Elecons** Is the current BSE the proper size for its workload? Please explain.	queson is r epeated

Quesons f or Mayoral and Council Candidates

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8.	**Increasing the number of members of the Board of Supervisors of Elecons** Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this opon.	Again, the BSE and City Staff working on elecons would be best suited to answer these types of quesons.
9.	**Lengthening the term for the members of the Board of Supervisors of Elecons** Should the terms of BSE members be lengthened? If so, how long?	

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
10.	**Lengthening the term for the members of the Board of Supervisors of Elecons** Preface – The ming and leng th of BSE terms established in the Charter would appear to provide adequate me f or new BSE members to familiarize themselves with many of the processes leading up to elecons, but no prior experience in conducng or assessing elecons. Is it important that at least one member of the BSE will have experienced a complete elecon cycle when the Board is preparing for a new elecon? Please discuss y our answer.	As many experienced people as possible should be on the BSE to use their experse in running the elecons. Compe tent, experienced people should not be removed. It is not okay that competent and respected BSE commissioners were removed even if one experienced person remained.
11.	**Lengthening the term for the members of the Board of Supervisors of Elecons** Preface – The City has been out of compliance with the Charter with regard to the ming of the beginning and end of BSE member terms for the past twenty years. What problems would you expect in the BSE's conduct of an elecon if none of the BSE members had prior elecon e xperience?	Experience is key and must be maintained across elecons. This is simply c ommon sense.

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
12.	**Lengthening the term for the members of the Board of Supervisors of Elecons** ● How should the Mayor and Council address this situaon? o Begin adherence to the Charter in appoinng BSE members as the current seats come up for appointment or reappointment? o Or Change the Charter to reflect the actual pracce of making fix ed 4-year appointments that begin and end on the month and day of the appointment?	
13.	**The appointment process for the members of the Board of Supervisors of Elecons** Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elecons since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominaons t o fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.	The Mayor and Councilmembers should be able to nominate. No mayor should have complete control of the BSE.

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
	● How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. Change the Charter to reflect the long-standing pracce of ha ving any Councilmember, not just the Mayor, nominate people to fill vacancies.	
14.	**The appointment process for the members of the Board of Supervisors of Elecons** The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
15.	**The required dues of the Boar d of Supervisors of Elecons t o include meeng with the Ma yor and Council and parcipa ng in mee ngs of the Mayor and Council and mely responding to informaon r equests** Preface –The BSE has tradionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elecons as well as proposed changes to the City Charter or Code that impact elecons. The BSE has also r ounely responded to informaon r equests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meengs and c ommunicaons. Please respond to the following to shed light on this issue. Please summarize the kinds of meengs tha t the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relaon t o pending or prior elecons, the t opics discussed, and who usually requests them.	The Mayor and Council should not be influencing the elecon b y making the BSE abide by their influence for at least a year before an elecon.

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
16.	**The required dues of the Boar d of Supervisors of Elecons t o include meeng with the Ma yor and Council and parcipa ng in mee ngs of the Mayor and Council and mely responding to informaon r equests** Please discuss the nature and frequency of communicaons tha t occur between the BSE and Mayor and Council outside of officially noced mee ngs and who usually inia tes them.	The Mayor and Council should not be influencing the elecon b y making the BSE abide by their influence for at least a year before an elecon. One c ould not help but noce tha t the candidates, Bridget Newton and Beryl Feinberg wanted to have the BSE report to them and have influence on the elecon. I will not support any Mayor or Councilmember influencing an elecon or ha ving the BSE report to them. Undue influence must not be permi ed. More than an arms length should be implemented with policy.
17.	**The required dues of the Boar d of Supervisors of Elecons t o include meeng with the Ma yor and Council and parcipa ng in mee ngs of the Mayor and Council and mely responding to informaon r equests** Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	I will not support any Mayor or Councilmember influencing an elecon or ha ving the BSE report to them. Undue influence must not be permi ed. More than an arms length should be implemented. The BSE can report to the residents of Rockville. The BSE works for us, the people, not the Mayor and Council, who should not be permi ed to give feedback on the elecon pr ocess.

Quesons f or Mayoral and Council Candidates

1.	**General BSE-Related Quesons** Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Why are candidates being surveyed about the body holding elecons. The BSE is not t o serve the candidates, it is to serve the residents of Rockville.
18.	**The required dues of the Boar d of Supervisors of Elecons t o include meeng with the Ma yor and Council and parcipa ng in mee ngs of the Mayor and Council and mely responding to informaon r equests** Would it ever be appropriate for the BSE to decline an informaon request from the Mayor and Council? If so, why?	This is a repeated queson.

	Questions for Former Rockville Elected Officials and Candidates for Mayor/Council	**Response** From Sima Osdoby 301-279-9306 Thank you for the opportunity to respond.
1	**Should the size of the Council be expanded?** • Would increasing the number of seats on the City Council improve or hinder the operations of the Mayor and Council? Please explain your response.	Yes, the Council should be expanded. The City has grown significantly.

2	• **Should the size of the Council be expanded, If additional seats were added to City Council, how many seats would you recommend adding and why?**	Add a minimum of 2 more seats would be a good start. That should increase the probability of improved workloads, opportunity for more diversity, attention to varying community needs (and success). Overall the size of the Council should not be more than 9 at this point.
3	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	See response above. Opening more seats on the Council coupled with thoughtful and relevant outreach should open up these possibilities. Rockville for some time now has been rated as among the most diverse municipalities in the US.

4	**Should there be term limits for Mayor and Council?** • Are you aware of historical, operational, or other impediments that have prevented the City of Rockville from implementing term limits for elected officials? If so, what are they?	For the most part, Rockville has been blessed with dedicated, informed and hardworking elected officials at all levels. It takes a long time and an investment to be up and running. It is a shame to lose that talent. While I realize it is difficult to defeat an incumbent, I don't think term limits in general is the most useful approach for change.
5	**Should there be term limits for Mayor and Council?** • Have you been directly affected by term limits in other elected offices in the County? What are the challenges or advantages that you see in working with other elected officials who are term limited such as County Council?	The implementation of the County Council term limits resulted in many talented and dedicated elected officials deciding not to run or losing at the ballot box. Whether the elected official is term limited or not they are expected to be working on behalf of their constituents. In my experience officials did their job, providing information and actions as needed. .

6	**Should there be staggered terms for Mayor and Council?** • What specific impacts could occur if the entire Mayor and Council is replaced in an election? What policies and/or budget categories depend on the continuity of Mayor and Council members being re-elected?	Yes. Better to staggered terms and have a higher chance for continuity (or a needed fresh start
7	**Should there be representative districts? What would the boundaries look like?** • If the City creates representative districts for Councilmembers, do you feel this would impact policymaking? Why or why not?	How would the districts be drawn? Who gets what? Of course, it would affect policy making.

8	**Should there be representative districts? What would the boundaries look like?** • How would you recommend drawing and defining boundary lines for geographic districts within the City?	I would strongly prefer implementing Ranked Choice voting for a City of this size and complexity as a first choice.
9	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	It depends on how the districts are drawn. One way or another it will effectively divide the city rather than building more unity. The selection is likely to at least appear to favor some.

	Should there be representative districts? What would the boundaries look like? • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	People need to understand what in fact is the work of the City of Rockville and why they need to participate.
1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • Should elected officials resign to run from their position prior to announcing that they are running for a different position? Why or why not?	As long as the person has broken no laws, has no conflict of interest and work is not impeded why lose the talent

1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?	
1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • What are the advantages and disadvantages of an elected official resigning to run for another elected office?	In some cases, it could avoid a conflict of interest.

1	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?	It seemed to be a pretty fair process.
1	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • If you could design and implement the ideal process for filling a vacancy in the office of Mayor or Council, what would that look like? What role would the Rockville community play in filling a vacancy?	If an election is not required because of the time frame, then a list of candidates should be made public. The public should have an opportunity to comment, and the Mayor and Council should decide In a timely manner and should conform to relevant laws. Done properly it is a good opportunity to engage the public – and perhaps increase voter turnout if the importance of local government is understood.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Basically, yes. The Charter charges the BSE to ensure elections are fair and open and to maximize/encourage voter participation. Those charges are, on the one hand, specific enough to limit the scope of the BSE and, on the other hand, broad enough to give the BSE sufficient latitude to respond to new challenges and changes to the environment and take advantage of, for example, new technologies. More subtle, but extremely significant, is structure of the Charter. First, as is to be expected, the Charter establishes and defines Rockville. Second, the Charter creates a Mayor & Council form of government. The, rather than addressing important issues such as finance, land use, or public health and safety, the Charter establishes the BSE and addresses elections. Such prominent placement in the Charter speaks to the importance of the BSE and elections. (If I remember correctly, the BSE is the only board established in the Charter, again speaking to its importance.) The Code, however, is another matter. Elements of the Code addressing elections and the Board's role are poorly organized, imprecisely worded, and sometimes contradictory. Section 8 needs a complete rewrite and a very good edit.

2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	The performance of the BSE since 2013 has been exceptional. It ran three successful elections (2013, 2015, and 2019). The only major issue I remember, the presentation of candidate names on the touchscreen voting machines in 2015, was something the BSE had no control over. In 2019 election, at the suggestion of the BSE and with the necessary legislative action of the M&C, the election was a Vote by Mail process that significantly increased voter turn-out (one of the responsibilities given to the BSE by the Charter). The BSE also automated reporting of campaign finances, which made it much easier for candidates to file accurate campaign finance reports and for the BSE to review them.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	Members of the BSE are appointed by the M&C so, there is no way to completely insulate the BSE from politics. However, on its face, this is a strange question. Rockville boasts that its elections are "non-partisan" at least to the extent that no candidates are identified by party affiliation. But, given today's reality . . . The Charter insulates the BSE from political pressure by establishing it as an entity that does not exist at the pleasure of the M&C. As long as the BSE remembers this, the BSE will be fine. The BSE must also be perceived to be non-partisan and unbiased. To that end, the BSE operates in the open. All meetings are open to the public. Observers are allowed in all polling places. Canvassing and counting of the votes are open to the public. Further, the BSE follows best practices of boards that oversee partisan elections. For example, any activity involving handling or processing of ballots is conducted by at least two people (either BSE members or a BSE member and member of the City Clerk's office). Finally, to the best of my knowledge, no member of the BSE has ever endorsed (directly or indirectly) a candidate. Members who decide to run for office resign from the Board before doing so.

5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	Maybe I am not imaginative enough, but there really isn't a way the BSE could influence the outcome of an election. There are only two processes that the BSE is involved in that could potentially do so: certification of signatures on forms potential candidates submit and making decisions on whether to accept or reject questioned ballots. For a variety of reasons, the BSE could not use any of these procedures to influence the outcome of an election. Remember, running an election (designing, printing, and mailing ballots, determining the location of polling places and/or drop boxes, hiring election judges) is the purview of the City Clerk, not the BSE.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	No. Unless all BSE members are retirees who don't like to travel, there is too much work to do, especially in an election year. (And having only retirees on the BSE is a bad idea). Even in off-years, there is a lot to do.

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No. Either you are on the BSE or you are not. I would support adding at least one or two more members. If only one is added, perhaps the Chair could only vote in case of a tie. Note, however, that even now, the meeting room is crowded. The table usually has 5 BSE members, the Clerk, usually the Election Specialist in the Clerk's office, and an attorney. In addition, accommodation must be made for any members of the public who wish to attend. So, if the size of the Board is increased, you'll need to find a bigger meeting room.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	I suggest a 4-year term.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Even assuming an experienced City Clerk (which the City is lucky to have) there are too many things that can wrong, too many moving parts. Besides, running and election is more than following a schedule. So at least on member of the BSE must have experience. But what happens if that person resigns, gets sick, or is otherwise unavailable. So, it is important for more than one member of the BSE to have gone through at least one election cycle. Also note that it was an experienced BSE member—not the Clerk's office—that suggested Vote by

		Mail. Board members look at elections from a difference perspective.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	At the very least, too much responsibility would be placed on the Clerk's office. If the primary role of the BSE is to oversee the election (and it is), how will inexperienced members know what they are looking for. How will an inexperienced BSE member know whether all procedures are being properly followed at a polling site if the member has no idea of what those procedures are and what is supposed to be going on at the site?

11.	**Lengthening the term for the members of the Board of Supervisors of Elections**
	• How should the Mayor and Council address this situation?
	  ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or
	  ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?
		Change the charter. Assume the January after an election is Year 0. Stagger appointments so that one member is appointed in April of Year 0. (I choose April because the report on the previous year's election should be pretty much done by then. To be safe, make the appointment in July rather than April). Appoint another BSE member 3 months later. Continue to appoint BSE members at 3-month intervals until the Board is full. Even if the BSE expands to 7 members, all will have served at least 2.5 years before the next election. Not quite the same thing as having election experience, but even if only two members are reappointed in each 4-year cycle, there will always be at

		least two experienced people on the BSE in all subsequent elections. Obviously, some current BSE members will need to have their terms lengthened or shortened to ensure the BSE is at full strength until the first batch of members is appointed under the new scheme.

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
		Change the Charter to allow Councilmembers, not just the Mayor, nominate people to fill vacancies.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Am I correct in assuming an appointment is not the same as a nomination? In that case, a reappointment should be treated just like a new nomination. That is, the Mayor (or, if the Charter is changed, a Councilmember) may renominate a BSE member whose term is ending or nominate someone else to fill that seat. Or both. That is, a BSE member may be renominated and one (or more) others may be nominated. A vote by the M&C would determine which nominee (if there is more than one) is appointed.
14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	As I've noted, the BSE is an independent entity, established by the Charter. To that extent, unless I've missed something, the BSE is not obligated to report to the M&C. However, the BSE should make recommendations, in writing to the M&C regarding the conduct of elections and propose changes to the Code it deems appropriate. The BSE should meet with the M&C in person to support any such requests and to respond to queries from the M&C. The BSE should report to the M&C after each election on that election paying particular attention to lessons learned. Frequently this report has included a to-do list, things the BSE thinks it needs to do (or would like to do) before the next election. If the BSE has provided a to-do list to the M&C, the BSE should submit an annual status report, in writing, and meet with the M&C, if requested to answer questions concerning that report.

		Finally, the BSE must always be aware that one or more members of the M&C may be candidates at the next election or, if it is in an election year, may actually be candidates. Therefore, it may be inappropriate to respond to every request for information from the M&C. To the best of my knowledge, such responses are not statutorily required. If nothing else, I suggest the BSE ask the attorney assigned to them for guidance (which the BSE, of course, is not obligated to follow).
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	

16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes. As noted above, because members of the M&C are, at the very least, potential candidates, any meeting that would give the M&C an advantaged a potential—or even a perceived—advantage would be inappropriate. For example, if a member of the M&C requested a written report on voter registration or participation by district during an active election—a report that might not be made public for some days or weeks after it is submitted—that might be perceived as giving incumbents an advantage. On a broader level, any request from the M&C that gives the impression that the M&C is overseeing the Board, might be considered inappropriate by the Board. It is the Board that oversees elections, not the M&C. Any action that implies otherwise, advertently or not, weakens the status and perception of the BSE as an independent, non-partisan body.

From:	steven stevenvangracklaw.com
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Subject:	REVISIONS TO THE CHARTER
Date:	Thursday, February 3, 2022 1:38:45 PM

Members of the Charter Review Commission

Thank you for reaching out to Former Elected Officials for input on the Rockville Charter (also referred to as the Constitution).

Allow me to initially comment on the 2012 Charter Review Commission's recommendations. As you might recall, we proposed changing the terms of office of the Mayor and Council (M&C) to four years, increase the number of the M&C to seven and provide mail-in voting. These recommendations were made after many public hearings. Two of these recommendations were adopted.

You have asked for opinions on several topics which will be addressed as well as a few new issues.

SIZE OF THE MAYOR AND COUNCIL

In the public hearings we conducted in 2012 there was strong support to increase the size of the M&C. We learned that of the 157 municipalities in Maryland the number of elected representatives in Rockville was among the lowest. We now have over 70,000 residents. We also have a diversity of 22% Asian Americans and 17% Hispanic/Latino Americans. There has not been a member of these groups elected to the M&C. Our city will continue to grow and become more diverse. We should enhance more minorities to better reflect the make-up of our city.

REPRESENTATIVE DISTRICTS

The M&C are now all elected city wide. There has been a very disproportionate

representation from a few geographical areas of the city. King Farm, where I presently reside, is the largest residential community in Rockville with over 10,000 residents and there has never been a member of the M&C. Fallsgrove is another heavily populated area with no representative. Geographical balance is important and we should have members of the M&C from more areas.

STAGGERED TERMS

Staggered terms is likely to mean more elections and is not a good idea.

TERM LIMITS

We have had some elected officials who serve for very long terms and their name recognition is sometimes the reason for keeping them in office. With 4 year terms we might limit 3 terms for Mayor and 3 terms for Council.

FULL TIME MAYOR AND COUNCIL

The past 3 mayors, over 20 years of service, have been able to devote full time to the office. The job requires a full time commitment. Councilmembers who have full time jobs find it extremely difficult to devote the time necessary to make decisions on the policies and budget as well as attend to the important events of our city. It is a lot to ask of each member of the M&C to have a family, a full time job and give our city the time needed.

VOTING ENHANCEMENT

We should consider providing that all titleholders of houses and condominiums are automatically registered to vote. All other residents, including tenants and other occupants, should be required to complete a Voter Registration Form. We also should prepare for online voting which would include communications to registered voters on how to vote online.

Thank you for the time which you are devoting to our city in review of our Charter (AKA Constitution).

Steve

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Questions for Former Rockville Elected Officials and Candidates for Mayor/Council		Response
1	**Should the size of the Council be expanded?** • Would increasing the number of seats on the City Council improve or hinder the operations of the Mayor and Council? Please explain your response.	The size of the Council should be expanded to both lighten the load of the current Council members and to potentially broaden representation of the residents.

2	**Should the size of the Council be expanded?** • If additional seats were added to City Council, how many seats would you recommend adding and why?	Two seats, to start. This should be a slow roll to accommodate the budget and budget development process. There is also the impact on staff that must be considered.
3	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	In an open, free, and fair election we cannot guarantee that the makeup of the Council will accurately reflect the demographics of the residents, but it makes it more likely. Other election reforms, such as a spending cap and/or public financing of local elections would go a long way to leveling the playing field.

4	**Should there be term limits for Mayor and Council?** • What do you feel would be the advantages and disadvantages of imposing term limits for the elected offices of Mayor and Councilmember?	I see this as nothing but an advantage. Two terms for Council members and two for the Mayor would allow for enough turn-over to keep things fresh but enough time for Council members who are truly committed to getting things done to accomplish something for the people of Rockville. When someone is reasonably secure in their position for as long as they wish there is no incentive to make things happen in a timely manner, and no reason to develop up-and-coming leaders to take their place to continue their priorities and provide continuity.
5	**Should there be term limits for Mayor and Council?** • Are you aware of historical, operational, or other impediments that have prevented the City of Rockville from implementing term limits for elected officials? If so, what are they?	I am not aware of any real impediments to the implementation of term limits.

6	**Should there be term limits for Mayor and Council?** • Have you been directly affected by term limits in other elected offices in the County? What are the challenges or advantages that you see in working with other elected officials who are term limited such as County Council?	I have not been directly affected by term limits in the County. Working with someone who is term-limited should serve as motivation to get the work done before you, or the person you are working with, are out of time. It could potentially be a de-motivator once the term is almost up, and I can see where some might retire before leaving the building once the end of their term is near.
7	**Should there be staggered terms for Mayor and Council?** • What specific impacts could occur if the entire Mayor and Council is replaced in an election? What policies and/or budget categories depend on the continuity of Mayor and Council members being re-elected?	Staggered terms are a great idea, although the cost of a second round of elections should be considered. If the entire Council were to be replaced in one election, I think it would impact most City functions and operations. Bringing all 5 new members up to speed would be an onerous task for the staff. Mentorship by outgoing members would be critical.

8	**Should there be representative districts? What would the boundaries look like?** • If the City creates representative districts for Councilmembers, do you feel this would impact policymaking? Why or why not?	Representative districts would definitely impact policymaking. Rockville already has a problem with neighborhoods being too insular, often at the expense of other neighborhoods. We need to do a better job of balancing the unique history and needs of our neighborhoods with the wellbeing of the entire City. Creating districts where each representative is tasked with only looking out for the interest of their side of town would exacerbate this issue. City leadership needs to do a better job of creating a sense of belonging at the whole-City level rather than relying on neighborhood leadership to build a sense of neighborhood belonging and loyalty.
9	**Should there be representative districts? What would the boundaries look like?** • How would you recommend drawing and defining boundary lines for geographic districts within the City?	I do not recommend this.

1	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	I think this would especially impact economic differences (and therefore racial and citizenship status differences), with neighborhoods in need of more resources having to compete with neighborhoods that are affluent. This already happens, but because the Mayor and Council are dependent on votes from all residents, they have a reason to work hard for all. I see districting as divisive in an entity the size of Rockville.
1	**Should there be representative districts? What would the boundaries look like?** • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	We all know from experience that community participation would be so uneven as to be unethical. I have tried to prove myself wrong on this point, and I haven't been able to.

1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • Should elected officials resign to run from their position prior to announcing that they are running for a different position? Why or why not?	Elected officials should resign to run for a new position upon filing for election to the new position.
1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?	They should resign at filing and immediately announce it to the public. This announcement should be considered 30 days' notice.

1	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • What are the advantages and disadvantages of an elected official resigning to run for another elected office?	If someone doesn't want to be here, we should wish them well and let them go. It creates disruption and undue work for the rest of the Council and the staff, and distrust with residents who thought they could count on that person as their representative. By requiring their resignation and proceeding with a reasonable replacement process, the City can minimize the disruption of having someone on Council whose time and attention are no longer focused on City business. Minimizing the disruption and the drama creates confidence that the City knows what it's doing, and that the remaining elected leaders have the residents' best interest in mind.
1	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?	Some consideration should be given to candidates who received enough votes to get them into the top 7-10 spots in the prior election, and appointment by the Mayor with final approval by the Council should be considered. There should be a first round of interviews that are private, and each candidate should be able to make a 2-3-minute video to be aired on Channel 11 rather than the lengthy public interview that the last round of applicants went through. Questions should be standard, and questions from the public should be considered.

1	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • If you could design and implement the ideal process for filling a vacancy in the office of Mayor or Council, what would that look like? What role would the Rockville community play in filling a vacancy?	See above.

Questions for Other Members of the Community

	Should the size of the Council be expanded? • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	I support adding two members to the city council. The size of the body has been fixed even as the city has grown substantially in recent decades. Adding two seats would distribute the work of council across more members. I cannot speculate as to how this would affect the factors of representation mentioned in the question. In theory an expanded council would increase opportunities for more demographic groups to see themselves represented in the body, but it doesn't always work out that way. In addition to expanding the council, I believe increasing the compensation for councilmembers from the current ~26K (est.) should be considered. While the position is "part-time," we must recognize the overwhelming demands it places on officeholders. The relatively modest compensation is a deterrent for those who are inclined to serve but cannot afford to take the time away from other work. Higher compensation may help alter the calculation for some. I understand the level of councilmember compensation is not set by charter, but it should not be overlooked as a potential factor limiting the pool of candidates for elected office in the city.

	Should there be representative districts? What would the boundaries look like? • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	I am open to representative districts, or perhaps a mixed model of at-large and representative districts like we have at the county level. I don't think districts can or should be drawn with gender, sexuality, or physical abilities in mind. That doesn't make sense to me, as these traits do not follow geographic characterization. However, we do have more reliable data on race and economic status which are salient factors for drawing boundaries. My view is that the primary factor driving boundaries should be Rockville's historical neighborhood identities and "communities of interest."
	Should there be representative districts? What would the boundaries look like? • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	The city excels at outreach to the community. The extensive outreach done for the 2040 master plan is a good model for the city to follow. However, I am concerned that the Charter Review process is moving too slowly to enact representative districts before the 2023 election.

	BSE General Questions • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Generally, yes. Section 8.4 establishing the BSE is simple and direct: follow the law and make recommendations annually. I cannot suggest a way to improve upon that.

	BSE General Questions • How do you judge the performance of the BSE overall? Please explain.	Some metrics I would consider: • Are city elections conducted fairly, in fact and in perception? • Are elections outcomes accurate, unambiguous and accepted? • Is voter participation on par with comparable jurisdictions with off-year municipal elections? • Does the BSE operate with transparency and integrity? • Do candidate packets and campaign finance guidance enable candidates to comply with city code? • Does the BSE strive to reach all residents eligible to vote, with a particular emphasis on historically marginalized groups?

	BSE General Questions • If you could, what changes would you make in the BSE to improve its performance?	I have no suggestions to improve the BSE performance.

	BSE General Questions • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	Under the leadership of Lois Neuman, Rockville's BSE did an excellent job conducting the 2019 election, which saw huge gains in turnout in Maryland's first vote-by-mail election. After such a groundbreaking success, it's baffling that her nomination for reappointment failed to gain support. In denying her nomination, the council majority cited a desire to "cast a wider net" to diversity the BSE membership, yet she was subsequently replaced by a white male. With the efforts around the country to undermine local boards of elections as a backdrop, Neuman's rejection was a jarring moment for Rockville that called into question whether she faced retribution for defending the BSE's independence. Expanding diversity obviously had nothing to do with it. It's unfortunate the Mayor and Council put the BSE in the position where its independence from political interference is questioned. I'm not sure what I would change because ultimately, the council majority—elected by voters—decides who is appointed. I do not support direct election of BSE members.

	Increasing the number of members of the Board of Supervisors of Elections • Is the current BSE the proper size for its workload? Please explain.	Expanding the size of the BSE would reduce the risk of loss of institutional memory and experience. With just five members, the loss of even one experienced member is significant. A larger BSE would allow for a wider range of tenures, expertise, and demographics, as well as promote continuity.
	Increasing the number of members of the Board of Supervisors of Elections • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	The process works about just as well as it does for any other Board or Commission.

	Increasing the number of members of the Board of Supervisors of Elections • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I do not support alternates. If we have qualified residents willing to serve, appoint them as full members. Add two seats to the BSE so that a vacancy or two presents less hardship than it does with a body of just five members.
	Lengthening the term for the members of the Board of Supervisors of Elections • Should the terms of BSE members be lengthened? If so, how long?	The BSE term should be at least four years so members can complete an election cycle.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Of course having at least one member with experience makes sense, but I don't know how the charter can mandate this. What if the experienced members resign, or God forbid, die? The charter can't control which seats are vacated or when. In the end, Mayor and Council must exercise good judgment in evaluating the spectrum of experience on the BSE when considering appointments.
	Lengthening the term for the members of the Board of Supervisors of Elections • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	Let's hope we don't face this. This points to the importance of the City Clerk and her staff in this process to train and advise BSE members on the procedural conduct of our city elections.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Adherence to the Charter should be an imperative. I believe making the appointments for a fixed duration at the time of appointment is preferable. Eventually this is likely to result in a membership with overlapping terms and a blend of experience levels.
	The appointment process for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Change the charter to reflect long-standing practice. Allowing any member of the elected body to nominate minimizes the risk that the BSE is beholden to one figure, or the perception that it is. It also creates more opportunities for diverse representation. Nomination does not mean appointment, so a majority is still required, as is appropriate.

	The appointment process for the members of the Board of Supervisors of Elections • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	I am not a lawyer, but it seems to me that the charter needs to speak only to appointments. It is immaterial whether a vacancy is filled by a returning member or a new member. Perhaps instead the Charter Review Commission should concern itself with the practice of members of Boards and Commissions remaining in place after their appointments have expired, sometimes for years. Once a term is expired, the seat should be vacant and subject to appointment as set forth in the charter. This is true for BSE and any other Board or Commission, but particularly for those with statutory roles.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	No basis to comment.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	No basis to comment.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes, the BSE must strive to maintain its independence, in fact and in perception, so it may appropriately decline an invitation to appear before Mayor and Council. Non-incumbent candidates do not have the privilege of summoning the BSE and giving it direction during an election season. Thus, the BSE may rightly decide that appearing in person before the Mayor and Council presents an intolerable risk to its independence and the conduct of unbiased of elections. This is not to say the BSE is unaccountable, but rather that the M&C must show proper deference to its BSE appointees and the unique role they play in our governance.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	The bar for declining a written information request is higher than refusing a request to appear. It depends on the nature of the information request and whether the disclosure is appropriate. If the BSE feels the information request is made in good faith, then it should generally comply with the request.

Appendix B

1. Analytics Report
2. Poll Results
3. Transcript – March 15, 2022 Town Hall

slido

Event summary report
City of Rockville Charter Review Commission Questionnaire

Active users
6

Engagement score	**141**
Engagement per user	**23.5**

Questions
1

Likes / dislikes	**0 / 0**
Anonymous rate	**0%**

Poll votes
140

Polls created	**1**
Votes per poll	**140**

Popular questions

R **Randy Alton**
15 Mar, 11:08pm
0 0
I would also like to speak. Thank you

Topics

I would also like to speak. Thank you

Influential users

R Randy Alton 1 0

City of Rockville Charter Review Commission Questionnaire

14 Mar - 01 Apr 2022

Poll results

slido

Table of contents

- Survey

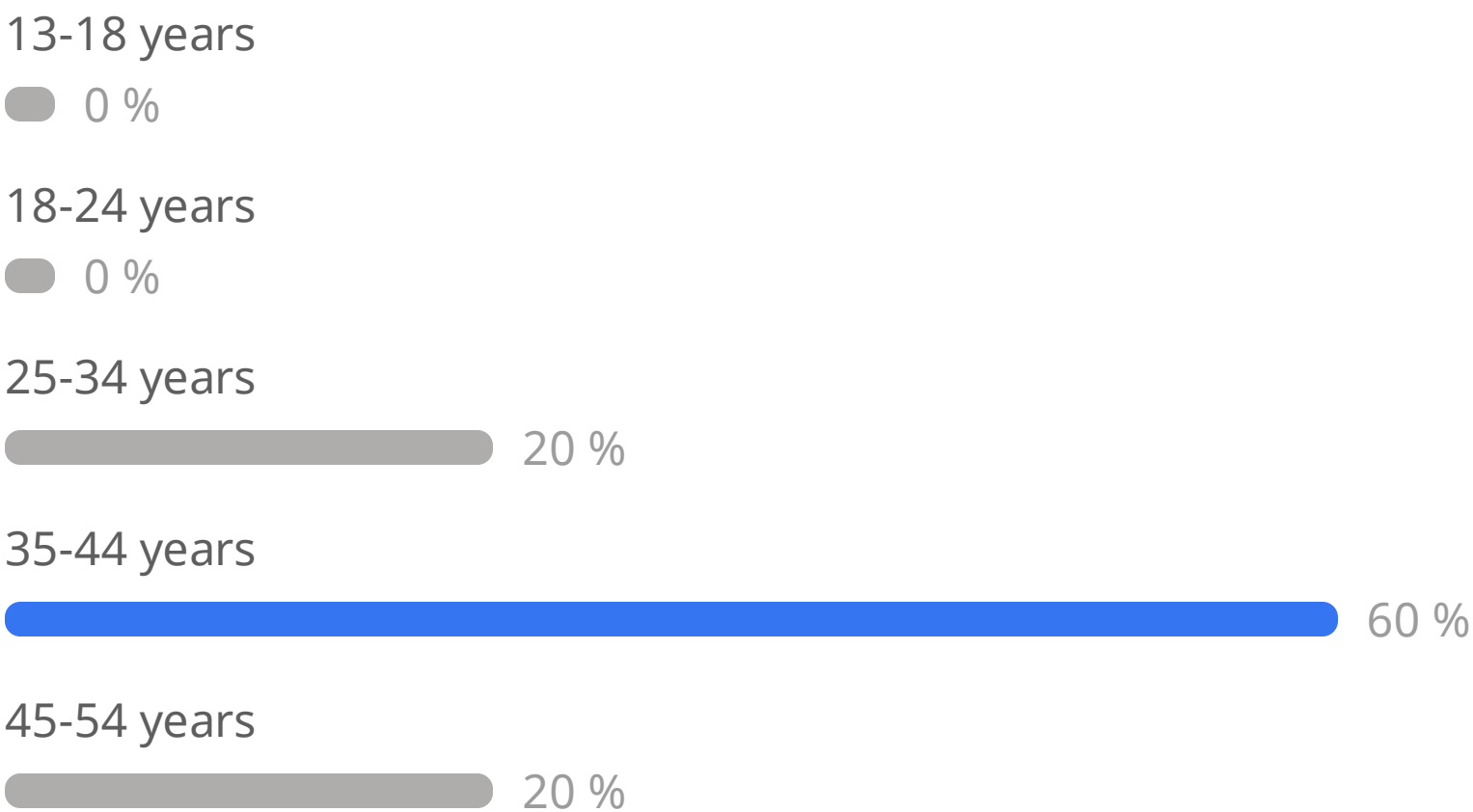
slido

Survey (1/37)

0 0 5

1. In which category is your age?

(1/2)



Survey (1/37)

0 0 5

1. In which category is your age?

(2/2)

55-64 years

0 %

65-74 years

0 %

75 years or older

0 %

Survey (2/37)

0 0 5

2. Please indicate your race and/or ethnicity: (Choose all that apply)

(1/2)

Hispanic or Latino/a/e

0 %

Arab, Middle Eastern, or North African

0 %

American Indian or Alaskan Native

0 %

Asian, Asian Indian or Pacific Islander

0 %

Black or African American

0 %

Survey (2/37)

0 0 5

2. Please indicate your race and/or ethnicity: (Choose all that apply)

(2/2)

White

100 %

Other (see text box below)

0 %

Survey (4/37)

004

3. Please enter your five-digit zip code

- 20850
- 20851
- 20851
- 20850

Survey (5/37)

0 0 4

4. Do you rent or own your current residence?

Rent

0 %

Own

100 %

Other

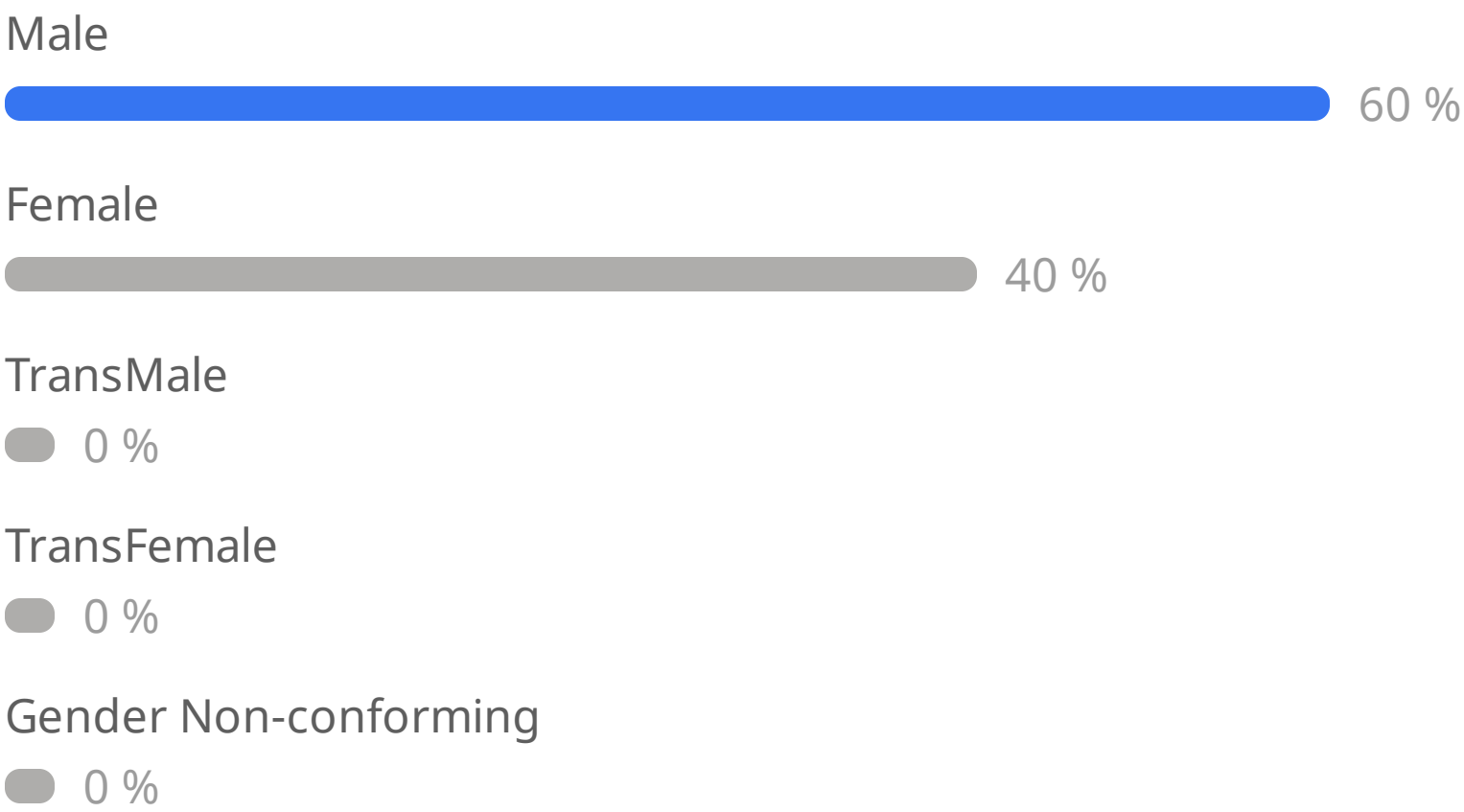
0 %

Survey (6/37)

0 0 5

5. Please indicate your gender identity:

(1/2)



Survey (6/37)

005

5. Please indicate your gender identity:

(2/2)

Other

0 %

Survey (7/37)

0 0 4

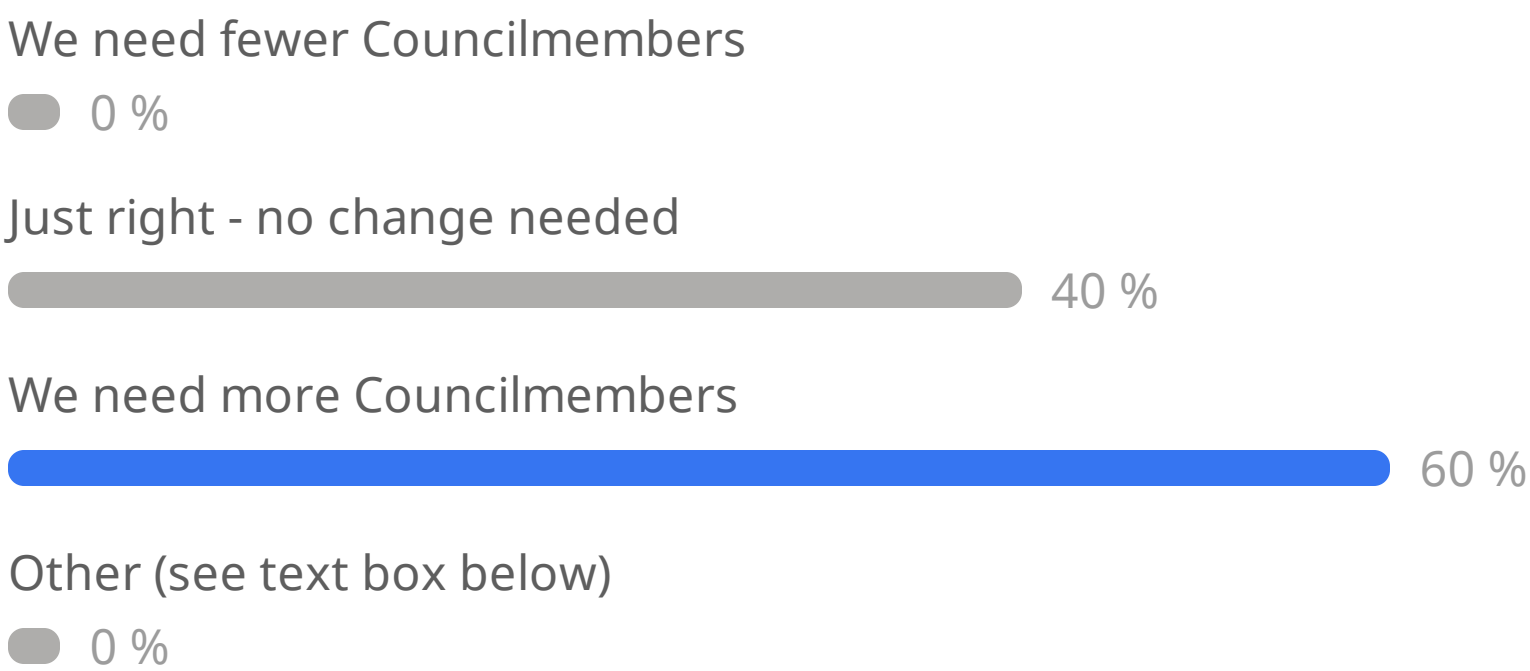
6. Please enter your neighborhood (optional)

- Burgundy Knolls
- twinbrook
- Twinbrook
- Maryvale Park

Survey (8/37)

0 0 5

7. We need your opinion on the size of the Mayor and City Council. Right now, we have 5 elected officials - 1 Mayor and 4 City Councilmembers. (Choose one)



Survey (9/37)

0 0 1

7A. If you selected Other for question 7, please specify your opinion on the size of the Mayor and City Council.

- 7

Survey (10/37)

0 0 3

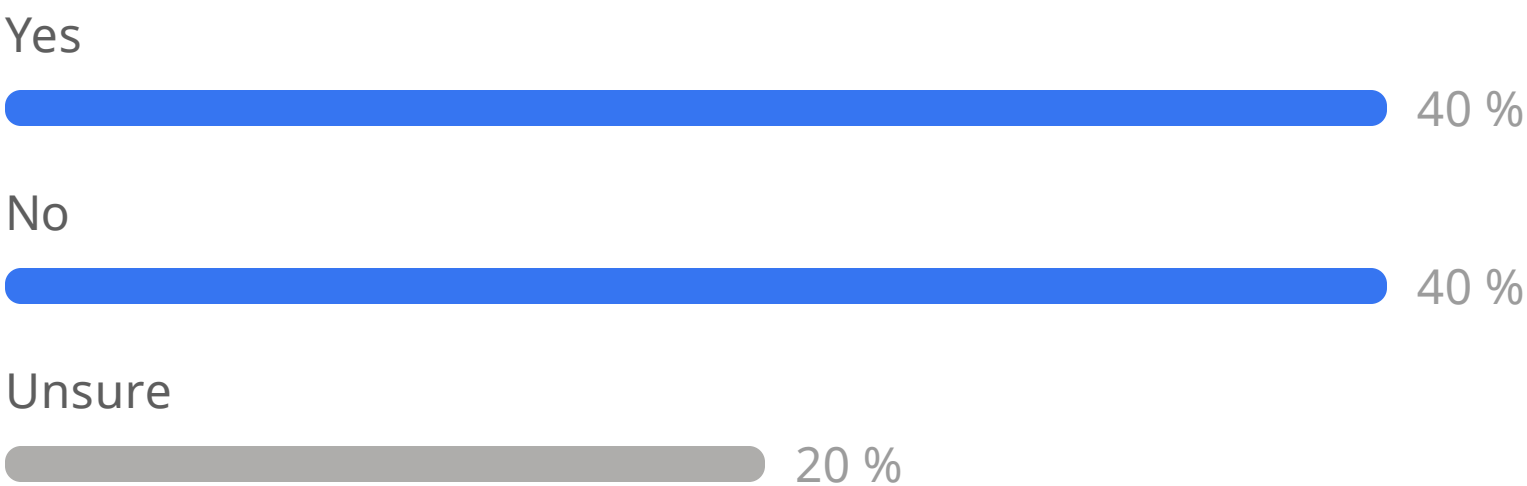
8. We need your opinion on who City Council Members represent. Right now, the Mayor and all Councilmembers represent the community at large.

- I would prefer Council candidates to run in and represent specific districts. This can help achieve greater representation of the diverse communities in the city
- District & at-large (or a proportional representation system or ranked-choice voting)
- Hybrid system with at large and district representatives

Survey (11/37)

005

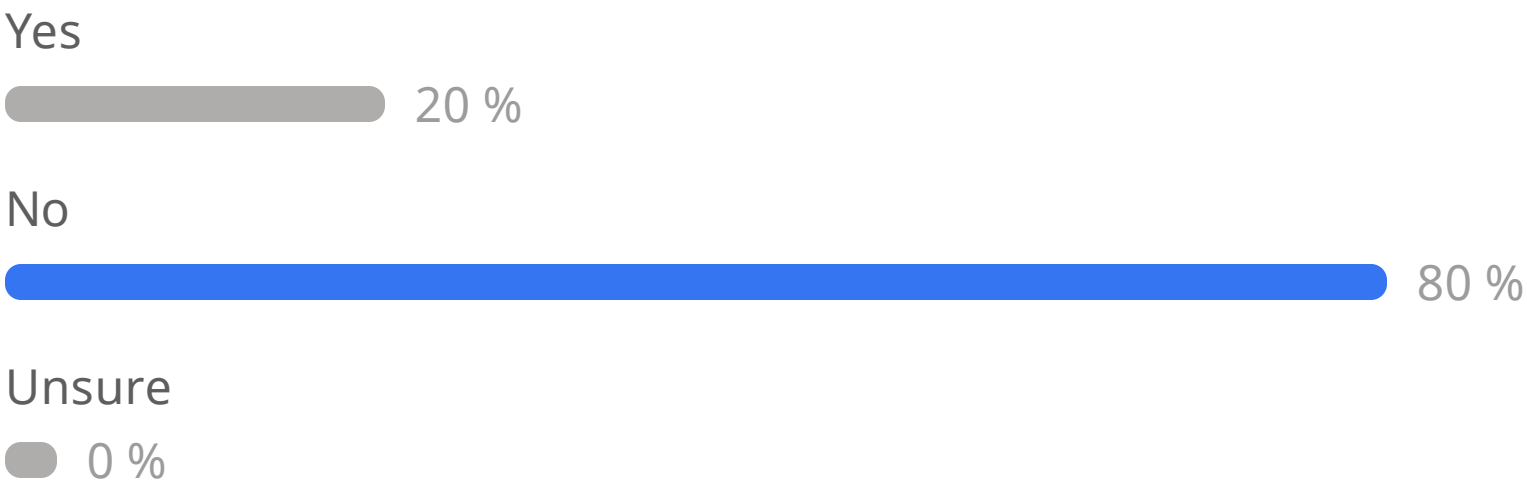
8A. Do you feel your neighborhood is represented by at-large City Councilmembers?



Survey (12/37)

0 0 5

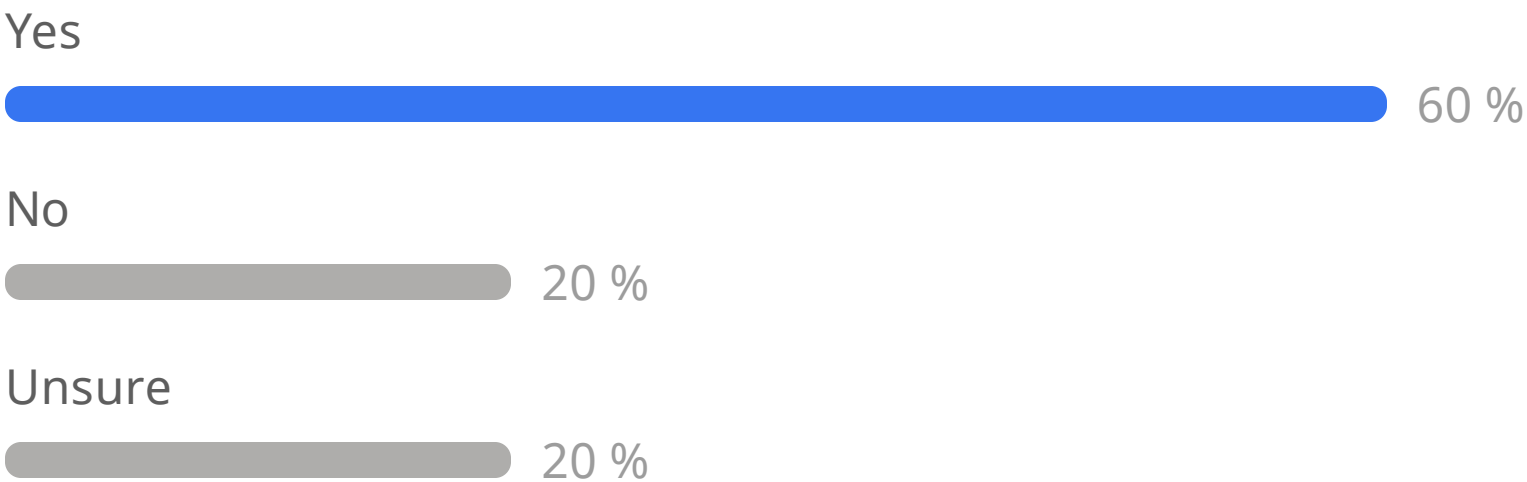
8B. Have previous Mayors and Councilmembers reflected the diversity of the community?



Survey (13/37)

0 0 5

8C. Can the City do a better job of empowering people of diverse backgrounds and experiences to run for elected office?



Survey (15/37)

005

8D. Would you feel more or less represented by a Councilmember who was elected from your community?

Yes

100 %

No

0 %

Unsure

0 %

Survey (16/37)

0 0 5

9. We need your opinion regarding electing City Councilmembers from districts. Should City Councilmembers be elected (Choose one):

All Councilmembers elected from districts

20 %

Elect most Councilmembers from districts with some at-large

60 %

Elect most Councilmembers-at-large with some from districts

0 %

All Councilmembers elected at-large

20 %

Survey (17/37)

0 0 5

10. Are the current Mayor and Council reflective of the diversity of the City?

Survey (18/37)

0 0 5

11. We need your opinion regarding term limits for the Mayor and Council of Rockville.

There should be no term limits for the Mayor and Council of Rockville.

40 %

There should be term limits for the Mayor and Council of Rockville.

40 %

I am unsure at this time without more background information.

0 %

I have no opinion on term limits.

0 %

Other (see text box below)

20 %

Survey (19/37)

0 0 1

11A. If you selected Other for question 11, please specify your opinion regarding term limits for the Mayor and Council of Rockville.

- No legislative term limits. Yes, executive (mayoral) term limits.

Survey (20/37)

0 0 5

12. We need your opinion regarding a resign-to-run law. if such a law is put in place at what point should a required resignation take effect?

(1/2)

When they announce they are seeking election to another public office

20 %

When they become an official candidate for the other public office

40 %

When they are officially declared the winner of the election for the other public office

20 %

A resign-to-run law should not be put in place in Rockville

20 %

Survey (20/37)

0 0 5

12. We need your opinion regarding a resign-to-run law. if such a law is put in place at what point should a required resignation take effect?

(2/2)

Other (see text box below)

0 %

Survey (22/37)

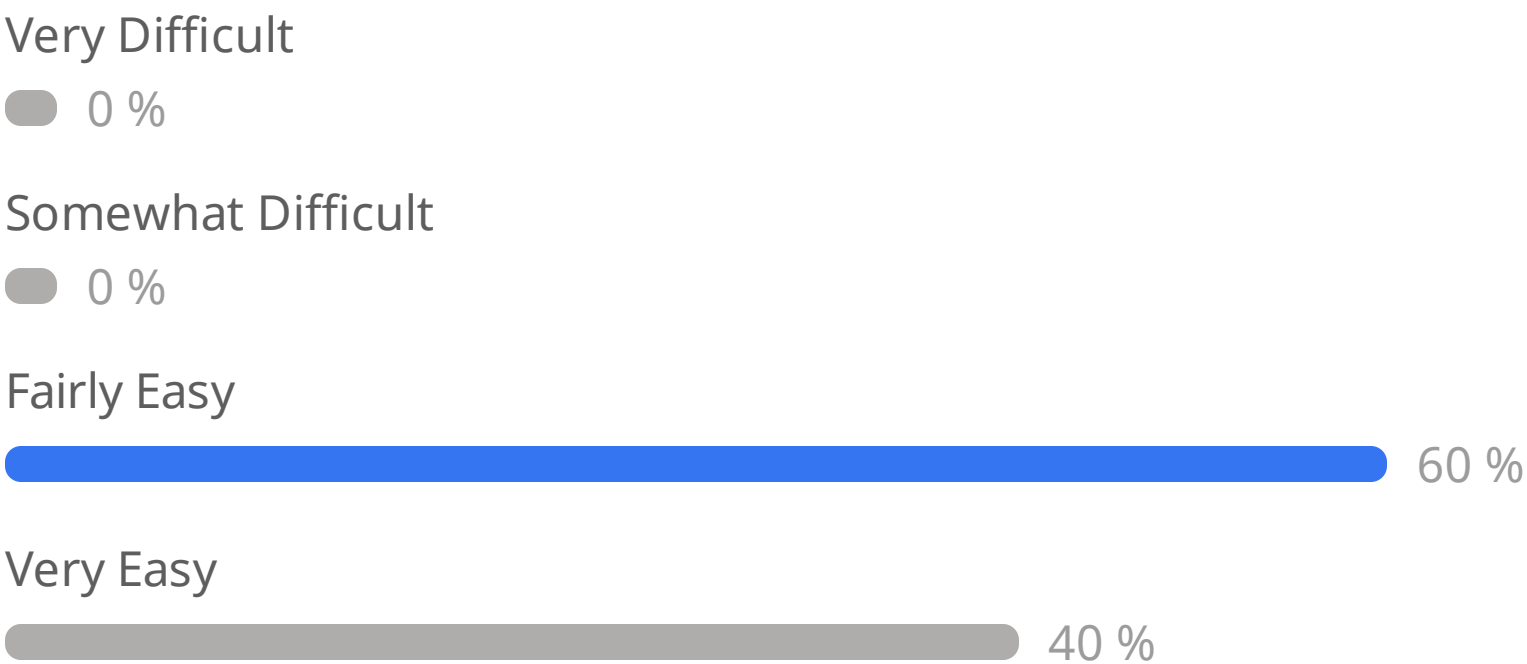
0 0 5

13. How well are Rockville's elections conducted?

Survey (23/37)

0 0 5

14. How easy is it to vote in the Rockville elections?



Survey (24/37)

0 0 5

15. Does Rockville take adequate steps to prevent election fraud?

Yes

100 %

No (see text box below)

0 %

Survey (26/37)

0 0 5

16. Do you vote regularly in Rockville elections?

Yes

100 %

No

0 %

Survey (27/37)

0 0 5

17. Have you ever been a candidate for an elected position in Rockville?

No

80 %

Yes (see text box below)

20 %

Survey (28/37)

0 0 1

17A. If you selected Yes for question 17, which one(s) and how often have you run?

- City council, once.

Survey (29/37)

0 0 2

18. Do you feel the election process was well run from a candidate's perspective?

Yes

100 %

No (see text box below)

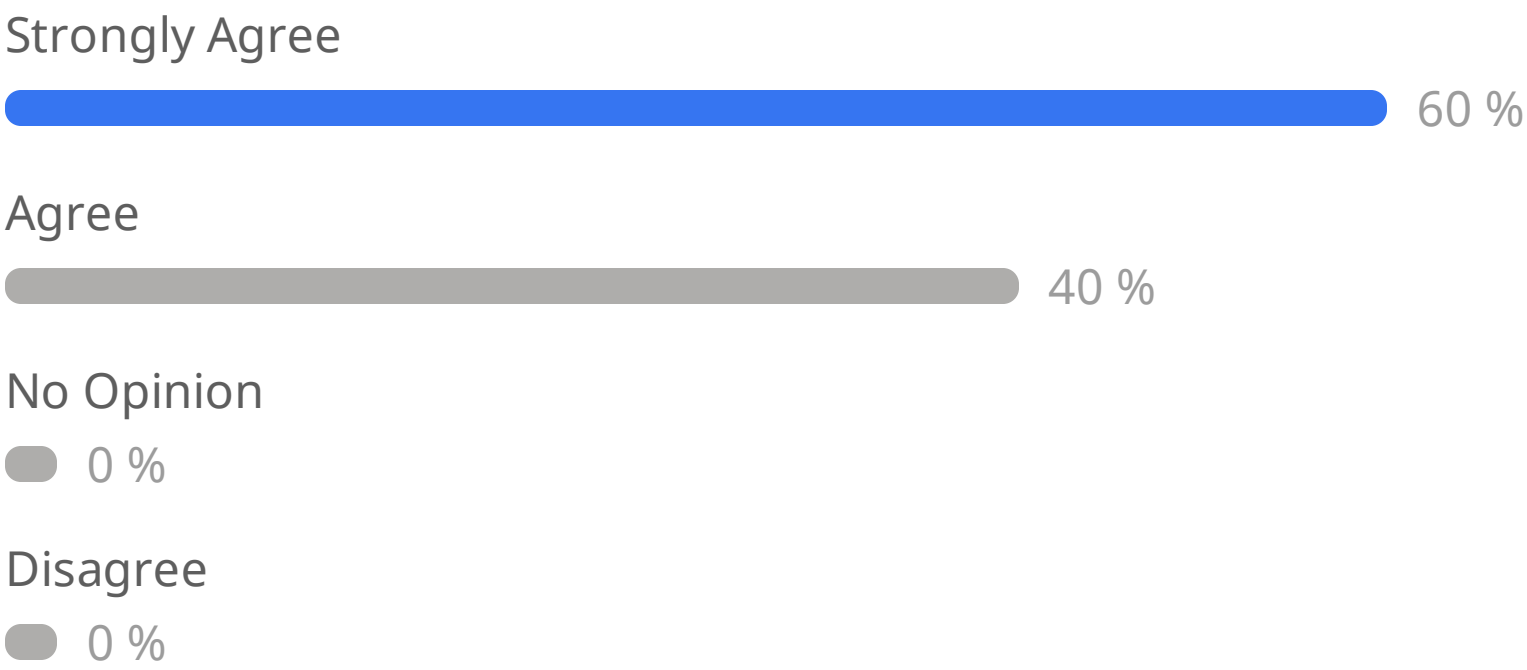
0 %

Survey (31/37)

0 0 5

19. Do you agree or disagree with translating Rockville election information into the most frequently spoken languages after English (Spanish and Chinese [Incl. Mandarin, Cantonese)?

(1/2)



Survey (31/37)

0 0 5

19. Do you agree or disagree with translating Rockville election information into the most frequently spoken languages after English (Spanish and Chinese [Incl. Mandarin, Cantonese)?

(2/2)

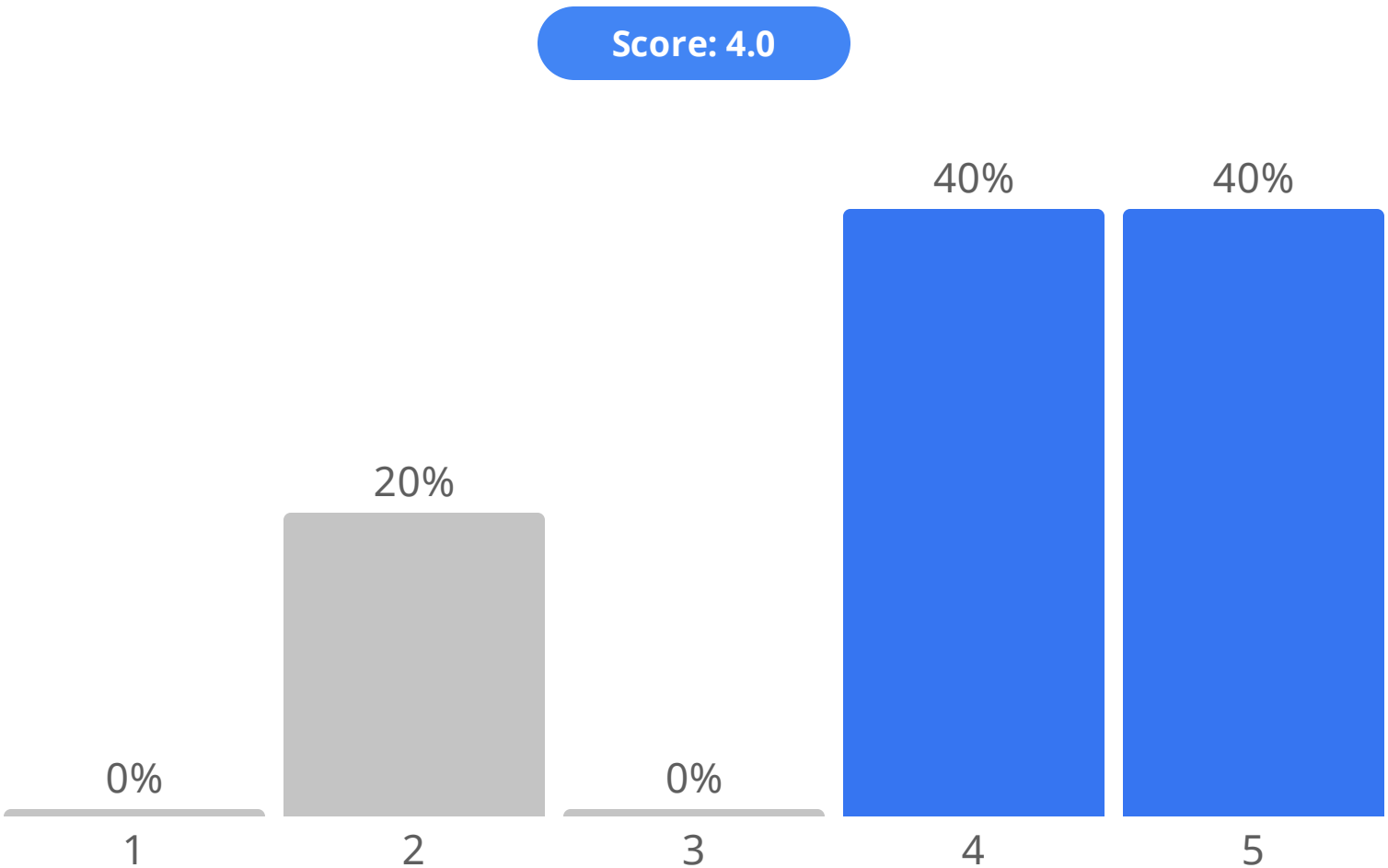
Strongly Disagree

0 %

Survey (32/37)

0 0 5

20. Please select your level of interest in learning more about the Rank Choice Voting system and how it can be applied to the Rockville Council election.

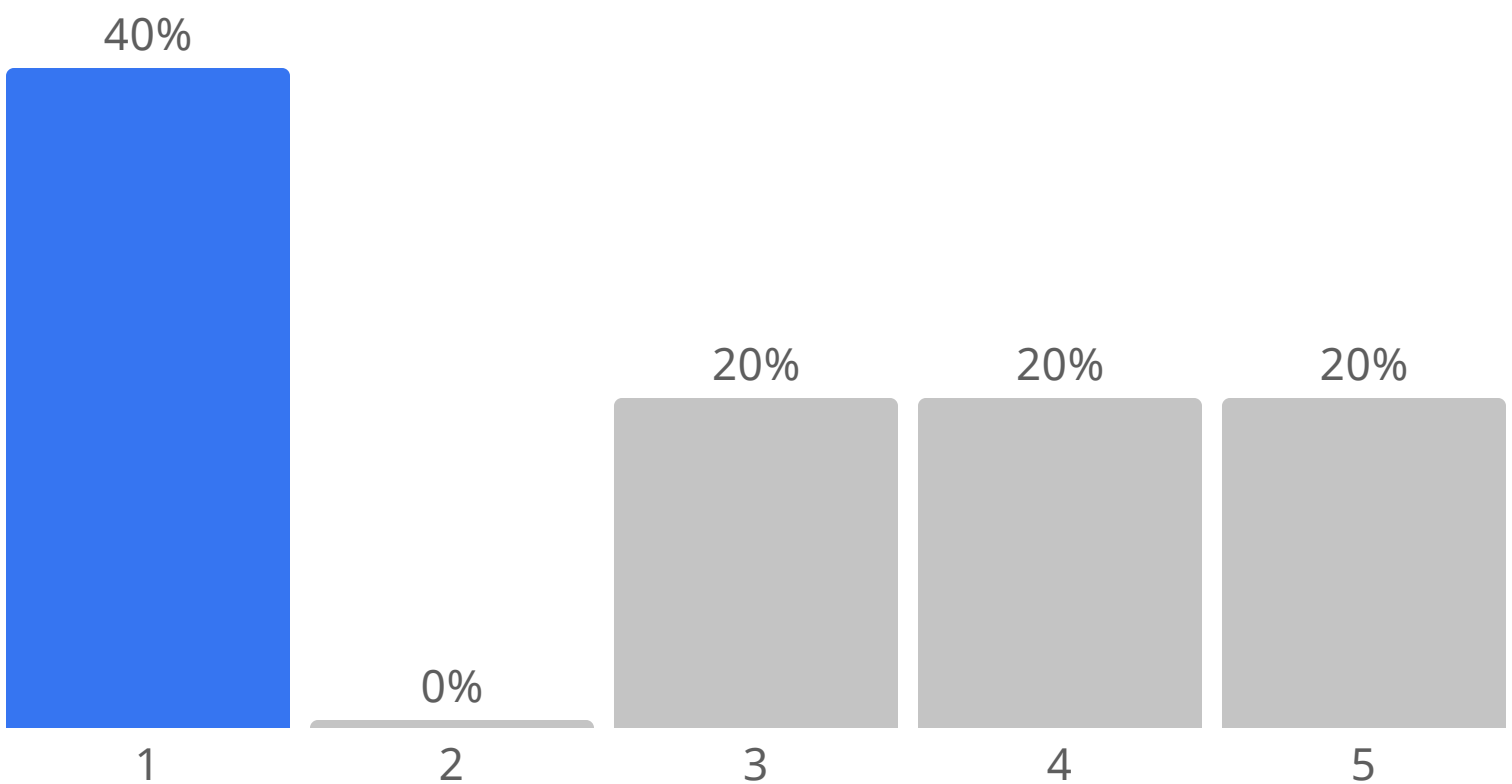


Survey (33/37)

0 0 5

21. Please rank your level of interest in learning more about adding the "None of the above" (NOTA) option to the Rockville ballot?

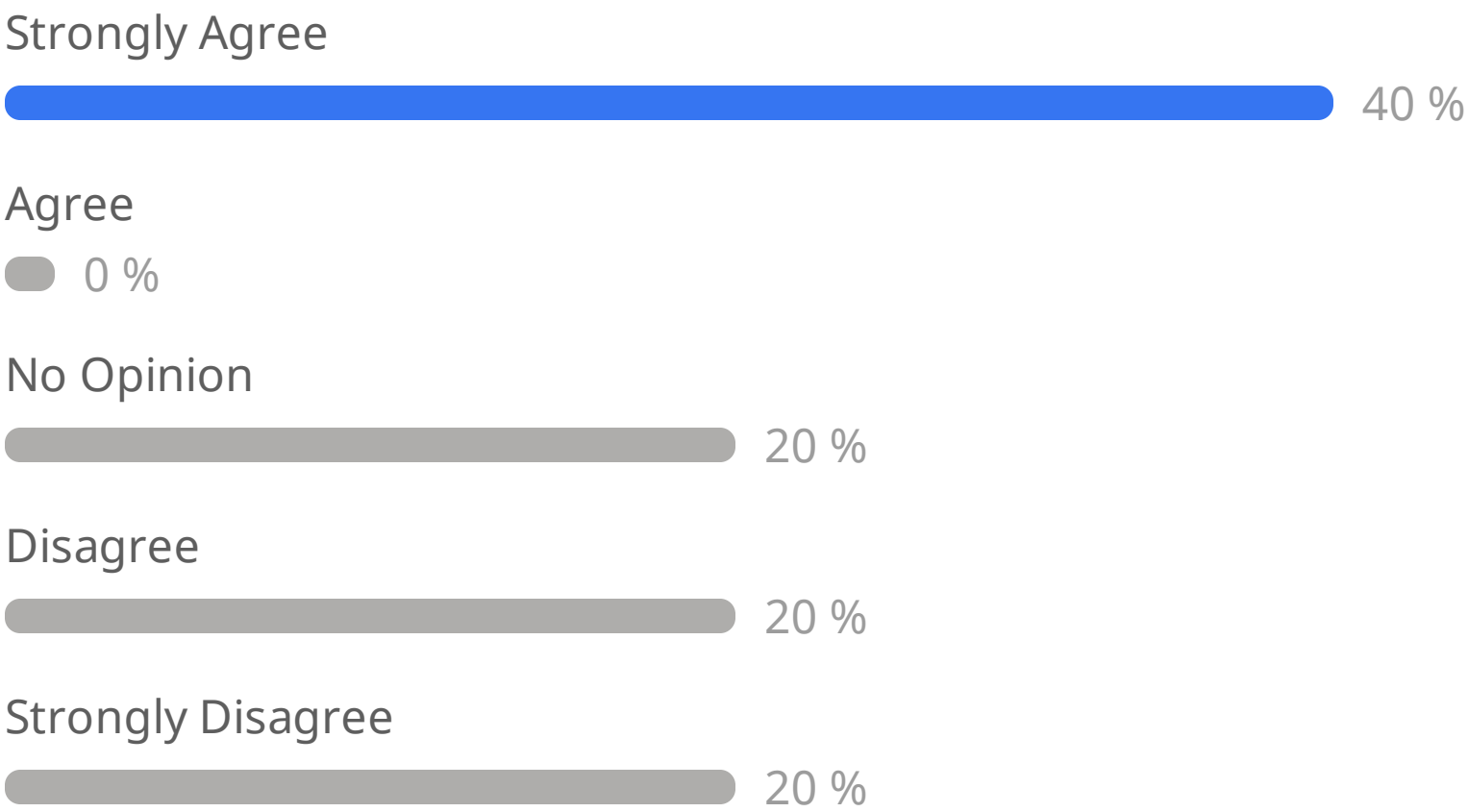
Score: 2.8



Survey (34/37)

0 0 5

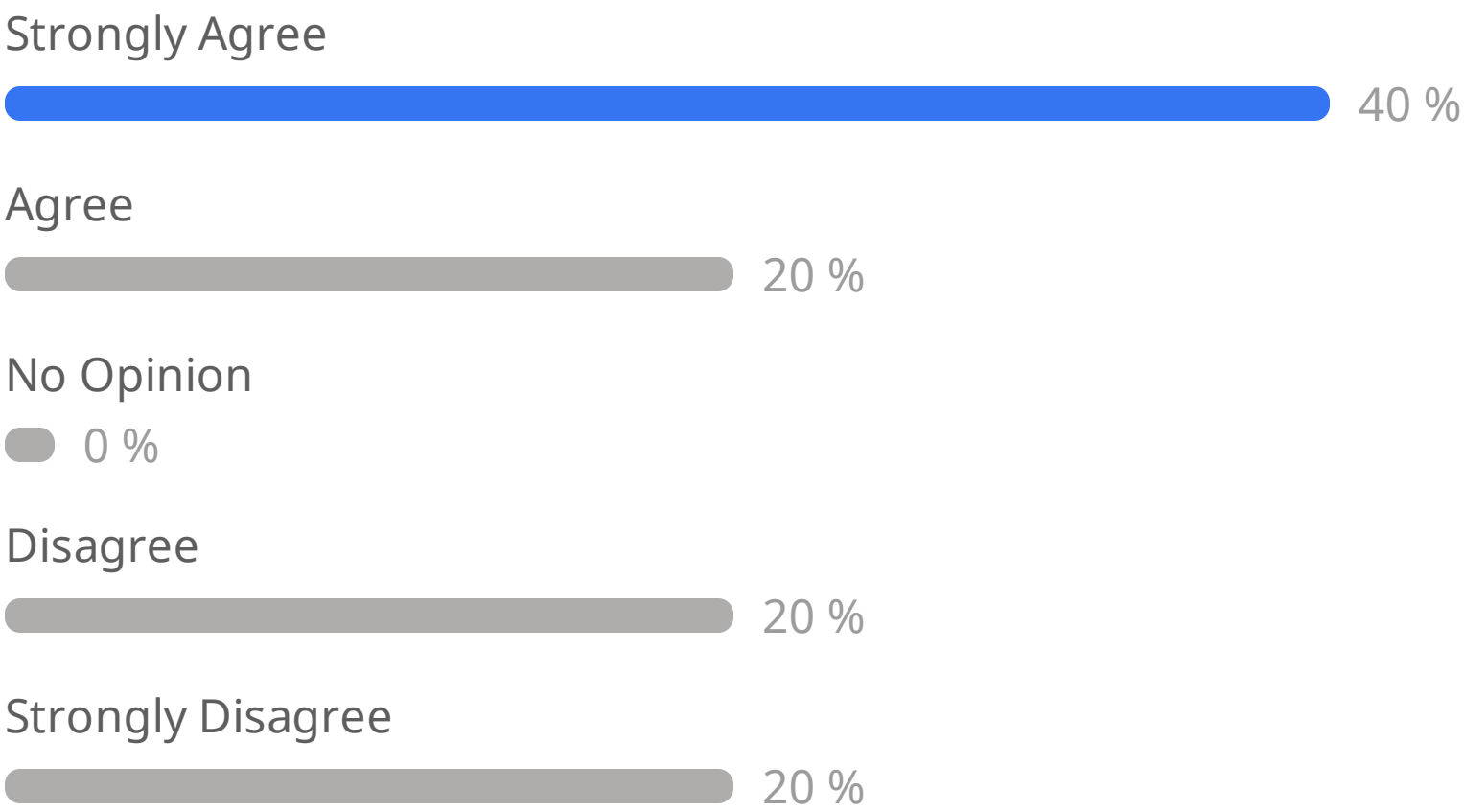
22. Do you agree or disagree with expanding the right to vote to the following Rockville residents?



Survey (35/37)

0 0 5

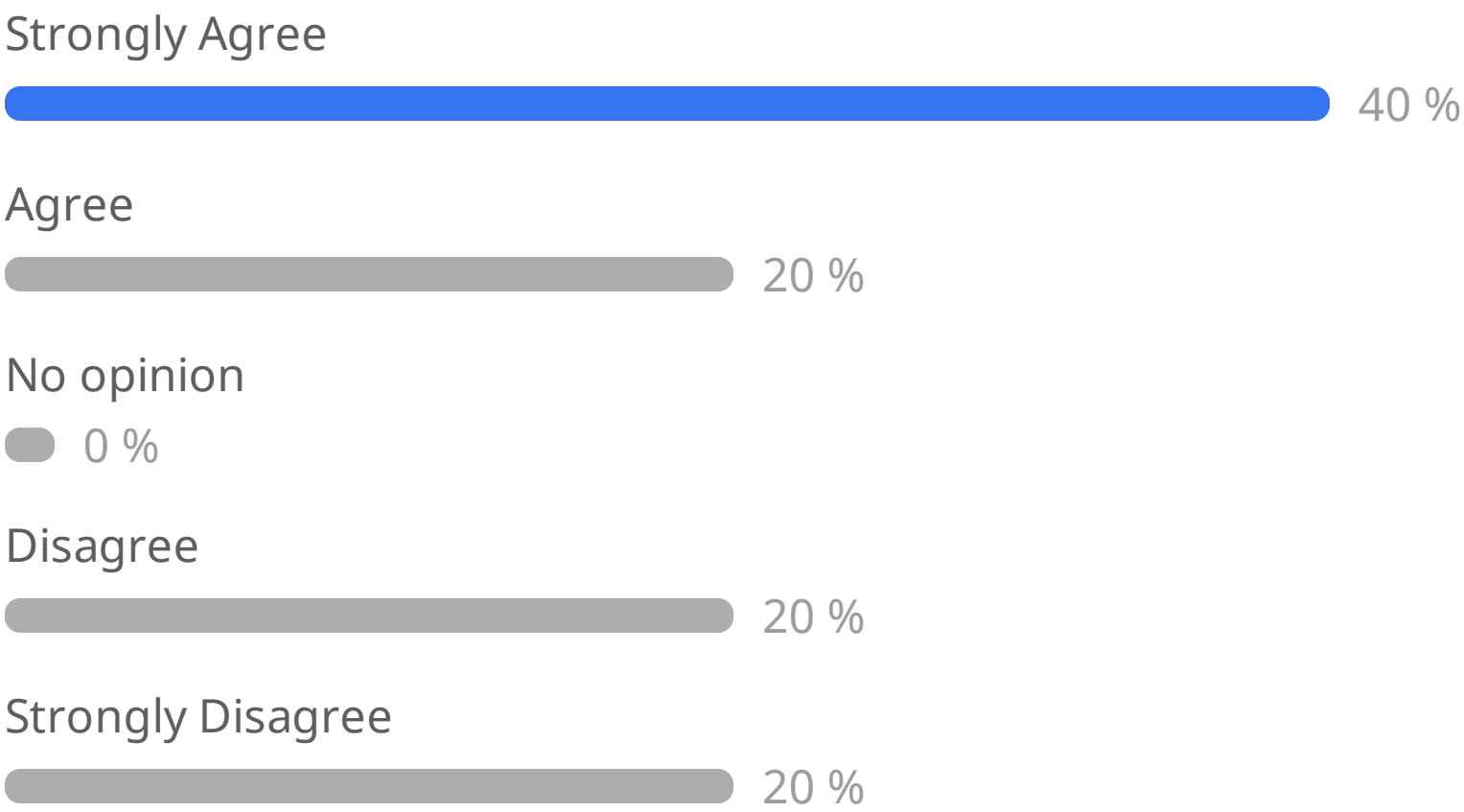
23. Expand the right to vote to Rockville residents who are 16 and 17 years old.



Survey (36/37)

0 0 5

24. Expand the right to vote to Rockville residents who are not US citizens.

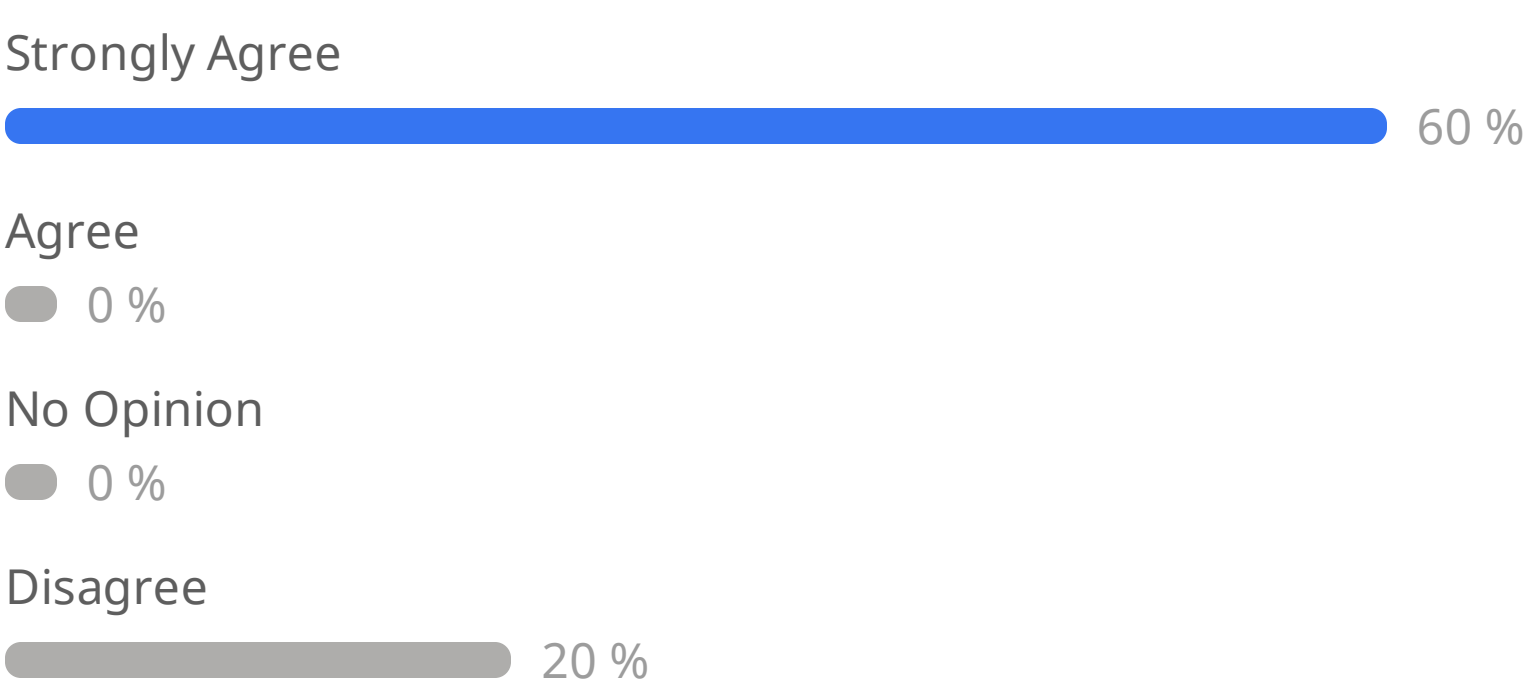


Survey (37/37)

0 0 5

25. Do you agree or disagree that holding the city elections at the same time as the midterms or presidential election will help to increase voter turnout and awareness of city elections?

(1/2)



Survey (37/37)

0 0 5

25. Do you agree or disagree that holding the city elections at the same time as the midterms or presidential election will help to increase voter turnout and awareness of city elections?

(2/2)

Strongly Disagree

20 %

CHARTER REVIEW COMMISSION

ROCKVILLE, MARYLAND

CHARTER REVIEW COMMISSION MEETING

Tuesday, March 15, 2022

PARTICIPANTS:

Charter Review Commission:

FRED EVANS

JOHN BECKER

DAVE GOTTESMAN

HAROLD HODGES

JACK KELLY

KEVIN OWEN

ANITA POWELL

SALLY KRAM

IZOLA SHAW

MARISSA VALERI

ROBERT WRIGHT

ROBERT KURNICK (Ex-Officio)

Staff:

CYNTHIA WALTERS, Deputy City Attorney

DANNY WINBORNE, Deputy City Clerk

SARA TAYLOR-FERRELL, City Clerk/Director of Council Operations

MELISSA WIAK, Management Assistant

* * * * *

P R O C E E D I N G S

MS. TAYLOR-FERRELL: Okay, I'm going to read this. I'm going to read the disclaimer. Okay.

Good evening, everyone and welcome to the Charter Review Commission Town Hall. Tonight's town hall is being recorded as per the Open Meetings Act. Before we begin, here are some important guidelines for this town hall. Members of the Charter Review Commission will be the only participants allowed to have their cameras on during the town hall. All other participants' cameras should remain off during the town hall. Those who which to speak should use the raise hand function and wait to be acknowledged by the Rockville staff town hall facilitator. Once you're called on to speak, you may unmute your mike. Speakers will have three minutes total and will be notified when your time is expired. Once you are done speaking, you may continue to listen to the town hall meeting. Please keep your microphones muted so that other speakers can be heard and to

avoid audio feedback. Thank you for joining us for this important town hall which will begin momentarily.

MS. TAYLOR-FERRELL: Hello everyone. My name is Sara Taylor-Ferrell. I am the city's current Director of the Council of Operations here for the city of Rockville and I'm also the staff liaison for the Charter Review Commission. Tonight, we're here to hear the input from our participants who are joining us at this town hall this evening, and I will introduce you now to our Chair of the Commission which is Mr. Fred Evans. Thank you and Fred--

MR. EVANS: Thank you Sara. Good evening. I'm Fred Evans as she said, the Chair of the Rockville Charter Review Commission. The commissioners and I welcome you to this virtual town hall. We greatly appreciate your participation and look forward to hearing your points of view about how we can make Rockville an even greater place to live. Your feedback is very important.

First, I would like to introduce the Commission members and then get started. Cal Pungess (phonetic), wave. Jack Kelly, Sally Kram, Kevin Owen, Anita Neil-Powell, Izola Shaw, Marissa Valeri and Robert Wright. Hopefully John Beckham will be joining us also. I would also like to introduce Robert Kurnick, he's an ex officio member of the Commission as board of supervisor for this election's chair.

The mayor and council established the 2020 Charter Review Commission on February 24th, 2020 to review and make recommendations to the mayor and council regarding the charter of the city of Rockville. A copy of the Charter is located on the Rockville city website. The mayor and council resolution 9-20 established the scope of the work and topics to review which can be found on the Charter Review's web page. For the purpose of this town hall, we will focus on election related topics to include but not limited to increasing voter turn- out, engaging our diverse community and updating city charter,

pardon me, city code and charter. During this town hall meeting, there's a link question there for feedback. The link is located in the chat area to the bottom right-hand corner of the screen. If you answer the question there during tonight's session, your answers will be acknowledged. But if you answer them from the web page, it will not. All comments will be taken into consideration as we finalize our recommendations to the mayor and council. Thanks again and we will open the floor for your input. Thank you.

MS. TAYLOR-FERRELL: I am question -- Danny or Michael, do we have any -- I see there were two attendees earlier. Can we push them through to speak?

DANNY: Alright, let me check that real quickly for you. I'm looking now. Alright, Scott Moore?

MR. MOORE: Hello.

MS. TAYLOR-FERRELL: Alright, let's go.

MR. MOORE: Sorry. Hello, I'm still relatively a new resident to Rockville. I live

just across from Merrillville High School and I'm personally very partial to the idea that adding a district lines to the city. Now, I'm not in favor of it being only by district but rather a hybrid system. In my experience that usually helps with representation of different communities within a city while also allowing for a wider city voice to be heard. That's just my personal idea and preference, but obviously I'll leave it to you all to figure that out in the end.

MS. TAYLOR-FERRELL: Alright, thank you Scott. The next person is Eric Fulton.

MR. FULTON: Good evening and thank you for the opportunity. I don't have prepared remarks I'm just kind of going off the questions I'm looking at in the chat. I've lived in Rockville for about 12 years, I currently live in the west end. I've lived in a couple other neighborhoods.

My general thoughts on all issues related to voting, I do favor as the previous speaker did an increase in overall representation. The city's boundaries and population have

increased significantly and the members of the mayor council have not in recent years even though their terms have increased in time. I am personally ambivalent on districting, but I know that there is a call for it in the city in many district parts. So, I think there is some benefits to it. My thoughts on drawing districting lines and where I have concerns is because we have not had districts drawn to this point, there are existing HOAs, associations, factions within this city that if district lines were drawn to include all of them, I worry about a concentration of power in certain segments of the city. I would want to take a long look at how these lines are drawn and make sure that is an open and transparent process to make sure that we're not artificially inflating the importance of just a minor amount of people in this city because the goal is to increase representation through all parts of the city.

Earlier I took a survey indicating this and I would like the opportunity to say it out

loud again. There was a question on the table of do we think that expanding the number of council members or redistricting will increase the chances and diverse outreach. I think it will to a degree, but I think the answer to all of these questions is money. I think people are limited more by the availability of time and funds then they are by the color of their skin, or their ethnic background or even where they live in the city. Until we find a way to level the playing field socio-economically, I think it will be hard press for us to make a real dent into how we claim to increase diversity among people. It takes a lot of time. It takes a lot of money to run and to serve. So those are my early thoughts on that. Thank you for this opportunity.

MS. TAYLOR-FERRELL: Thank you. Okay, the next speaker is Joe Gillespie.

SPEAKER: Joe? It's your turn.

MR. GILLESPIE: Okay, great. Yes so I also don't have really any prepared (inaudible) kind of short. I took the survey last week and I

sent in an email with some additional thoughts. You know, one of the things that I don't think looks fully explored in the questions in the survey, I think was the use of something like a single transferable voter's system. I think using that would avoid a lot of increase representation so people feel like they have someone who represents their views on the council. Well at the same time avoiding all the challenges and potential pitfalls you know, that were raised by the last speaker for example, member districts and where to draw those districts and how to do that. So, I would really strongly urge that this body take a look at some of the work associated with that, see how other cities and even other larger bodies have adopted, you know, voting systems like that. Hopefully that would be an effective method of allowing people to feel heard, feel like they are part of the process, that they have someone that represents them and hopefully increase voter turn-out and fairness at the same time without significant additional expense.

MS. TAYLOR-FERRELL: Thank you, Joe. Next, we have Randy Ulton. Randy?

MR. ULTON: Can we speak? Can you hear me?

MS. TAYLOR-FERRELL: Yes, we can hear you.

MR. ULTON: I'm a definite supporter of districts for this city. I vouched before the resolution a few years back about district wide representation. I look for a city that addresses our city's demographics and that is something that I've yearned for in my lifetime. I also think that this is so important for our diversity. I don't think that we have reached that. We've made gains over the years but we have yet to reach that pentacle where we've achieved that part of it. I also think that we have an economic sustainability issue with our city when we leave a lot of these other participants out. I remember Counselor -- a former council member of the Virginia (inaudible) resolution. It was a two to two resolution vote that failed to go forward. Within her resolution,

she identified the importance that we look at the stakeholders and their contributions that they can make. When we problem solve in this city, currently we have all five council members are from the one cluster: Richmond or Montgomery. Being a former school teacher, I'm an advocate for education but at the same time, we also have Rockville High School, we have Newton High School, we have Gaithersburg High School and we also have parts of the Walter Johnson cluster. We need those individuals to be members of this council. We need that representation in order for the city together to gather as a whole. Right now, I see that it is so easily to be a divided city where I look for ways that we can come together as one. I see the economics' impact when we try to look at Town Center and I will be hard press to tell you that I think that the representation for and from the people and folks of Richmond- Montgomery at are -- I want a 100 percent support. But I'm a Woodmont cluster at Walter Johnson former odd person. I actually live in the Woodmont cluster. I

can tell you that things happen out there that people really don't understand but that's why that representation is so important and so needed. I think we're missing this diversity and I do applaud that -- when I look at the wall in the city and I see 150 years, I'm privileged -- I feel proud that we've broken through where we have diversity where women are serving as mayor and on the council in that fashion. But when you go back and look at the history of our city, that wasn't always the case. It's important that we bring forward the richness that we have and our ability to bring forward that diversity. I acknowledge the gains but they are far too short for me and I really implore you to look at this from the diversity and the richness that we've still yet to bring to the table. The importance to bring forward all five clusters and I know some of you are educators yourself who would never run student council where we didn't include and where we weren't bringing forward everybody that we could possibly can and that's only going to be

accomplished by going with a seven member Rockville city council.

I also would say that our four years-- we also just left our four year and moved to the four years terms. We had two years terms maybe we could manage better about bringing forward change. But now with four years, we have eight years going on soon where we would have this representation issue. If we don't address this representation it is going to cost the city. I know that all of us I think have the passion to want to do the right thing or to try to improve this city as the chair Fred Evans said, I want 100 percent on board. But I think we have to bring everybody and we're better together than we are separately.

So, in conclusion, I advocate for the district form of government where representation is addressed and we look for all the opportunities by which we can bring forward that richness of the diversity whether it be geographical, our school clusters, by race, by gender and any means that we possibly can. Because right now, and I looked at

the Maryland general assembly, there's a bill that was pending last year I'm sure is on the floor right now by the speaker about at large voting. My question to you all is why would we want to stay with at large? Why would we want to do that? I believe that district government brings opportunity for groups that are not always represented. I thank you for this time to speak that and I applaud all your efforts to try to address this problem but it has many different levels and many different aspects by which we are impacted as a city so, thank you.

MS. TAYLOR-FERRELL: Randy? At this point, I don't see any more hands. If you wish to speak, please use the raise hand feature and we will certainly accommodate your comments. Okay, Claire Funkhauser (phonetic). Go ahead Claire.

MS. FUNKHAUSER: Good evening, thank you for letting me speak. One question that I have before I begin and that is, how many-- the percentage of voters in the last election? I believe I saw 70 percent at one point? Is that

correct?

MS. TAYLOR-FERRELL: Robert you want to take that question as the chair?

MR. WRIGHT: I can tell you that -- Can you hear me now?

MS. FUNKHAUSER: Yes.

MR. WRIGHT: Okay. In the last election, the number -- the percentage of registered voters who voted was a 31 point something and I've forgotten the exact number so, maybe 68.9 percent of registered voters did not vote in the last--

MS. FUNKHAUSER: Oh, okay. So, that may have been a misprint or misunderstanding on my part because even 31% -- getting a lot of feedback, I hope you're not getting feedback from me -- but even 31% was considerably larger and I would attribute to the mail-in voting which seemed to be very successful.

I do want to go back to talk about the number of council members and also the idea of district voting. This is just the perspective of somebody who was in Clark's office for 12 years

and worked with lots of council members and several mayors. I'm not sure we need many more council members. Seven would be okay, I think five is sufficient for a city of our size. I hear people say we've grown tremendously in size. We really have not. The population of Rockville when I was working in this city was about in the sixties like it is now. We also have an (inaudible) of boundaries tremendously you know, since Fallsborough (phonetic). So, I think that there's some-- a common misperceptions for that. So, I think seven-member council members would be okay, but I think five is sufficient.

I differ somewhat from Mr. Ulton for example on the idea of districts versus at large council members. It distressed me when I was the city clerk that there were more than a few council members and a couple of mayors who really weren't knowledgeable about the city as a whole. Some of them had never been to certain areas of the city unless they were looking for votes for their elections. They did not have a knowledge of this

city as a whole. I think that is something every council member and certainly every mayor has to have. I fear that if we would have district representation the concentration would be on knowing your district and not knowing this city. So that is the prism I have about turning into districts. Let alone the nightmare of trying to figure out how this would be appropriated. That would be a tremendous job that would probably take at least two years on the part of the board of elections to even submit something to the mayor and council. I also, back to the number of council members you would need to (inaudible) up the staff, the clerks' office, keeping up with the mayor and four council members is a full- time job. If you add extra council members that would be even greater. One more point about a larger number of council members. You may have an inclination upon the mayor and council to begin to think about breaking up into committees. Similar to how the county council is, just to handle the work. So, you know, that's something to consider.

So those are the things I can think of right now. I'm sure there will be others and I open ended question.

MS. TAYLOR-FERRELL: Thank you Ms. Funkhauser. Okay next we have Miss Rudolph.

MS. RUDOLPH: -- the representation so I would support districts. I suggest the districts be based on planning areas to make sure that all areas of the city are equally represented. But I also think that a huge factor is that the city's outreach and community engagement approach including announcing this meeting is based on the assumption that people live in single homes and typically in neighborhoods that are represented by organized home owners' associations or community associations. There is a huge demographic of renters in this city who the city's outreach approach now does not engage. It turns out that many times when they're planning meetings, they require no notification and inclusion of people who live within a certain geographic area. The individual tenants and residents of multi-family

rental buildings are not being contacted. So, the whole process of community engagement is underrepresenting what now the latest housing demographic. The city has just published its data based on the 2020 census. Nearly half of residents in this city are in multi-family rental buildings. We are not reaching out to them and we certainly are not represented on the council. Thank you.

MS. TAYLOR-FERRELL: Thank you Ms. Rudolph. The next person is Miss Savoss (phonetic).

MS. SAVOSS: Hi, thank you. So, I wanted to talk about approval voting and my support for approval voting. And by approval voting I mean allowing voters to vote for as many candidates as they want. So, right now we have four slots for the mayor-- four slots for the council and so voters can only vote for four candidates and one slot for the mayor. So, voters can only vote for one mayor. This is fine if there's to say only five candidates in the race or two mayors in the race, or two mayor candidates in the race, but

increasingly the field is getting much more crowded and that leads to situations where voters might have for example in this situation of the council, they might have two slates of candidates who they would be fine with and a third slate or a third individual candidate that they would be horrified to have elected. Maybe everyone in the city agrees or kind of okay with two, with two of the slates but really don't want the third one. Or you have a situation where you have maybe three slates of candidates and one individual candidate who is advocating voting for themselves among their supporters and that candidate may win because the field is so divided. So, I strongly support approval voting and allowing people to just vote for more than four candidates. It still gives everybody an equal chance at voting. They can decide to spread their voices or spread out their vote more or concentrate it more on the candidates they like.

The one thing I'll add to that is there's been a lot of discussion of rate choice

voting as a solution to this problem and the reason that I support approval voting over rate choice voting is first of all that there's fewer spoiled ballots. So, we with rate choice voting you have a lot of voters that don't quite understand, not a large percentage in total of approval rating, but of those who don't understand the rules and their ballots might be spoiled. Another reason is that there is more than one way to effectively grade approval voting or whatever you may want to call it, sorry I mean choice voting, there's more than one way to determine the winner. You could do instant run-off, you could do-- there's other forms. It's really kind of confusing to voters and so, I think approval voting is this really elegant solution where people who want to just vote for four candidates for council, for one candidate mayor can absolutely go ahead. But people whose priority is to for example not see certain candidates in office can choose to spread their voice out more. I think it's really really important especially as

fields get more crowded, especially as candidates get more radical frankly, that we give voters this choice. It leads to better elections with outcomes that are more preferred by more voters. Thank you very much for your time.

MS. TAYLOR-FERRELL: Thank you. Next, we have Mr. Ulton.

MR. ULTON: Yes. I appreciate that opportunity and the comments made. I look at this as a math problem. Some of the HOAs and the communities, they have a large number of votes from their-- that they represent. It's very hard for smaller communities to come ahead and address some of the mathematical problems of a vote to be a winner in an election. That's really what we have at hand. We have great council members and mayors. But the point of it is that we would really have a hard time mathematically bringing in other groups of representatives from other diverse populations which is something we need to do. We have to have a city or we should have a city that represents our city's demographics. And this

voting where we have one -- I use the example the one cluster. Having all five members from one school cluster is not helping our city's other initiatives. It mathematically hurts. We have Rockville cluster for example. That cluster is 8/10th part of the city and it's had one mayor Marchuccio and it's had Julio Carr who is now a delegate. But we really do need to look at how we are getting through the math of an election. Getting that addressed where an individual can mount a campaign that is you know, from a different point of the city that would bring something to the table to help problem solve some of the concerns. I don't see any other way than by district.

I would encourage the commission to do this. I've done this. I've done a chart, a spreadsheet on where are we getting our most number of representatives from? We're not getting them from all corners of the city. We're getting them specific areas consistently. If you look at the last 20 years and why would that be? Why would

that be something where we only would poll, where only certain parts of the city can bring forward candidates and winners in an election? We lose so much by doing that part that we miss some of the pieces that these other folks would bring in to the city. Again, it is a math problem where a small HOA made up of 700 homes, how would it compete against a 7000 home-owner HOA? You can't. Whenever that aspect of it happens, where a lot of the information, the needs, the attention and I think the engagement. One individual spoke about the renters not being part of the city. We have got to bring everybody to the city. We have tremendous problems since COVID, we have many unknowns but it's going to have to have to require all of us to solve these problems. I really prefer, I'm really an advocate to reaching out to the corners of this city, those groups that have never been tapped into and bringing them forward in the district type of government. I don't think we just need to rely on one group or one part of the city to consistently bring forward that part.

If you do that spreadsheet, you might just find yourself shocked at where are the candidates coming from that are successful? And why are they successful? Because they have 5000 homes or renters or apartments or condominiums. That is very hard say someone who is a candidate coming forward saying from a 300. How does that work? I mean how does that work? How in the world could that happen where that candidate can be successful? How would we ever turn that page? We've turned this page and we've done a lot with this part but we still have to keep working to be a more diverse city in that aspect. So, if you look at the math, you see where the candidates are coming from and you see that it doesn't mean that we want to go beyond where we are. That would be something that I think would help the commission, the Charter Commission when they made their presentation to the mayor council and just say this is the X number of candidates, this is the clusters that they represent, these are the communities they come from. Is this the city that

we want? If that's what it is then that's what it is, but it is pretty much a concrete number and it's a data driven answer. Thank you so much.

MS. TAYLOR-FERRELL: Thank you. Okay Vincent Russo.

MR. RUSSO: I received the questionnaire that you sent to the other members of the community or something along those lines and I sent it back. So, I won't go over all those answers but I'm generally in support of adding two council members and certainly open to district seats as well or even something like the model that the county has with a mix of at large and district seats to provide you know, a balance between the local attention and concern and representation and also have members on the body who have the whole city as a perspective. I'm somewhat skeptical that it's going to resolve in great achievements in terms of representation and diversity and all that. But I mean it's a chance. It provides more opportunity for it but I would just caution against raising expectations a little

bit too much about what adding districts and additional council members will achieve.

What other point that I thought was really important in your questions and in the work that you have been doing is the independence of the board of supervisors of elections. I think, you know, particularly with everything that's going on as a backdrop in the country, I think these are treasures that we have in the board of supervisors of elections. I think in practice and in appearance too. I think we need to be very sensitive to the appearance of their independence and give them the space to do that. So, I'd urge you to consider that in your deliberations.

There was also a question about the appointment process for the board of supervisors of elections, appointments and reappointments and I wasn't sure exactly what the questions were getting at there, but one thing I'd urge the commission to look at is the practice of commissioners serving on commissions, particularly the quasi-official ones where they have expired

terms. They're serving long past their term in some cases and I don't know what the Charter says about that, but I do think that's something the Charter Review should look at and whether or not there should be some provision there for actually ending the commissioners' service when their term expires. So, I think that's something to consider. Your charge for the mayor and council included a lot of other things in addition to elections and the number of council seats. In particular there were a couple related to the board of authority to appoint a board of health or to establish quarantine regulations. I guess I would be very cautious here about that too. I wouldn't support that because I think one of the things that we learned from this pandemic is that when you -- people can be very easily confused when you're hearing multiple messages from different levels of government. I think that if we add one at the municipal level then that could really not add much value when we contribute already through our county taxes to those services being provided by

the county. From the county level we also have the state officials weighting in on these things as well, so I just don't really see a role there for the city of Rockville. So, I would not support changing the charter for those. I don't know if that's anything that you've looked at in your deliberations because everything so far has been about these other topics but I did want to mention that. I think that's all. Thank you.

MS. TAYLOR-FERRELL: Thank you very much. There is one call-in user here and I am not sure that that call-in user has an opportunity to raise his hands. So, what I'd like to do is call in user number four. It's a 202 prefix. Now I'm not going to give the number just the 202 prefix. I'm going to turn to Michael to see if there is something you'd like to say.

MICHAEL: --coming through--

MS. TAYLOR-FERRELL: Yes, okay, well, there are no other hands. We do remind you that if you'd like to speak, if you could raise your hand. Use the raise hand function, we will gladly

entertain your comments. Alright, Ms. Wolarsky, please go.

MS. WOLARSKY: Thank you so much for the opportunity and thank you for convening this meeting. I think it's important to be able to discuss this range of issues in an open forum. I wanted to comment on a couple of things.

One is the expansion of voting rights to new groups and just based on the survey that was done here as part of the town hall, it was not very clear what specific new groups are included in the questions. So, as a comment for you know, for future analysis please include the details. It was just very hard to figure out what exactly is meant.

My second comment is on scheduling elections to coincide with the federal elections. I think it's a really bad idea. The municipal level elections already carry a significance of local magnitude. That takes a lot of energy on behalf of the citizens to educate themselves about the programs, the platforms that the candidates

are running and with last elections we saw more than a dozen candidates for council seats. If citizens are -- if residents are expected to make informed choices, we should afford them time to educate themselves about the candidates. If we were to schedule our elections to coincide with state elections, federal elections as is one of the ideas, my fear is that municipal level elections would just be swallowed in partisanship. Our elections right now are non-partisan in a larger national level or state level issues and we essentially would risk losing an informed vote on municipal election-- on the municipal candidates. So, I think that the scheduling should stay in the off years. It really allows us as residents of Rockville to have the peace and quiet to educate ourselves and make informed decisions. Thank you.

MS. TAYLOR-FERRELL: Thank you. Thank you. There are apparently no raised hands. Just to remind you, if you'd like to speak raise your hand even if you've spoken once. We'll make we'll take your order. Okay Mr. Russo.

MR. RUSSO: Yes, piggy backing on the previous speaker, I would also support keeping Rockville elections in the off year. I guess I would worry too that we would not be able to do mail-in voting if -- what the implication would be if we went to match the state or the presidential election years would we be able to still do our mail-in vote which I think was a big success in 2019 I guess it was. That would be another concern I would have. Would we be able to maintain our mail-in vote if we were to align with state or federal elections.

MS. TAYLOR-FERRELL: Thank you. Mr. Moore.

MR. MOORE: Hello, as the previous speaker did, I would also like to reference the idea behind changing the years of the elections. I personally am also fairly partial to the off-year elections. I get the idea behind wanting to boost turn out in our elections. That's a laudable goal and I would like to see our elections have a little more participation. That's just seems to

be the nature of municipal elections, people don't want to always participate. But I like the -- what's the word I'm looking for? The specialness of doing them in their own time. I mean having these -- in many people's mind these small municipal races being given their due that they'd probably wouldn't get if they're having to compete with the noise around a presential or even a gubernatorial election. Thank you.

MS. TAYLOR-FERRELL: Thank you. Commissioner Hodges.

MR. HODGES: Yes, I have a question for the last speaker, if that's possible?

MS. TAYLOR-FERRELL: Yes, Mr. Moore. Would you like me to open his mike and you talk to him?

MR. HODGES: Yeah.

MS. TAYLOR-FERRELL: Yes, okay.

MR. HODGES: Mr. Moore, thank you for your question. Your question kind of (inaudible) to the comments we've heard this evening. I think my question would be why is it -- what gives you

the impression that if Rockville were to hold their -- our municipal elections that would somehow, that presidential election would kind of like somehow overshadow our efforts. What gives you that impression? I'm just kind of curious on your thoughts on that.

MR. MOORE: Well, a lot of my background is actually in working in elections, being a campaign person and usually if like-- let's say there is a presidential election going on. The 90% of the people are just going to be concerned about that presidential election in my experience at least. Going door to door and talking to voters, most of the time when you talk to voters, if there is a presidential election going on they are not-- they'll vote in the whatever municipal election is going on but they aren't going to pay as nearly as much attention to it as they would. There's definitely more people that would vote in a presidential election year than a off- cycle municipal election but the people voting in the off- cycle municipal election will actually have

done a lot of, in my experience actually, they will have done a lot of research with actual candidates then the people that just show up because there is a presidential election going on. If that makes sense. I don't know if I explained that correctly but that's in my experience.

MR. HODGES: I want to make sure that I understand you. Your voice, point of view might represent other voices as well. So, what you are saying is that there is no automatic spill-over effect from a presidential election and people caring about voting locally that would, that is what you've experienced.

MR. MOORE: In my experience, don't get me wrong, there are people who vote specifically in presidential election years that will also research their local municipal stuff. But there's so many people who do no research at all and who go out to just vote on the presidential election and then just, let's say pick the -- well, I guess it wouldn't really count with our elections because they are non-partisan but they just pick

the party going down the line. More in this case it would be like picking just whoever's name they've heard.

MR. HODGES: Got it. Thank you very much for your time.

MS. TAYLOR-FERRELL: Okay, we have one more speaker hand raised. Please. Mr. Goldfinger.

MR. GOLDFINGER: This is my first time attending one of these meetings so I've just been sort of an observer recently appointed to one of the city's commissions. But listening to the last couple of comments, I've been a resident of the city for better than 45 years I think. I remember when city elections were held by themselves in, I believe the spring and turnout was really pitiful which is why -- I think- we moved to combining it with other elections on a larger scale to get voters out. So, I think the question is do we want informed voters which may be in the 20% of the electorate category or do we want more people participating. I think that's what we need to consider. Does that make sense? So, we've done

both in this city in my recollection and I think we need to look at both sides of that particular coin. So, I will go back to being an observer of the meeting. Thank you very much for your time.

MS. TAYLOR-FERRELL: Thank you. Okay, the next hand is Ms. Funkhauser (phonetic).

MS. FUNKHAUSER: Thank you. I just wanted to respond to Mr. Goldfinger if I could. He is correct. Years ago, municipal elections were in the spring in April, I think. The reason that they were changed to November was for a couple of reasons, I believe. One was because that was the more formal time for the elections occur, but it also had to do with the city's budget cycle because the fiscal year of the city begins on July 1st, the mayor and council would barely be inaugurated when they would have to vote on the budget. By having elections in November, the mayor and council could be creating the budget and then at the end of July they'd have a complete knowledge.

But I also wanted to commend the

commission when I read the questions that were sent some time ago and I read some of the other things that the mayor and council said we could look at if we wanted to. I was blown away. I thought boy, are we going to (inaudible) what the sky should be red instead of blue? I mean it was just amazing to me. So, I congratulate you for taking on all of this even if you were just concentrating on elections. That part would have a been a lot of work in itself. So, thank you very much on behalf of the city.

MR. EVANS: Thank you.

MS. FUNKHAUSER: I appreciate it.

MS. TAYLOR-FERRELL: Thank you. Alright next, we have Mr. Fisher.

MR. FISHER: Hello? Can you hear me?

MS. TAYLOR-FERRELL: Yes, we can hear you.

MR. FISHER: Okay. I'm Steven Fisher, I've been a resident of Rockville for nearly 65 years coming this October. Also, I run for council in two very interesting years. One was in

1984 in April and the other was November of 1985. So, I've bridged the transition that occurred. It was pretty clear to me that the shift from April to November in terms of the electorate was to put people in a more familiar frame of mind. November is the month we elect people to office and that was in my perspective as a candidate one of the primary reasons for doing so.

The question of now shifting our non-partisan elections to a potential partisan election year cycle, meaning the even years in November, I definitely would not recommend that considering mayor council members are non-partisan. Now they would have to make an appearance on a partisan election ballot. All the groups that put out sample ballots, league of women voters excetera, would now have to identify that there is an additional group of candidates who are not affiliated with either political party running in a particular election in one locale. That adds first of all to the cost of their ballots and also the confusion that there is so

many races to be looked at, most people aren't going to go that far down. So, the idea that we would gain a number of new voters, I don't think will pan out.

In fact, the transitions I've noticed since at time first moving to a November election didn't really increase the turnout. I believe two years later the city abandoned its own non-partisan voter registration system and went with Montgomery county, which is a partisan registration system assuming that all these registered voters and living in Rockville who were not registered with the city would somehow gain interest in city elections and participate. That is not proven to be the case. The people who are interested in city elections are the ones who participate in city matters and board and commission members and so forth. The city has had a difficult time finding people just to fill those roles let alone people interested in helping people get elected to city council or to run themselves. The diversity of the city is a big

challenge. I noticed that when I was a candidate and I used the voter list from the city, if there weren't voters on a particular street, there was no reason for me to go down there. However, it is a street within the city of Rockville and those residents may indeed need some services or have their issues brought before the mayor and council to be addressed. The issue of having people not participating in city elections and not being registered can't easily be addressed if they're non-citizens or if simply don't choose to be active in city politics but prefer the partisan flavored politics and devote all their time and energy and resources to those races. That would also impact the city if we were to combine with state or federal elections that there is a limited pool of money out there for candidates to obtain. If you have limited resources and you want to support a gubernatorial or state senatorial or congressional candidate, you probably aren't going to save a lot of money just for mayor council candidates because there're too far down the list

for you to really consider worth investing in. That makes it difficult for the candidates who want to run because where are they going to get the money unless they're financial independent and can do so. So, that would be my take on the issue. Thank you.

MS. TAYLOR-FERRRELL: Thank you. I think that Commissioner Valeri wanted to speak?

MS. VALERI: Yes, I actually just wanted to plausit to everybody including the people that still had their hands up, that I am a big fan of history. I think that we need to learn from it in order not to repeat it. But the focus of the Commission is looking forward and looking at how to build a structure for the mayor and council of the future and voters in the future. So, I would love to hear from anyone how they feel these voting proposals and the difference systems and having representative districts or not or moving the data or not, looking forward how do you think this could affect participation in our elections? Recognizing that as the 2020 census notes we have

grown as a city. We're more populated now and so, I just wanted to get a sense from folks about that.

MS. TAYLOR-FERRELL: Okay, we still have some hands raised so, Ms. Valeri we're going to go back to the hands and hope there is responses for you. Next is Ms. Wolarsky (phonetic).

MS. WOLARSKY: I wanted to go back to the link between scheduling and voter turn-out. I'm not convinced that this link is substantiated. Commissioner Valeri, I really appreciate your encouragement to think forward and I respond to this with a consideration that the past election was the very first vote by mail election during which the vote by mail concept was tested in a municipal election east of Mississippi. It was almost the first selected --it wasn't like a trial of concept right? Proof of concept and in this election voter turnout was doubled from the previous election. So, if we have a successful proof of concept that has occurred in one instance, I'm not convinced that this successful

proof of concept should be immediately abandoned in other to seek another concept to achieve the same results. If doubling voter turnout is not enough, I'm not sure that there are statistical examples out there around the nation in which voter turnout in municipal elections was doubled by switching from one method to another twice in a row. So, I think that we also need to pause and stick to one method and make sure that, okay if we committed to doing vote by mail that we do vote by mail and really see that whether it works or whether it doesn't work. Some of the previous speakers said it very clearly that if we switch co-scheduling as in the same year as national or gubernatorial elections, we very much effectively abandon the very concept of vote by mail because of how differently elections are administered for those races. So, that's number one. That is looking forward. We you know, that the city only did it once. The city needs to do it at least one or two more times to actually see if we are able to increase voter turnout right?

Now in terms of the other questions I wanted to also add I do think that there is value in looking at kind of proportional representation thru districts and it is precisely for the reasons that other speakers have already outlined that the composition is so very different of the city that we have larger HOA districts, we have older communities, we have very diverse communities in terms of socio-demographic compositions but also ownership composition of residences. The idea that there is a candidate who is from a particular community and is running on behalf of that community to represent that community in the council is very appealing to me. My concern is that there might actually not be competition if there are districts -- depending on how many seats there are and how it's all structured. I would imagine that there might not be competition in some districts and that there might be vigorous competition among other districts of this city. Then how is that type of election truly representative and open and transparent and

competitive if there is not enough competition, if we already see that there are so many people hailing from certain parts of the city as candidates. So, that wouldn't entail probably a lot lot more outreach and a lot more resources on behalf of the city going into that work. Thank you.

MS. TAYLOR-FERRELL: Thank you, Ms. Funkhauser.

MS. FUNKHAUSER: I'm sorry, I didn't mean to raise my hand. I'm sorry.

MS. TAYLOR-FERRELL: Okay, thank you. Mr. Fulton.

MR. FULTON: In sort of in response to Commissioner Valeri and piggy-backing on the previous comments with regards to districting, well I think it's definitely something that should be looked into. There's a lot of support on it. I said that earlier that I was standing in favor of it. I don't stand in favor of just districted council persons. I feel strongly that there should be some at larges as well. I'm thinking about it

from a representation perspective. The one side is, yes there are, I don't know why we keep going on to the HOAs, there are pockets of small communities, there is segments of this city that are not represented by a council person who hails from that area, but I and everyone else on this call have four council members that I can speak with that are representing me and one mayor. I would be concerned if that would go down to simply one. I also I would worry that could possibly further, I don't know, further a divide whether perceived or real versus certain neighborhood when it comes to certain city issues. I feel strongly that just one mayor might not be enough to bridge that divide that there needs to be district representation. But if we're going that route there needs to be at large representation as well.

I echo what I think the previous person said, I think vote by mail was an overwhelming success. I don't have any ways to improve it at the moment, but I think that looking into ways, if there's even incremental gains to be made that's

wonderful. Increasing the voter turnout as best as we did. I think if you really want to look forward someone can take a look in the box chain voting. Maybe not for two years or six years but maybe ten years down the road. I see one of the commissioners laughing at my suggestion. So, that's kind of what I think in terms of looking forward to the future. Thank you.

MS. TAYLOR-FERRELL: Alright thank you. Mr. Allton (phonetic).

MR. ALLTON: Alright. I concur, I think the voting by mail was a huge success. I would definitely keep that. I know we went probably from 13% to 24% for voter turnout. I'm optimistic. I also think going forward having a district person that is locally, would also bring out -- they wouldn't just vote for that one person, hopefully that they would also vote for the -- there would be other ways that we could either, we could figure this so that there would be others ways for us to engage that part of the community. But that we're doing on the flip side is that, and the

research will show this, is that the at large voting-- I encourage you to research why the at large voting is not a favored style by many organizations that are in place to look at the Voting's Right Act and supported that. I did that research you should do that research. You have to look at every paper or thesis that comes out but it's up to us to read the lines to figure out why is this so harmful. I think it comes out in our city's engagement and I think what I really wanted at the end of the day I want people thinking Rockville first. That doesn't happen in my community. My community will go to other locations, we're on the west side of I-270. We're geographically separated from many folks. There are many aspects of this that I've advocated or lobbied for during the budget but the reality of it is there aren't many options that-- like when we had the parking in Town Center. I advocated and I said that to the current mayor council, parking is hurting us and data wise how much of it is hurting us. Our folks go to Rio, they go to

Camlins (phonetic), they go to Bethesda, they go to Town Center. But when you look at this and you really analyze our city, are our residents thinking Rockville first? That is the essential question because if they are not thinking Rockville first, then our city is hurting. That's the part that has to be because cities have a heart and soul. That part of it is, I want people going to Rockville. I want them to be there first, I want there to be no other destination. If they have to go someplace else, we'll figure why they went someplace else. But that is not what's happening. How do I know that this isn't happening? Because we've had to relook at Town Center all too often. We're doing our best to look at Town Center constantly and the pandemic didn't help, but our recovery and our moving forward is going to require all of us. If we leave out groups for whatever purpose, for whatever reason, however it shakes out, that is going to cost us in a social context. It is going to have a measurement maybe so profound and we cannot

continue going four years with an election where some of the pieces I've already mentioned we're not addressing and going forward to do that. So, I see it as a social aspect in terms of the human concept and behavior by loyalty to a community. I also see it as an economic sustainability. I see it as our responsibility to figure out a way to get other diverse groups and improve on the good things we've done so far. So, I would definitely keep in the mail voting. Thank you.

MS. TAYLOR-FERRELL: Thank you. Next, Ms. Wolawsky.

MS. WOLAWSKY: That's an old hand. I apologize.

MS. TAYLOR-FERRELL: Alrighty. Thank you. Mr. Fisher.

MR. FISHER: I have nothing more at this point.

MS. TAYLOR-FERRELL: Alright, No hand. Mr. Ulton your hand is still up. Did you want to say anything else?

MR. ULTON: I applaud all of you for --

my hand was not up. I think it was up from before so, but I'll just say I admire all of you on the Commission and what you're trying to do. I applaud the mayor and council they do to try and pull us together. I think we'd do better by looking at this and bringing in different ways of doing that, so. Sorry, that part.

MS. TAYLOR-FERRELL: No need to apologize. Thank you.

SHERRYL: Is there anyone else on as attendees that would like to speak or would like to comment on any other of the charter review commission's scope of work?

MS. TAYLOR-FERRELL: Sherryl, I have an owner, that's the name that pops up, so I'm going to open the mike.

SHERRYL: Thank you.

MS. TAYLOR-FERRELL: Yes. Owner your mike is open.

MS. NEWMAN: Are you talking to me? Can you hear me?

MULTIPLE SPEAKERS: Yes, we can hear

you.

MS. NEWMAN: Very good, that wasn't my name but that's fine. Well, I'm Lois Newman and I sent in a couple of comments many of which have been stated by other people and I'm not going to repeat them. But I do agree with the idea of districts voting being very well researched and very controversial. It's not as easy as it sounds and it's not necessarily going to go turnout the way you think it will where more people from more districts will vote. It's quite possible you might have someone win by 25 votes which may or may not be enough.

I would like to suggest to think about putting a committee under the city manager's office to work with candidates. One of the things that can be an issue is candidates don't know what to do after they've been declared to be a candidate. They know how to become a candidate but then what? It is not appropriate for the Board of Supervisors for Elections to answer those questions because after all all the board is

trying to remain very impartial, very neutral and really has very little to do with candidates other than the campaign finance reports which is necessary for all candidates. So, to help people decide they want to be a candidate which I believe is an issue. I think people don't know about running, don't know what it means to run, don't know how important it is to serve government. We may need to consider training for candidates, training to be a candidate, how does one become a candidate, why does one become a candidate? And then sort of a tether to the city through the city mayor's office and again not through the supervisors of elections, it's inappropriate - but to work with candidates to answer questions. Example, how do I put up a sign? Can I put up a sign? How do I put up information on the website? What information is appropriate for me to put on the website? Where do candidates get answers to those questions? Right now there's nobody. There's no way for candidates, other than to read the materials which things are within the materials,

but there is an awful lot coming at a candidate when they're trying to get their campaign together. So, I think there should be a way, for potential candidates to get information to encourage them to run. If that happens and there's a lot of outreach for them in that perspective, you won't need districts because there'll be more people coming from more districts and representing more districts to run and then, there needs to be an effort to encourage the people in those districts to vote. So, just because you have somebody representing a district does not mean you'll see the turnout.

So, I think to keep it simple, this would be a simple thing to do, rather than converting the entire ballot to districts putting two or more and creating officials to represent the districts and having candidates run for districts which has a lot of steps to it and can be fairly complicated and may not give you the result that you're looking for. I see this as an easy solution and to a problem that has existed

for quite some time. So, I thank you for your ears and best of luck.

MS. TAYLOR-FERRELL: Thank you so much. Commissioner Valeri.

MS. VALERI: I was wondering if you could open up her mike again? I actually had a question for Miss Newman.

MS. TAYLOR-FERRELL: Yes ma'am.

MS. VALERI: If she is amenable to that.

MS. NEWMAN: Go on.

MS. VALERI: Good evening. I'm wondering when we're looking at the issue of representative districts, you touched on what effect it would have on turnout. How would you think it would affect the overall election as far as increasing geographic diversity of candidates or people looking to run?

MS. NEWMAN: Say the first part again. How --what was the first part?

MS. VALERI: Sorry--

MS. NEWMAN: How do I think keeping it as it is?

MS. VALERI: Oh no, I meant as far as representative districts--

MS. NEWMAN: Yes.

MS. VALERI: --not looking at it, excuse me not looking at it from a turnout perspective, but looking at it from a geographic diversity perspective when it comes to the candidates who are running or for the individuals who win an election. Do you feel that districts would increase our geographic diversity in who gets selected.

MS. NEWMAN: Not necessarily. I don't think so. I think it can be done. By talking to people personally, by going to the different districts, having a session on: so you want to be a candidate? Would you might be interested in becoming a candidate and having a face to face and a person to person contact with people in districts or certain regions, can be a specific district but it can also be a particular part of the city and then encourage people to run. I don't think just because you create a district, people

are going to say, okay now I'm going to run and I'm going to represent whatever it is I'm supposed to representing. I think that can be done by personal contact, by going to the districts, by home association meetings for example, and encourage talking to people about running for office.

The other thing that occurred to me with your question is just because someone represents -- is elected by a district does not mean they're true to their districts. It is possible to live in a district but be on top of everything that is going on in that district. Conversely, it is possible to elected to represent that district, not by district system but represent that district and to be very concerned about what's going on in there. I don't think districts -- I just don't think districts are the answer.

MS. VALERI: Thank you.

MS. TAYLOR-FERRELL: Thank you. No more hands up. We also encourage you to take the survey, that's right on the side, the slide

survey. We'd love your feedback there as well.

SHERRYL: Okay, if there are no more participants that want to speak tonight then I'll offer closing remarks from our chair Mr. Fred Evans.

SPEAKER: There are two hands that just went up.

SHERRYL: Okay.

MS. TAYLOR-FERRELL: Shall I? Okay.

SHERRYL: Open their mikes? Yes.

Mr. EVANS: I see-- making a Joe.

JOE: I see, I'm going to ask council member Ashton (phonetic) to speak.

MS. ASHTON: I just want to say thank you. I just wanted to not influence or say any comments on this conversation cause I think there are a lot of perspectives and I just wanted a lot of those ideas to be free flowing. I just want to thank this Charter of Review Commission for the thorough outreach that you're doing and everyone who has been participating in this discussion that helps us make this city better. Thank you.

MS. TAYLOR-FERRELL: Thank you. Mr. Gillespie.

MR. GILLESPIE: Hi. I don't have much to add. I also just wanted to say thank you. I did have one more thing I guess. That is if it's suggested that we ultimately move to having representative districts, I would again strongly encourage this commission to take a look and the questions about what choice in terms of our voting. I would agree with that or take that a step further and seek another sort of endorsing method. So, that's all I had to add.

SHERRYL: Thank you. Ms. Ferrell.

MS. TAYLOR-FERRELL: I'm going to try to run that over to Mr. Evans for your closing remarks. Again, I want to thank all of the participants tonight and for their input and we want to let you know that that survey that was in the chat is also available on the city's website and it will be open until March 25th. Thank you.

MR. EVANS: Thank you Ms. Ferrell. Thank you. Danny, You did a great job. I appreciate all

the feedback. I want to introduce one final member of our commission, John Becker who is with us this evening. Great to see you John.

MR. BECKER: Great to see everyone. Great to see you.

MR. EVANS: On behalf of the Charter Review Commission, I give a big heartfelt thank you to each of you for your committed participation to this town hall meeting. We would review every suggestion as we prepare our final recommendations to Rockville's city mayor and council members. Additionally, we encourage each of you to inform your city neighbors and friends about the work of the Commission. Please, encourage them to participate and see our questionnaire which is located on the city's website which is the rockvillemd.gov, and then the site is Charter Review Commission. You'll be able to find it relatively easily. Finally, if you have any additional suggestions or comments, do not hesitate to forward them to the commission's webpage. Once again, from my heart, I thank all

of you for your participation, the commissioners, all other folks who joined us tonight and it was a very great positive, conductive meeting and we look forward to the hard work as we proceed. Thank you very much.

So, we can leave Danny?

(Whereupon, the PROCEEDINGS were adjourned.)

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

Notary Public in and for the
Commonwealth of Virginia
Commission No. 351998
Expires: November 30, 2024

Appendix C

Response Packet – Questionnaire 1

RESPONSE PACKET
Questionnaire 1

Charter Review Commission

City of Rockville
Get Into It

March 28, 2022

Ad hoc Sub-Committee
Data Management

Table of Contents

SECTION I: **Summary Statistics**

SECTION II: **Responses By Category-Type Question**

Responses to Unique/One-Off Questions

APPENDIX: **Actual questionnaire responses**

SECTION I

SUMMARY STATS	
Number of Questionnaires Distributed:	78
Number of Responses:	11
Response Rate:	14.10%
Number of Question Categories	12
Number of Groups Questioned:	6

SECTION II

TABLE OF QUESTION TYPES

	QUESTION-TYPES	CAT CODE
1.)	Charter & Code	QA101000
2.)	Communications	QB110100
3.)	Costs & Performance	Q901000
4.)	District	Q701000
5.)	Duties	Q301000
6.)	Elections	Q201000
7.)	Equity, Diversity & Demographics	Q801000
8.)	General	Q101000
9.)	Politics	QC120000
10.)	Size	Q501000
11.)	Terms_Process	Q601000
12.)	Voting Systems	Q401000

CHARTER & CODE QUESTION-TYPES (AQ101000)

Questionnaire Responses
Charter Review Commission

Q101001 BSE General Questions

Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Generally, yes. Section 8.4 establishing the BSE is simple and direct: follow the law and make recommendations annually. I cannot suggest a way to improve upon that.
Stephen Weiner	Former BSE	Basically, yes. The Charter charges the BSE to ensure elections are fair and open and to maximize/encourage voter participation. Those charges are, on the one hand, specific enough to limit the scope of the BSE and, on the other hand, broad enough to give
Lois Neuman	Former BSE	Yes. I do not recommend excessive detail or definition. Since election processes and procedures change, the description should be fluid and flexible, such the BSE administers, oversees, supervises; the staff conducts, interacts with agencies/departments,
David Myles	Mayor & Council - Current	At the time M&C had two-year terms, the BSE had four year terms in the Charter. Now that M&C have four-year terms, then BSE terms should perhaps be extended.

Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?

Dave Celeste	Former BSE	No Opinion
Current BSE	Current BSE	The Charter and Code do adequately describe the BSE's role. Section 8-4 of the Code states broadly that the BSE "shall supervise elections" and that the BSE "shall make recommendations to the Mayor and Council." Those sections and others provide the BSE
Clark Reed	Mayor & Council - Candidate	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are in
Brigitte Mullican	Former BSE	NR

COMMUNICATION QUESTION-TYPES (QB110100)

Questionnaire Responses
Charter Review Commission

Q1101002 The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.

Respondant	Group	Interviewee Response
Vincent Russo	Community Member	No basis to comment.
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	In the past, meetings between the BSE and the Mayor & Council were more often (although not solely) requested by the BSE when major elections issues arose, regardless of the timing of the next, or prior election. Regularly scheduled meetings/updates were
Lois Neuman	Former BSE	The BSE typically presents at the Mayor and Council meetings on the results of the most recent election and then any follow up requested by the Mayor and Council. The Mayor and Council offer any suggestions and concerns that are then discussed by the BSE.

Q1101002 The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.

Stephen Weiner	Former BSE	As I've noted, the BSE is an independent entity, established by the Charter. To that extent, unless I've missed something, the BSE is not obligated to report to the M&C. However, the BSE should make recommendations, in writing to the M&C regarding the co
David Myles	Mayor & Council -	I do recall one post-2019 election BSE meeting/presentation that outlined what they did and challenges they encountered. As a general rule, I think the BSE should refrain from any other meetings so as to maintain their independence from the body whose ele

Questionnaire Responses
Charter Review Commission

Q1101001 The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.

Respondant	Group	Interviewee Response
Vincent Russo	Community M	No basis to comment.
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	See answer to #14 above
Lois Neuman	Former BSE	There is limited communication between the BSE and Mayor and Council outside of officially noticed meetings. The BSE rarely initiates communication with elected officials. Since the BSE conducts open meetings, the Mayor and Council members, any candidate

Q1101001 The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.

Stephen Weiner	Former BSE	
David Myles	Mayor & Coun	I am not aware of any communications that occurred between M&C and the BSE outside the meetings and public information settings. This does not mean that they do not occur but I haven't attended any. There should not be any such communications for the reas

COST & PERFORMANCE QUESTION-TYPES (Q901000)

Questionnaire Responses
Charter Review Commission

Q101002 Election Process / Franchise Expansion. Provision in the Election Code for Internal Consistency with the Charter and Vice-Versa (P) Mayor and Council: Questions:

Do you fully understand the Rockville Election Code? Do you consider public education on the City Code and Charter with respect to elections a high priority, if not why?

Respondent	Group	Interviewee Response
David Myles	Mayor & Council - Current	I have a pretty good understanding of the Code and do consider public education about the Code a high priority from both an informational and civic engagement perspective.
David Myles	Mayor & Council - Current	I have a pretty good understanding of the Code and do consider public education about the Code a high priority from both an informational and civic engagement perspective.

DISTRICT QUESTION-TYPES (Q701000)

Questionnaire Responses
Charter Review Commission

Q701003 Should there be representative districts?

Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	I am open to representative districts, or perhaps a mixed model of at-large and representative districts like we have at the county level. I don't think districts can or should be drawn with gender, sexuality, or physical abilities in mind. That doesn't
Andrew Lin	Human Rights	The HRC believes that much more information is needed before any determination can be made as to whether implementing voting districts would improve or hurt the representation of minority and other demographic communities in Rockville. Any potential ad
Sima Osdoby	Mayor & Council - Candidate	It depends on how the districts are drawn. One way or another it will effectively divide the city rather than building more unity. The selection is likely to at least appear to favor some.
Suzan Pitman	Mayor & Council - Candidate	I think this would especially impact economic differences (and therefore racial and citizenship status differences), with neighborhoods in need of more resources having to compete with neighborhoods that are affluent. This already happens, but because the

Q701003 Should there be representative districts? What would the boundaries look like?

Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?

David Myles	Mayor & Council - Current	I think there may be SES differences which sometimes track with race and gender but there may not be a statistically significant difference if there are solely geographic districts

Questionnaire Responses
Charter Review Commission

Q701001 Should there be representative districts? What would the boundaries look like?

How would you recommend drawing and defining boundary lines for geographic districts within the City?

Respondant	Group	Interviewee Response
Sima Osdoby	Mayor & Cou	I would strongly prefer implementing Ranked Choice voting for a City of this size and complexity as a first choice.
Suzan Pitman	Mayor & Cou	I do not recommend this.
David Myles	Mayor & Cou	Northeast-Lincoln Park/East Rockville (E of 355 & N of Rockville (E of 355 & N of 1st/Norbeck); Southeast-Twinbrook: (S of 1st/Norbeck, E of 355); C Central (S of Gude, E of 270, W of 355, N of Maryland)) D Northwest-Fallsgrove/King Farm (N of Gude + W

DUTIES QUESTION-TYPES (Q301000)

Questionnaire Responses
Charter Review Commission

Q301003 The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Yes, the BSE must strive to maintain its independence, in fact and in perception, so it may appropriately decline an invitation to appear before Mayor and Council. Non-incumbent candidates do not have the privilege of summoning the BSE and giving it dire
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	Historically in Rockville, Mayors and Councils have treated staff poorly but maintained a certain level of civility with citizen volunteers serving unpaid on boards and commissions. Past treatment of volunteers encouraged as much communication with the Ma
Lois Neuman	Former BSE	Yes, if it is during the months between certification of candidates and the certification of the election to avoid any appearance of conflicts of interest between election supervisors and elected officials who are candidates in the upcoming election. All

Q301003 The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?

Stephen Weiner	Former BSE	Yes. As noted above, because members of the M&C are, at the very least, potential candidates, any meeting that would give the M&C an advantaged a potential—or even a perceived—advantage would be inappropriate. For example, if a member of the M&C requeste
Clark Reed	Mayor & Council - Candidate	Context is everything. While I cannot now imagine why a board would 'ever decline' to meet with the mayor and council, there might be a situation that arises where it might be justified but the word 'ever' really leaves no room for that. Perhaps the chart
Clark Reed	Mayor & Council - Candidate	Context is everything. While I cannot now imagine why a board would 'ever decline' to meet with the mayor and council, there might be a situation that arises where it might be justified but the word 'ever' really leaves no room for that. Perhaps the chart

Questionnaire Responses
Charter Review Commission

Q301004 The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?

Respondant	Group	Interviewee Response
Vincent Russo	Community Member	The bar for declining a written information request is higher than refusing a request to appear. It depends on the nature of the information request and whether the disclosure is appropriate. If the BSE feels the information request is made in good fait
Clark Reed	Mayor & Council -	Since this is a repeat question, see answer above (#17).
David Myles	Mayor & Council -	Yes, I think that members of the BSE should be empowered to decline any meeting with M&C they feel may compromise the integrity of the BSE or have the appearance of impropriety.
David Myles	Mayor & Council -	Yes as above (per #35).

EQUITY, DIVERSITY & DEMOGRAPHICS QUESTION-TYPES (Q801000)

Questionnaire Responses
Charter Review Commission

Q801001 Should there be representative districts? What would the boundaries look like?

How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?

Respondant	Group	Interviewee Response
Vincent Russo	Community Member	The city excels at outreach to the community. The extensive outreach done for the 2040 master plan is a good model for the city to follow. However, I am concerned that the Charter Review process is moving too slowly to enact representative districts be
Suzan Pitman	Mayor & Council -	We all know from experience that community participation would be so uneven as to be unethical. I have tried to prove myself wrong on this point, and I haven't been able to.
Sima Osdoby	Mayor & Council -	People need to understand what in fact is the work of the City of Rockville and why they need to participate.
David Myles	Mayor & Council - Current	Ask for community input either at the beginning and/or after several options are proposed

GENERAL QUESTION-TYPES (Q101000)

Questionnaire Responses
Charter Review Commission

Q101004 BSE General Questions

Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you chan

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Under the leadership of Lois Neuman, Rockville's BSE did an excellent job conducting the 2019 election, which saw huge gains in turnout in Maryland's first vote-by-mail election. After such a groundbreaking success, it's baffling that her nomination for
Stephen Weiner	Former BSE	Members of the BSE are appointed by the M&C so, there is no way to completely insulate the BSE from politics. However, on its face, this is a strange question. Rockville boasts that its elections are "non-partisan" at least to the extent that no candidate
Lois Neuman	Former BSE	No, they are not sufficiently insulated from politics. The BSE must operate independently and impartially in accordance with established standards. If elected officials have input for BSE deliberations it should be considered at BSE meetings by the entire
David Myles	Mayor & Council - Current	It does help that our elections are non-partisan. Every person has some bias and it is important that one consciously recognizes it and works to ensure it does not influence their decision-making to the extent possible. I had no concerns about partisanshi

		Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you chan
Dave Celeste	Former BSE	It used to be. However, recent Mayors and Councils have been complicit in manipulating appointments by stifling public comment. I have no solution for this problem at this time.
Current BSE	Current BSE	The BSE is satisfied that the BSE and its individual members are sufficiently insulated from City politics.
Clark Reed	Mayor & Council - Candidate	I believe that the appointment process provides sufficient insulation from politics because all board members are selected by all members of the council and the board elects its own chair. There's enough checks and balances in the appointment process that
Brigitte Mullican	Former BSE	NR

Questionnaire Responses
Charter Review Commission

Q201004 Alternative Voting & Franchise Expansion

What are your thoughts on expanding the franchise by lowering the voting age to 16?

Respondent	Group	Interviewee Response
Andrew Lin	Human Rights	The HRC believes lowering the voting age to 16 will foster civic engagement, involvement, and awareness at a younger age. We hope that allowing Rockville's youth population to exercise their rights will translate to higher voter participation rates in the
David Myles	Mayor & Council - Current	I was still serving active duty in the Navy and was not in Rockville for that 2015 referendum. I would recommend syncing our elections with (at a minimum) Congressional midterm elections or presidential elections for the reasons outlined in the questi

Questionnaire Responses
Charter Riview Commission

Q101005 General Questions

In what ways could the BSE influence the outcome of an election, if it chose to do so?

Respondant	Group	Interviewee Response
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	Any system can be manipulated if unethical people assume control. That is why it is so important for the Chair to attempt to be as fair as possible. Leadership matters.
Lois Neuman	Former BSE	They cannot. There are numerous checks and balances throughout the entire system designed to prevent any interference. The election is not contaminated when the procedures and laws are followed. The BSE must maintain election integrity and function to mai
Stephen Weiner	Former BSE	Maybe I am not imaginative enough, but there really isn't a way the BSE could influence the outcome of an election. There are only two processes that the BSE is involved in that could potentially do so: certification of signatures on forms potential candi

In what ways could the BSE influence the outcome of an election, if it chose to do so?

Clark Reed	Mayor & Council -	Without context, I find this to be a highly unusual question by itself! But presuming no ill intent, I suppose the BSE may be able to influence the outcome of an election by influencing the number of voters by holding elections in Presidential or non-Pres

SIZE QUESTION-TYPES (Q501000)

Questionnaire Responses
Charter Review Commission

Q501001 Should the size of the Council be expanded?

How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	I support adding two members to the city council. The size of the body has been fixed even as the city has grown substantially in recent decades. Adding two seats would distribute the work of council across more members. I cannot speculate as to how th
Andrew Lin	Human Rights	The HRC believes that expanding the size of the Council could improve the representation of minority and other demographic communities through an improved ratio of representatives to residents.

Q501001 Should the size of the Council be expanded?

How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?

Sima Osdoby	Mayor & Council - Candidate	See response above. Opening more seats on the Council coupled with thoughtful and relevant outreach should open up these possibilities. Rockville for some time now has been rated as among the most diverse municipalities in the US.
Suzan Pitman	Mayor & Council - Candidate	In an open, free, and fair election we cannot guarantee that the makeup of the Council will accurately reflect the demographics of the residents, but it makes it more likely. Other election reforms, such as a spending cap and/or public financing of local
David Myles	Mayor & Council - Current	There would likely have to be seats held aside in order to ensure that certain underrepresented groups are represented. Though potentially controversial, set asides are implicit in district (as opposed to at-large) elections.

Questionnaire Responses

Charter Review Commission

Q501003 Increasing the number of members of the Board of Supervisors of Elections

Is the current BSE the proper size for its workload? Please explain.

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Expanding the size of the BSE would reduce the risk of loss of institutional memory and experience. With just five members, the loss of even one experienced member is significant. A larger BSE would allow for a wider range of tenures, expertise, and dem
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	The current BSE is the proper size at this time. I have no faith in the current administration regarding adding members to the BSE. The current administration has already demonstrated a tendency to follow FDR's court packing scheme which was eventually re
Lois Neuman	Former BSE	Yes, the current BSE is the proper size for its workload. The work is distributed to each member of the BSE to take the lead on topics determined by the entire BSE. The BSE places the timeline for topic presentation and discussion on the meeting agenda. T

Is the current BSE the proper size for its workload? Please explain.

Stephen Weiner	Former BSE	No. Unless all BSE members are retirees who don't like to travel, there is too much work to do, especially in an election year. (And having only retirees on the BSE is a bad idea). Even in off-years, there is a lot to do.
Clark Reed	Mayor & Council - Candidate	I haven't been following the BSE in a level of detail sufficient to provide a comment.
Clark Reed	Mayor & Council - Candidate	This is a repeat of question #6 above. Same answer still applies.
David Myles	Mayor & Council - Current	I would defer to the BSE to assess their needs to determine if it is right-sized.

Questionnaire Responses (Officials - Current Former)
Charter Riview Commission

Q501004 Increasing the number of members of the Board of Supervisors of Elections

Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	I do not support alternates. If we have qualified residents willing to serve, appoint them as full members. Add two seats to the BSE so that a vacancy or two presents less hardship than it does with a body of just five members.
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	No.
Lois Neuman	Former BSE	No. Upon application, review, and appointment, applicants should accept that they will fulfill their obligations of participation, involvement, and commitment to serve on a team that has a specialized knowledge base and function. The team develops continu

		Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option
Stephen Weiner	Former BSE	No. Either you are on the BSE or you are not. I would support adding at least one or two more members. If only one is added, perhaps the Chair could only vote in case of a tie. Note, however, that even now, the meeting room is crowded. The table usually
Clark Reed	Mayor & Council - Candidate	I would support a system that had one group of five who were 'active' experienced members and a second group of five with no voting power who 'shadowed' the active members. Both groups would serve 5-year terms. 'Shadow members' would be appointed a year b
David Myles	Mayor & Council - Current	I'm unsure. I'd have to get a sense of when an alternate would be activated.

Questionnaire Responses)
Charter Review Commission

Q501005 Alternative Voting & Franchise Expansion

Would increasing the number of seats on the City Council improve or hinder the operations of the Mayor and Council? Please explain your response.

Respondent	Group	Interviewee Response
Andrew Lin	Human Rights	The size of the Council should be expanded to both lighten the load of the current Council members and to potentially broaden representation of the residents.
Sima Osdoby	Mayor & Council - Candidate	Yes, the Council should be expanded. The City has grown significantly.
Suzan Pitman	Mayor & Council - Candidate	The size of the Council should be expanded to both lighten the load of the current Council members and to potentially broaden representation of the residents.
David Myles	Mayor & Council - Current	Yes to expansion; increased opportunities for more residents to be involved with the political process

POLITICS QUESTION-TYPES (QC120000)

Questionnaire Responses
Charter Review Commission

Q101004 BSE General Questions

Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you chan

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Under the leadership of Lois Neuman, Rockville's BSE did an excellent job conducting the 2019 election, which saw huge gains in turnout in Maryland's first vote-by-mail election. After such a groundbreaking success, it's baffling that her nomination for
Stephen Weiner	Former BSE	Members of the BSE are appointed by the M&C so, there is no way to completely insulate the BSE from politics. However, on its face, this is a strange question. Rockville boasts that its elections are "non-partisan" at least to the extent that no candidate
Lois Neuman	Former BSE	No, they are not sufficiently insulated from politics. The BSE must operate independently and impartially in accordance with established standards. If elected officials have input for BSE deliberations it should be considered at BSE meetings by the entire
David Myles	Mayor & Council - Current	It does help that our elections are non-partisan. Every person has some bias and it is important that one consciously recognizes it and works to ensure it does not influence their decision-making to the extent possible. I had no concerns about partisanshi

		Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you chan
Dave Celeste	Former BSE	It used to be. However, recent Mayors and Councils have been complicit in manipulating appointments by stifling public comment. I have no solution for this problem at this time.
Current BSE	Current BSE	The BSE is satisfied that the BSE and its individual members are sufficiently insulated from City politics.
Clark Reed	Mayor & Council - Candidate	I believe that the appointment process provides sufficient insulation from politics because all board members are selected by all members of the council and the board elects its own chair. There's enough checks and balances in the appointment process that
Brigitte Mullican	Former BSE	NR

TERMS/PROCESS QUESTION-TYPES (Q601000)

Questionnaire Responses
Charter Review Commission

Q60100A Should there be term limits for Mayor and Council?

Have you been directly affected by term limits in other elected offices in the County? What are the challenges or advantages that you see in working with other elected officials who are term limited such as County Council?

Respondent	Group	Interviewee Response
Sima Osdoby	Mayor & Council - Candidate	The implementation of the County Council term limits resulted in many talented and dedicated elected officials deciding not to run or losing at the ballot box. Whether the elected official is term limited or not they are expected to be working on behalf
Suzan Pitman	Mayor & Council - Candidate	I have not been directly affected by term limits in the County. Working with someone who is term-limited should serve as motivation to get the work done before you, or the person you are working with, are out of time. It could potentially be a de-motivato
David Myles	Mayor & Council - Current	I haven't' experienced any direct effects of term limits. At the county level, the only woman serving is term-limited.

Questionnaire Responses
Charter Review Commission

Q601004 What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?

What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?

Respondent	Group	Interviewee Response
Sima Osdoby	Mayor & Council - Candidate	It seemed to be a pretty fair process.
Suzan Pitman	Mayor & Council - Candidate	Some consideration should be given to candidates who received enough votes to get them into the top 7-10 spots in the prior election, and appointment by the Mayor with final approval by the Council should be considered. There should be a first round of in
David Myles	Mayor & Council - Current	The seat was not filled so there was a failure. It is probably best that the process occurs outside of the M&C. If there are districts, then perhaps members of that district can select their own candidate.

Questionnaire Responses
Charter Review Commission

Q601005 Lengthening the term for the members of the Board of Supervisors of Elections

Should the terms of BSE members be lengthened? If so, how long?

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	The BSE term should be at least four years so members can complete an election cycle.
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	No. It is hard enough to attract legitimate volunteers for these positions now. Lengthening the term would make this an even more difficult task.
Lois Neuman	Former BSE	No – knowledgeable, effective, impartial board members should be reappointed at the end of their existing term. Every effort should be made to retain their service for another term.

Q601005 Lengthening the term for the members of the Board of Supervisors of Elections

Should the terms of BSE members be lengthened? If so, how long?

Stephen Weiner	Former BSE	I suggest a 4-year term.
Clark Reed	Mayor & Council - Candidate	Current members serve 4-year terms but since our elections run on 4-year cycles, it seems reasonable to lengthen the term to 5-years. A 5-year term would give board members experience with two election cycles before they completed their term. I believe a
David Myles	Mayor & Council - Current	I'd recommend staggered terms (as an alternative or in addition to lengthening), if they aren't staggered already.

Questionnaire Responses
Charter Review Commission

Q601006 Lengthening the term for the members of the Board of Supervisors of Elections

Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assess

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Of course having at least one member with experience makes sense, but I don't know how the charter can mandate this. What if the experienced members resign, or God forbid, die? The charter can't control which seats are vacated or when. In the end, Mayo
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	This is important but should not be legislated. Going through the first complete election cycle is difficult. Having at least one experienced Board member to serve as a guide through this process is very helpful.
Lois Neuman	Former BSE	Yes, it is critical that more than one member of the BSE have election experience preferably beyond one election cycle. Experience at a complete election cycle may not be sufficient. Board members should know the components of an election, policies, and p

Q601006 Lengthening the term for the members of the Board of Supervisors of Elections

Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.

Stephen Weiner	Former BSE	Even assuming an experienced City Clerk (which the City is lucky to have) there are too many things that can wrong, too many moving parts. Besides, running and election is more than following a schedule. So at least on member of the BSE must have experien
Clark Reed	Mayor & Council - Candidate	Yes, it is absolutely important that at least one member of the board have prior experience with conducting an election because that experience will help ensure that the board has some minimum level of first-hand knowledge to anticipate problems or find s

Questionnaire Responses
Charter Review Commission

Q601007 Lengthening the term for the members of the Board of Supervisors of Elections

What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Let's hope we don't face this. This points to the importance of the City Clerk and her staff in this process to train and advise BSE members on the procedural conduct of our city elections.
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	I am concerned that, if all BSE members had no prior election experience, they would be at the mercy of the dictates of the administration in power, even if it is via pressure on City employees staffing the Board.
Lois Neuman	Former BSE	This is dangerous and irresponsible for the city. The risk of overseeing a questionable election is enormous and should be avoided, especially in the current national election environment. There are a huge number of moving parts to an election such as com

Q601007 Lengthening the term for the members of the Board of Supervisors of Elections

What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?

Stephen Weiner	Former BSE	At the very least, too much responsibility would be placed on the Clerk's office. If the primary role of the BSE is to oversee the election (and it is), how will inexperienced members know what they are looking for. How will an inexperienced BSE member kn
Clark Reed	Mayor & Council - Candidate	Having never served on the BSE, I really don't have the background to answer this question properly. I will say that elections are absolutely critical to the functioning of our democracy and the city cannot have inexperienced people running them. We canno

Questionnaire Responses
Charter Review Commission

Q601008 Lengthening the term for the members of the Board of Supervisors of Elections

Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? Begin adherence to the Charter i

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Adherence to the Charter should be an imperative. I believe making the appointments for a fixed duration at the time of appointment is preferable. Eventually this is likely to result in a membership with overlapping terms and a blend of experience level
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	Make this easy – do NOT lengthen the terms
Lois Neuman	Former BSE	Second choice

Q601008 Lengthening the term for the members of the Board of Supervisors of Elections

		How should the Mayor and Council address this situation? Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or Change the Charter to reflect the actual practice of making fixed 4-year ap
Stephen Weiner	Former BSE	Change the charter. Assume the January after an election is Year 0. Stagger appointments so that one member is appointed in April of Year 0. (I choose April because the report on the previous year's election should be pretty much done by then. To be safe,
Clark Reed	Mayor & Council - Candidate	Change the Charter to reflect the actual practice of making fixed 5-year appointments that begin and end on the month and day of the appointment.

Questionnaire Responses
Charter Review Commission

Q601009 The appointment process for the members of the Board of Supervisors of Elections

Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies,

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	Change the charter to reflect long-standing practice. Allowing any member of the elected body to nominate minimizes the risk that the BSE is beholden to one figure, or the perception that it is. It also creates more opportunities for diverse representat
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
Lois Neuman	Former BSE	Second choice. It is confusing why elected councilmembers would be prevented from nominating and filling vacancies, giving them no voice to participate in the very government in which they were elected to serve.

Q601009 The appointment process for the members of the Board of Supervisors of Elections.

		How would you address the issue? Please explain. Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. Change the Charter to reflect the long-standing practice of having any Council
Stephen Weiner	Former BSE	Change the Charter to allow Councilmembers, not just the Mayor, nominate people to fill vacancies.
Clark Reed	Mayor & Council - Candidate	Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies. This way, no one person holds all the power and we can ensure checks and balances by spreading the power of appoin

Questionnaire Responses
Charter Review Commission

Q601010 The appointment process for the members of the Board of Supervisors of Elections

The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.

Respondent	Group	Interviewee Response
Vincent Russo	Community Member	I am not a lawyer, but it seems to me that the charter needs to speak only to appointments. It is immaterial whether a vacancy is filled by a returning member or a new member. Perhaps instead the Charter Review Commission should concern itself with the
Brigitte Mullican	Former BSE	NR
Dave Celeste	Former BSE	Regardless of how it is done, reappointments should be considered the same as appointments. This includes giving stronger consideration to folks with experience, regardless of whether it is an appointment or a reappointment
Lois Neuman	Former BSE	Yes, reappointments should be considered the same as appointments unless there is some unique reason for exceptions. Having said that, since the reappointed person is already known and has the experience and knowledge of the BSE, an abbreviated applicati

Q601010 The appointment process for the members of the Board of Supervisors of Elections.

The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.

Stephen Weiner	Former BSE	Am I correct in assuming an appointment is not the same as a nomination? In that case, a reappointment should be treated just like a new nomination. That is, the Mayor (or, if the Charter is changed, a Councilmember) may renominate a BSE member whose term
Clark Reed	Mayor & Council - Candidate	What does 'the same as appointments' mean in this question? It would be helpful to know the areas the author of this question is referring to. In principle, I think reappointments should be considered the same as appointments in terms of time, authority,
David Myles	Mayor & Council - Current	I think they should be considered similarly to the extent that the requirements should be the same.

Questionnaire Responses
Charter Review Commission

Q601012 Should a “resign to run” provision be implemented for elected officials in Rockville?

What are the advantages and disadvantages of an elected official resigning to run for another elected office?

Respondent	Group	Interviewee Response
Sima Osdoby	Mayor & Council - Candidate	In some cases, it could avoid a conflict of interest.
Suzan Pitman	Mayor & Council - Candidate	If someone doesn’t want to be here, we should wish them well and let them go. It creates disruption and undue work for the rest of the Council and the staff, and distrust with residents who thought they could count on that person as their representative.
David Myles	Mayor & Council - Current	Advantages: ensures M&C candidates have adequate time to prepare to run. Disadvantages: (if the other election is in a different year) punishes a candidate if they seek another office

Questionnaire Responses
Charter Review Commission

Q601020 Should there be term limits for Mayor and Council?

Are you aware of historical, operational, or other impediments that have prevented the City of Rockville from implementing term limits for elected officials? If so, what are they?

Respondent	Group	Interviewee Response
Sima Osdoby	Mayor & Council - Candidate	For the most part, Rockville has been blessed with dedicated, informed and hardworking elected officials at all levels. It takes a long time and an investment to be up and running. It is a shame to lose that talent. While I realize it is difficult to def
Suzan Pitman	Mayor & Council - Candidate	I am not aware of any real impediments to the implementation of term limits.
David Myles	Mayor & Council - Current	I do not know of any historical, operational or other impediments outside of was outlined in question #5

Questionnaire Responses
Charter Review Commission

Q60100E Should there be term limits for Mayor and Council?

What specific impacts could occur if the entire Mayor and Council is replaced in an election? What policies and/or budget categories depend on the continuity of Mayor and Council members being reelected?

Respondent	Group	Interviewee Response
Sima Osdoby	Mayor & Council - Candidate	Yes. Better to staggered terms and have a higher chance for continuity (or a needed fresh start
Suzan Pitman	Mayor & Council - Candidate	Staggered terms are a great idea, although the cost of a second round of elections should be considered. If the entire Council were to be replaced in one election, I think it would impact most City functions and operations. Bringing all 5 new members up t
David Myles	Mayor & Council - Current	There is a learning curve for all who serve and if the entire slate were newly elected, they would likely be even more reliant upon City Staff for procedural knowledge.

VOTING SYSTEM QUESTION-TYPES (Q401000)

Questionnaire Responses
Charter Review Commission

Q901001 Alternative Voting & Franchise Expansion

Are there any administrative issues or costs you foresee with implementing the following alternate voting systems? “None of the above” (NOTA) ballot option; Ranked Choice Voting (RCV). If so, what are some solutions or resources that can address these iss

Respondent	Group	Interviewee Response
CharterAppoint	CharterAppoi	Administrative issues there would be none, however if you where to go to Rank Choice Voting this would involve the programing of the voting systems with a cost associated with customizing the data for the voting equipment.

Questionnaire Responses
Charter Review Commission

Q901002 Alternative Voting & Franchise Expansion

Are there any administrative issues or costs you foresee with translating election information into the top languages spoken after English in Rockville (Spanish, Chinese (Incl. Mandarin, Cantonese))?

Respondent	Group	Interviewee Response
CharterAppoint	CharterAppoi	No administrative issues for translating into different languages, it would be a significant cost to the City for translation.

Questionnaire Responses
Charter Review Commission

Q401002 Alternative Voting & Franchise Expansion

Do you understand how RCV works? If you are not sure, could staff benefit from an RCV tutorial, like the one provided to the CRC in June?

Respondent	Group	Interviewee Response
CharterAppoint	CharterAppoi	I somewhat understand how RCV works but would still need more information and tutorial on the benefit of RCV.

Questionnaire Responses
Charter Review Commission

Q101003 Alternative Voting & Franchise Expansion

Do you understand the election provisions within the City Ordinance Code and Charter?

Respondent	Group	Interviewee Response
CharterAppoint	CharterAppoi	Yes, as the CC/DCO is the staff liaison to the Board of Supervisors of Elections who administers the election process.

APPENDIX

Questions for Human Rights Commission		Response
1.	**Alternative Voting & Franchise Expansion** What are your thoughts on expanding the franchise to residents who are not US citizens?	The HRC believes expanding voter rights to residents who are not US citizens would enhance representation of and create greater civic engagement for Rockville's immigrant communities. Expanding the franchise in this manner would also be consistent with prior City efforts to maintain a welcome atmosphere for immigrants.
2.	**Alternative Voting & Franchise Expansion** What are your thoughts on expanding the franchise by lowering the voting age to 16?	The HRC believes lowering the voting age to 16 will foster civic engagement, involvement, and awareness at a younger age. We hope that allowing Rockville's youth population to exercise their rights will translate to higher voter participation rates in the future among young people generally.
3.	**Alternative Voting & Franchise Expansion** What are your thoughts on changing the timing of the elections to coincide with the Presidential elections, in an effort to reach more communities who have been historically less engaged?	Although there is some reason to believe that holding City elections during presidential election years would draw some voters who would not otherwise participate, the HRC is unclear on how such a change would hinder the City's efforts to provide mail-in ballots to all eligible voters in Rockville's communities and more generally inhibit the City's ability to tailor elections to fulfill its accessibility needs. There should also be a close examination of whether holding City elections during Presidential election years would enhance or stifle awareness of local issues and candidates.

4.	**Alternative Voting & Franchise Expansion** What are your thoughts on removing male and female gender pronouns to be more inclusive of non-binary residents?	The HRC believes think that removing male and female gender pronouns will be more inclusive of non-binary residents while respecting their preferred way of being addressed.
5.	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	The HRC believes that expanding the size of the Council could improve the representation of minority and other demographic communities through an improved ratio of representatives to residents.
6.	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	The HRC believes that much more information is needed before any determination can be made as to whether implementing voting districts would improve or hurt the representation of minority and other demographic communities in Rockville. Any potential advantages to adopting a district approach would need to be weighed against the burden and potential controversy surrounding the drawing and periodic redrawing of district lines. The HRC does not believe it can provide an informed and more specific opinion on this issue without in-depth study, consideration, and analysis of how such a district approach could be implemented.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	

10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	

11.	**Lengthening the term for the members of the Board of Supervisors of Elections**
	• How should the Mayor and Council address this situation?
	  ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or
	  ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	

14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	

16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	

	City Staff Questions	RESPONSE

1	**Alternative Voting & Franchise Expansion**
	• Are there any administrative issues or costs you foresee with implementing the following alternate voting systems?
	  ○ "None of the above" (NOTA) ballot option
	  ○ Ranked Choice Voting (RCV)
	  ○ If so, what are some solutions or resources that can address these issues?
		Administrative issues there would be none, however if you where to go to Rank Choice Voting this would involve the programing of the voting systems with a cost associated with customizing the data for the voting equipment.

2	**Alternative Voting & Franchise Expansion** • Do you understand how RCV works? If you are not sure, could staff benefit from an RCV tutorial, like the one provided to the CRC in June?	I somewhat understand how RCV works but would still need more information and tutorial on the benefit of RCV.
3	**Alternative Voting & Franchise Expansion** • Are there any administrative issues or costs you foresee with translating election information into the top languages spoken after English in Rockville (Spanish, Chinese (Incl. Mandarin, Cantonese))?	No administrative issues for translating into different languages, it would be a significant cost to the City for translation.

4	**Alternative Voting & Franchise Expansion** • Does the city know who its bi-lingual or multi-lingual employees are?	At one time there was a list of employees who assist with bi-lingual or multi-lingual employees, however now, it's not known who they are or if they are still with the City.
5	**Alternative Voting & Franchise Expansion** • Is city staff open to new external partnerships that can help to facilitate the process to reach communities and groups with election information?	Yes, certainly the City is open to partnership with the communities and groups for outreach.
6	**Alternative Voting & Franchise Expansion** • Does the city have the resources to conduct an analysis to identify the affected communities who may benefit from increased or non-traditional outreach?	The City does not have the resources and would need a consultant to conduct and would require an official request to the Mayor and Council as it would have a cost associated.

7	**Alternative Voting & Franchise Expansion** • What are the racial/ethnic demographics of Rockville staff? ○ Does city staff represent the demographics and diversity of Rockville residents?	I am not sure about how to answer this question as the City has representation of all diversity across the departments.
8	**Alternative Voting & Franchise Expansion** • Does the city currently have the relationships/network it needs to reach out to communities that have not voted and have been less civically engaged in the past?	Yes, the City has relationships with the neighborhood resources and civic associations to network and to engage in all the communities.
9	**Alternative Voting & Franchise Expansion** • How will staff ensure when implementing new advertisement tactics, they are done in an equitable way? ○ *There was special outreach to homeowners and older populations for the 2019 elections and these efforts may not have been equitably conducted for renters or younger populations.*	The City's Communications Department works closely with the CC/DCO and BSE to educate and inform the communities of resources during the election cycle mailings, Rockville Reports to all residents, website, Nextdoor, all social media, visual aids, banners and electronic displays, businesses, information signage in town center displays, and outreach to all civic associations.

10	**Alternative Voting & Franchise Expansion** • Could you provide facts and explain the 2015 referendum when the historically more engaged portion of the electorate (15%) decided to not schedule the election to coincide with presidential elections? ○ Considering Rockville elections have low voter turnout to begin with (approximately 15% for the three elections prior to 2015), what broader community input, if any, was included in the decision to hold a referendum to ask the most engaged (15%) to make decisions about voter turnout for the least engaged (85%)?	It was decided by the voters that having a municipal election to coincide with presidential elections, the local election would be lost.
11	**Alternative Voting & Franchise Expansion** • What is the estimated cost of the municipal election and how would the city save money if it was changed to the presidential? *The CRC estimated the city would save approximately $50,000 in 2010.*	The cost would be significant as it would not be an individual cost to the municipality for the cost of the materials, equipment, locations of the voting centers would be divided among the jurisdiction, county and statewide.
12	**Alternative Voting & Franchise Expansion** • If the CRC recommends removing the US citizen requirement to expand the franchise and reflect the growing demographics of the city, what ways would our administrative process have to change? ○ What are some solutions or resources that can address any issues with this process?	If this was to be a recommendation, it would have to be approved by the Mayor and Council and code change. The City would be required to establish and maintain their own voter registration database separate from the state data, and this is a requirement by Maryland State law.

13	**Alternative Voting & Franchise Expansion** • If the CRC recommends expanding the franchise to people who are 16 and 17 years old, in what ways would our administrative process have to change? ○ What are some solutions or resources that can address any issues with this process?	Administrative process would not have that much change on the process, it would require resources from the State to request database of those registered 16 and 17 years older. The only issue with this as the need to educate the 16 and 17 years old, that they would only be eligible to vote in the municipal election no matter what year the election.
14	**Alternative Voting & Franchise Expansion** • If changes need to be made to the City Election Code and Charter, what staff would be responsible for making such changes?	Changes to the Election and Charter would be the responsible staff of the City's legal department.
15	**Alternative Voting & Franchise Expansion** • Do you understand the election provisions within the City Ordinance Code and Charter?	Yes, as the CC/DCO is the staff liaison to the Board of Supervisors of Elections who administers the election process.
16	**Should the size of the Council be expanded?** • What resources would need to be added to increase the size of the City Council (e.g., office space, IT support, etc.).	I would leave this question to the voters, and it would require office space, IT support, staff, and budget cost.

17	**Should there be staggered terms for Mayor and Council?** • Other than the City Manager, the City Attorney, and the City Clerk/Director of Council Operations, what city staff would be affected by the election of five new members of Mayor and Council? Why?	Staggered terms for the Mayor and Council would require there be an election every 2-4 years and would have budget implementations on the City and staff to run an election every 2 and 4 years.
18	**Should there be staggered terms for Mayor and Council?** • What do you feel are potential advantages and disadvantages of implementing staggered terms?	Staggered terms would only benefit that you don't potentially have all new Mayor and Councilmembers appointed at the same time. Disadvantage it would be an election every 2 and 4 years.
19	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?	Yes, it's always best practices to have a defined provision in the code.
20	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?	There should be a recommendation from CRC to define a process in the code that outlines to fill a vacancy in the office of the Mayor and Council.

CRC - Mayor and Council Questions		Assignee	Comments / Outcome
1.	**Should the size of the Council be expanded?** • Would increasing the number of seats on the City Council improve or hinder the operations of the Mayor and Council? Please explain your response.		Yes to expansion; increased opportunities for more residents to be involved with the political process
2.	**Should the size of the Council be expanded?** • If additional seats were added to City Council, how many seats would you recommend adding and why?		I would recommend adding at least two new seats. The City has grown and so should the number of representatives.
3.	**Should the size of the Council be expanded?** • What resources would need to be added to increase the size of the City Council (e.g., office space, IT support, etc.).		The current shared office space may need an extra file cabinet/cubby spaces
4.	**Should the size of the Council be expanded?** • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?		There would likely have to be seats held aside in order to ensure that certain underrepresented groups are represented. Though potentially controversial, set asides are implicit in district (as opposed to at-large) elections.
5.	**Should there be term limits for Mayor and Council?** • What do you feel would be the advantages and disadvantages of imposing term limits for the elected offices of Mayor and Councilmember?		Advantages: allows people with new perspectives to serve; potentially eliminates “career politicians” at municipal level Disadvantages: lame duck decision-making; loss of some institutional knowledge
6.	**Should there be term limits for Mayor and Council?** • Are you aware of historical, operational, or other impediments that have prevented the City of Rockville from implementing term limits for elected officials? If so, what are they?		I do not know of any historical, operational or other impediments outside of was outlined in question #5
7.	**Should there be term limits for Mayor and Council?** • Have you been directly affected by term limits in other elected offices in the County? What are the challenges or advantages that		I haven’t’ experienced any direct effects of term limits. At the

	you see in working with other elected officials who are term limited such as County Council?		county level, the only woman serving is term-limited.
8.	**Should there be staggered terms for Mayor and Council?** • What specific impacts could occur if the entire Mayor and Council is replaced in an election? What policies and/or budget categories depend on the continuity of Mayor and Council members being re-elected?		There is a learning curve for all who serve and if the entire slate were newly elected, they would likely be even more reliant upon City Staff for procedural knowledge.
9.	**Should there be staggered terms for Mayor and Council?** • Other than the City Manager, the City Attorney, and the City Clerk/Director of Council Operations, what city staff would be affected by the election of five new members of Mayor and Council? Why?		Every City Staff person is affected (indirectly/directly) by the Mayor & Council (M&C)—those most effected are likely closer in proximity to the Appointed in the flow-diagram
10.	**Should there be staggered terms for Mayor and Council?** • What do you feel are potential advantages and disadvantages of implementing staggered terms?		Advantages: less of a learning curve for the M&C as a whole Disadvantages: monetary and temporal cost (especially to the Clerk's office)
11.	**Should there be representative districts? What would the boundaries look like?** • If the City creates representative districts for Councilmembers, do you feel this would impact policymaking? Why or why not?		Having guaranteed geographic representation (districts) will improve the likelihood that multiple viewpoints are represented.
12.	**Should there be representative districts? What would the boundaries look like?** • How would you recommend drawing and defining boundary lines for geographic districts within the City?		A Northeast-Lincoln Park/East Rockville (E of 355 & N of 1st/Norbeck) B Southeast-Twinbrook: (S of 1st/Norbeck, E of 355) C Central (S of Gude, E of 270, W of 355, N of Maryland)) D Northwest-Fallsgrove/King Farm (N of Gude + W of 270, N of Darnestown)

			E West (S of Darnestown, W of 270, N of Montrose, W of 355 in the S) everything W of 270 and S of Wootton F South (S of Maryland, E of 270, W of 355)
1	**Should there be representative districts? What would the boundaries look like?** • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?		I think there may be SES differences which sometimes track with race and gender but there may not be a statistically significant difference if there are solely geographic districts
2	**Should there be representative districts? What would the boundaries look like?** • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?		Ask for community input either at the beginning and/or after several options are proposed
3	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • Should elected officials resign to run from their position prior to announcing that they are running for a different position? Why or why not?		I think such a provision should be in place if the office for which they are running has an election in the same year of the City's.
4	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • If an elected official resigns to run for another office, when should the resignation take effect? When should the elected official announce this to the public?		At the latest, it should take effect once a person files to run in the non-Rockville race in the same year of the City's election.
5	**Should a "resign to run" provision be implemented for elected officials in Rockville?** • What are the advantages and disadvantages of an elected official resigning to run for another elected office?		Advantages: ensures M&C candidates have adequate time to prepare to run Disadvantages: (if the other election is in a different year) punishes a candidate if they seek another office

6	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • What do you believe went well and what do you believe could be improved with regards to the process used to fill the last vacancy on the Council?		The seat was not filled so there was a failure. It is probably best that the process occurs outside of the M&C. If there are districts, then perhaps members of that district can select their own candidate.
7	**What should be the process for filling a vacancy in the office of Mayor and a vacancy in the office of Councilmember?** • If you could design and implement the ideal process for filling a vacancy in the office of Mayor or Council, what would that look like? What role would the Rockville community play in filling a vacancy?		See question #6 above for how the community could potentially be involved in making the decision.
8	**Election Process / Franchise Expansion (Alternative Voting Systems (G)** • Do you understand how RCV works? If you are not sure, could staff benefit from a RCV tutorial, like the one provided to the CRC?		What is RCV? If it refers to Ranked-Choice Voting then yes, I am familiar.
9	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?		At the time M&C had two-year terms, the BSE had four year terms in the Charter. Now that M&C have four-year terms, then BSE terms should perhaps be extended.
10	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • How do you judge the performance of the BSE overall? Please explain.		I think they did a great job, particularly so during the 2019 election when vote by mail was first implemented.
11	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • How do you judge the performance of the BSE overall? Please explain.		As above in #10. It appears to be the same question.

12	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • If you could, what changes would you make in the BSE to improve its performance?		Making sure that they have enough time and funding to perform their job optimally. Potentially extending the terms. Ensuring that those appointed have some background or training in running elections.
13	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?		It does help that our elections are non-partisan. Every person has some bias and it is important that one consciously recognizes it and works to ensure it does not influence their decision-making to the extent possible. I had no concerns about partisanship nor bias in running of the 2019 election.
14	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.		I would defer to the BSE to assess their needs to determine if it is right-sized.
15	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.		I think it is important to have diversity (age, ethnic, gender & geographic) on the BSE.

16	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.		I'm unsure. I'd have to get a sense of when an alternate would be activated.
17	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?		I'd recommend staggered terms (as an alternative or in addition to lengthening), if they aren't staggered already.
18	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** •		
19	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **Lengthening the term of the members of the Board of Supervisors of Elections** • Which of the following three ways of addressing this situation would you prefer and why? ○ Improve the discipline over the timing of BSE appointments to maintain compliance with the Charter. ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?		-I don't think that the Mayor should be the only person making nominations -I do think that there should be improved discipline in the filling of BSE vacancies.
20	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Which of the following three ways of addressing this situation would you prefer and why?		Looks to be the same question as #19

	○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.		
21	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.		I think they should be considered similarly to the extent that the requirements should be the same.
22	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.		I do recall one post-2019 election BSE meeting/presentation that outlined what they did and challenges they encountered. As a general rule, I think the BSE should refrain from any other meetings so as to maintain their independence from the body whose election they oversee
23	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council that occur outside of meetings and who usually initiates them.		I am not aware of any communications that occurred between M&C and the BSE outside the meetings and public information settings. This does not mean that they do not occur but I haven't attended any. There should not be any such communications for the reasons outlined in #22.

24	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? Please explain.		Yes, I think that members of the BSE should be empowered to decline any meeting with M&C they feel may compromise the integrity of the BSE or have the appearance of impropriety.
25	**Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis** **The appointment process for the members of the Board of Supervisors of Elections** • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? Please explain.		Yes as above
26	**Election Process / Franchise Expansion** **Mayor and Council: Questions:** • Could you provide facts and explain the 2015 referendum when the historically more engaged portion of the electorate (15%) decided to not schedule the election to coincide with presidential elections? • Considering Rockville elections have low voter turnout to begin with (approximately 15% for the three elections prior to 2015), what broader community input, if any, was included in the decision to hold a referendum to ask the most engaged (15%) to make decisions about voter turnout for the least engaged (85%)?		I was still serving active duty in the Navy and was not in Rockville for that 2015 referendum. I would recommend syncing our elections with (at a minimum) Congressional midterm elections or presidential elections for the reasons outlined in the question.
27	**Election Process / Franchise Expansion** **Provision in the Election Code for Internal Consistency with the Charter and Vice-Versa (P)** **Mayor and Council: Questions:** • Do you fully understand the Rockville Election Code? • Do you consider public education on the City Code and Charter with respect to elections a high priority, if not why?		I have a pretty good understanding of the Code and do consider public education about the Code a high priority from both an informational and civic engagement perspective.
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CRC – Current BSE Questions to Support Issue Analyses		Comments / Outcome
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	The Charter and Code do adequately describe the BSE's role. Section 8-4 of the Code states broadly that the BSE "shall supervise elections" and that the BSE "shall make recommendations to the Mayor and Council." Those sections and others provide the BSE with the authority and flexibility it needs to perform its job.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	The mission of the BSE is "to conduct fair and open elections that are safe and secure, provide access to the election process, protect the integrity of the vote, and maintain a transparent, accurate, and efficient process." The BSE judges its own performance by its success or failure in fulfilling that mission.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	In one important respect, the BSE is unlike other Boards and Commissions. It does more than prepare reports and make recommendations. It oversees an important city function – the conduct of elections. Particularly in election years, the BSE workload is significant. Those members with full-time jobs are frequently required to use their available vacation or unpaid leave to fulfill their obligations to the BSE. Article III, Section 2(a) of the City Charter states that "[t]he compensation of the members of the Board shall be as determined by the Council." That section contemplates compensation for BSE members. The BSE would urge the Mayor and Counsel to exercise the authority granted by that section to provide reasonable compensation to BSE members.
4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	The BSE is satisfied that the BSE and its individual members are sufficiently insulated from City politics.
5.	**Increasing the number of members of the Board of Supervisors of Elections**	The membership of the BSE should be expanded from 5 to 7. Increasing membership to 7 would allow the BSE to have at least 3 members at the vote center and 3 members at the Montgomery

	• Is the current BSE the proper size for its workload? Please explain.	County Board of Elections throughout the day on Election Day, which would be beneficial since there is a substantial amount of work to be done at both locations. Expanding the membership would also allow appointments that would increase diversity among BSE members.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain. •	See response to question no. 5
7.	**Increasing the number of members of the Board of Supervisors of Elections** • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	Members of the BSE are chosen by the Mayor and Counsel. The BSE has no influence or control over its own composition. The BSE expresses no view on whether those that the Mayor and Council have chosen adequately reflect the diversity of the City. We do note that those currently serving on the BSE include members of different ages, races, religions, national origins, and experiences, and those currently residing in different parts of the City of Rockville.
8.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	If the membership of the BSE were expanded to 7, the BSE would not need or benefit from the addition of alternate members.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	Terms of BSE members should continue to be 4 years. But new appointments should not be made, or vacancies filled, during the critical period between May 1 and December 31 of an election year. Adding an inexperienced board member during that critical period would hinder, rather than help the BSE perform its job of conducting and certifying the election and reporting to the Mayor and Counsel on the success or failure of the election process.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections**	Conducting an election requires the BSE to perform numerous tasks and resolve several problems. Without prior experience and the

	• Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	institutional knowledge that comes with that experience, it would be difficult to perform these tasks efficiently. These tasks include, for example, the procedure for transporting voted ballots from the City's vote center to the County's Board of Elections, orienting and swearing in the City's paid canvassers, and duplicating ballots rejected by the County's scanners. If none of the BSE members had prior election experience, these tasks might be performed incorrectly, raising questions about the accuracy and validity of the vote.
11.	**Lengthening the term for the members of the Board of Supervisors of Elections** • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	The BSE and the City of Rockville would be better served if several BSE members – rather than just one – had participated in a complete election cycle.
12.	**Lengthening the term for the members of the Board of Supervisors of Elections** How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	The BSE expresses no opinion on how the Mayor and Council should resolve this issue.
13.	**The appointment process for the members of the Board of Supervisors of Elections** • How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.	The BSE expresses no opinion on who should or should not be able to fill vacancies on, or appoint new members to, the BSE. Nevertheless, the BSE believes that the actual practice and language of the Charter should be consistent with each other.

	○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	
14.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	The BSE expresses no opinion on how the Mayor and Council should resolve this issue.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	The BSE and Mayor and Council do not meet, other than at formal Mayor and Council meetings open to the public. No private meetings occur or are requested. The chair of the BSE has on occasion appeared before the Mayor and Council to explain recommended changes to the City Code, answer questions about preparations for the 2019 vote-by-mail election, and report on the success of that election and lessons learned.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	The Mayor and Council and the BSE can communicate with each other by memo or letter. The BSE's 2021 recommended changes to the City Charter and Chapter 8 of the City Code were, for example, communicated by memo. In 2019, a request to appear before the Mayor and Council was communicated by letter. Such communications are rare
17.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests**	It might be appropriate to decline to appear before the Mayor and Council if the request came shortly before the election and those serving on the Council were also candidates for office. Answering questions about election procedures under those circumstances might be deemed unfair to candidates who would be unable to pose questions in the same manner. A better and fairer option would be

	• Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	for a candidate or a candidate's campaign manager to attend a BSE meeting – all of which are open to the public – and pose questions to the BSE at that time.
18.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	The BSE should respond to all reasonable requests from the Mayor and Council, as long as the information provided is also made available to the public, including other candidates for office. Statements made, or information conveyed, in closed session, however, should not be publicly disclosed.
19.	**Election Process / Franchise Expansion** **BSE: Questions** • Considering the city's re-affirmed commitment to racial equity and social justice, how are you accounting for this in the way you are making decisions and collecting demographic data?	The BSE pioneered vote-by-mail for Rockville. Vote-by-mail removed many of the barriers that prevented marginalized groups – including people of color, people of limited economic means, and people with disabilities – from voting. Those who could not vote because they lacked transportation, could not get time off from work, had childcare responsibilities or were sick, elderly, or disabled were able to vote from home. By removing these barriers, the BSE promoted racial equity and social justice. The BSE is also exploring strategies for encouraging under-represented communities to participate in the electoral process. The BSE does not itself collect demographic data. It relies on data provided by the City of Rockville.
20.	**Election Process / Franchise Expansion** **BSE: Questions** • What community input, if any, was included in the ideas to advertise the 2019 election?	Section 8-41(c) of the Rockville City Code required the BSE to provide Rockville residents and voters with 4 mailed notices containing information about the 2019 election. The BSE adopted several other strategies – advertisements on broadcast and social media, text messages, banners, signs, wrapped vans, presentations at community meetings, booths at Rockville events, backpack stuffers for students, displays at the public library, to name just a few – to bring the election to the voters. In formulating those strategies, the BSE studied the strategies used by other jurisdictions that had adopted vote-by-mail and relied on the experience and the expertise of the Rockville Communications Department. Seeking public input on how to advertise something about which the public was not yet aware

		likely would not have been productive and might have significantly delayed efforts to educate the public.
21.	**Election Process / Franchise Expansion** **BSE: Questions** • Which communities in Rockville have lower voter turnout (geographical, race/ethnicity, renters) and have been historically less engaged? ○ How are you gathering demographic data to track disparities in voter turnout among these communities? ○ How have you involved these community members in the development of election outreach tactics? ○ If you have solicited input from communities that have not historically voted in the last two elections, what has your engagement process told you about the burdens or benefits experienced by these community members during the election?	The BSE collects data by voting district. That data showed that participation in each district increased significantly in 2019. The district-by-district information can be accessed here: https://www.rockvillemd.gov/DocumentCenter/View/38416/BSE-Report-wLetter?bidId=. See also the May 21, 2020 power point presentation on the BSE's website. The BSE has formed a joint committee with the Rockville Human Rights Commission and the Rockville Asian Pacific American Task Force to explore ways of encouraging participation by those in Rockville's Asian-American Community. Anecdotal evidence suggests that many in that community do not register or vote because of limited proficiency in English or Spanish.
22.		Although the question has not been asked, the BSE strongly opposes changing the date of Rockville's elections to coincide with federal elections. That change would require Rockville to abandon vote-by-mail and re-establish all the barriers that had previously prevented poor and marginalized groups from voting, thereby disserving the goal of promoting racial equity and social justice. It would contravene the results of the 2015 referendum in which approximately 6,000 voters participated and most voted not to change the election date. Conducting municipal elections during a presidential election campaign would deprive local candidates and local issues of the voters' attention. It would confuse voters by requiring them to cast

		votes on a lengthy ballot that included partisan and non-partisan choices. And it would require Rockville to, in large part, forfeit control of its own election. It would, for example, effectively nullify provisions in Chapter 8 of the City Code on scheduling, tabulating results, election challenges, and conducting recounts.
23.		Although the question has not been asked, the BSE also opposes staggered terms for councilmembers. Staggered terms would require either longer terms or more frequent elections. Conducting an election is an expensive and labor-intensive undertaking. The estimated cost of the 2019 election was $193,540 plus an additional $24,966 in communication costs. The cost of printing, which included the four notices mandated by Rockville law and the ballots themselves, exceeded $100,000. Election preparation requires at least 18 months. So, conducting an election every two years would constitute a significant additional expense and place an additional burden on City staff and the BSE. With perhaps only a short break, the BSE and staff would be constantly preparing for the next election.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	No Opinion.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	No Opinion.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	No Opinion.

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	It used to be. However, recent Mayors and Councils have been complicit in manipulating appointments by stifling public comment. I have no solution for this problem at this time.
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	Any system can be manipulated if unethical people assume control. That is why it is so important for the Chair to attempt to be as fair as possible. Leadership matters.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	The current BSE is the proper size at this time. I have no faith in the current administration regarding adding members to the BSE. The current administration has already demonstrated a tendency to follow FDR's court packing scheme which was eventually rebuffed to maintain some semblance of decency. Hopefully, this precedent will be followed in Rockville.

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	No. It is hard enough to attract legitimate volunteers for these positions now. Lengthening the term would make this an even more difficult task.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	This is important but should not be legislated. Going through the first complete election cycle is difficult. Having at least one experienced Board member to serve as a guide through this process is very helpful.

10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	I am concerned that, if all BSE members had no prior election experience, they would be at the mercy of the dictates of the administration in power, even if it is via pressure on City employees staffing the Board.

11.	**Lengthening the term for the members of the Board of Supervisors of Elections**
	• How should the Mayor and Council address this situation?
	  ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or
	  ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?
		Make this easy – do NOT lengthen the terms.

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
		Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Regardless of how it is done, reappointments should be considered the same as appointments. This includes giving stronger consideration to folks with experience, regardless of whether it is an appointment or a reappointment.

14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	In the past, meetings between the BSE and the Mayor & Council were more often (although not solely) requested by the BSE when major elections issues arose, regardless of the timing of the next, or prior election. Regularly scheduled meetings/updates were seen as a waste of time for both parties. Yet, clearly, informal communication was constant either face-to-face or, more often, via City staff assigned to assist the BSE.
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	See answer to #14 above.

16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Historically in Rockville, Mayors and Councils have treated staff poorly but maintained a certain level of civility with citizen volunteers serving unpaid on boards and commissions. Past treatment of volunteers encouraged as much communication with the Mayor & Council as possible. This was changed radically by the last few administrations and apparently has continued. The Mayor & Council seemed to forget that board & commission members are unpaid volunteers. When the Mayor & Council starting treating citizen volunteers as poorly as they treated staff, the stage was set to limit communication as much as possible.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Yes. I do not recommend excessive detail or definition. Since election processes and procedures change, the description should be fluid and flexible, such the BSE administers, oversees, supervises; the staff conducts, interacts with agencies/departments, provides outreach, safeguards safety.
2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	Overall, the performance rating for the BSE is excellent. Regular meetings, agendas, minutes, reference materials/videos, and speakers kept the BSE focused on identified items of business for discussion. Guests attended the open meetings and bought issues and opinions to the attention of the entire BSE. All BSE members brought topics for consideration and operated impartially. Final BSE positions and decisions occurred only after thorough discussion and vote by the entire body. As a performance outcome, most recently the BSE oversaw the first VBM election and an increase in voter turnout (from 16% to 32%).

3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	Qualifications should vet potential appointees for their election experience and knowledge of election terminology, procedures, and practices. During the appointment process, applicants should commit to devoting the required time necessary to address the serious work of the BSE for their entire term not just the election year.
4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	No, they are not sufficiently insulated from politics. The BSE must operate independently and impartially in accordance with established standards. If elected officials have input for BSE deliberations it should be considered at BSE meetings by the entire body.
5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	They cannot. There are numerous checks and balances throughout the entire system designed to prevent any interference. The election is not contaminated when the procedures and laws are followed. The BSE must maintain election integrity and function to maintain the trust of the public in elections and democracy.

6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	Yes, the current BSE is the proper size for its workload. The work is distributed to each member of the BSE to take the lead on topics determined by the entire BSE. The BSE places the timeline for topic presentation and discussion on the meeting agenda. The meeting agenda is placed on the city website to allow the public to remain informed.
7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No. Upon application, review, and appointment, applicants should accept that they will fulfill their obligations of participation, involvement, and commitment to serve on a team that has a specialized knowledge base and function. The team develops continuity and cohesiveness to develop, complete, and implement a workplan. Temporary members disrupt team cohesiveness and workplan completion.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	No – knowledgeable, effective, impartial board members should be reappointed at the end of their existing term. Every effort should be made to retain their service for another term.

9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Yes, it is critical that more than one member of the BSE have election experience preferably beyond one election cycle. Experience at a complete election cycle may not be sufficient. Board members should know the components of an election, policies, and procedures. Election integrity is essential. They must know how to oversee a fair, transparent, ethical, safe, and secure election.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	This is dangerous and irresponsible for the city. The risk of overseeing a questionable election is enormous and should be avoided, especially in the current national election environment. There are a huge number of moving parts to an election such as communication, timing, coordination, schedules, equipment, training, safety, and personnel. If none of the BSE members and staff knew anything about elections, how could they know what to do? How would they explain what went right or wrong? The risk of problems is huge. How can unprepared and uninformed people be held accountable? How can your voters have any faith and trust in the election if the overseers know nothing about elections they are to oversee? Why would the city consider such an alternative? The question is disturbing.

11.	**Lengthening the term for the members of the Board of Supervisors of Elections**
	• How should the Mayor and Council address this situation?
	  ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or
	  ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?
		Second choice

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
		Second choice. It is confusing why elected councilmembers would be prevented from nominating and filling vacancies, giving them no voice to participate in the very government in which they were elected to serve.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Yes, reappointments should be considered the same as appointments unless there is some unique reason for exceptions. Having said that, since the reappointed person is already known and has the experience and knowledge of the BSE, an abbreviated application would suffice.
14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	The BSE typically presents at the Mayor and Council meetings on the results of the most recent election and then any follow up requested by the Mayor and Council. The Mayor and Council offer any suggestions and concerns that are then discussed by the BSE. Responses go to the Mayor and Council either by report or presentation at another Mayor and Council meeting. These meetings occur as needed. When they occur is up to the date of certification of candidates for the election. The topics discussed are related to the election data such as number of mailed ballots, number of returned ballots, date of return of the ballots, budget, number of voters, etc. Specific data is requested by Mayor and Council during the reporting period.

15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	There is limited communication between the BSE and Mayor and Council outside of officially noticed meetings. The BSE rarely initiates communication with elected officials. Since the BSE conducts open meetings, the Mayor and Council members, any candidate or potential candidate, and guests can attend/observe at BSE meeting. All election candidates are privy to the same information. The board expects that the intensity of an election year brings increased scrutiny for the board and the staff. The board and staff strive to be fair, promote integrity and remain impartial.
16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes, if it is during the months between certification of candidates and the certification of the election to avoid any appearance of conflicts of interest between election supervisors and elected officials who are candidates in the upcoming election. All candidates are privy to the same information. There is every attempt to maintain election integrity, impartiality, and fairness.
17.	Comment	This response is based on election literature reviews, research, and practice predicated on the belief that the City of Rockville wants to conduct fair, safe, and just elections with an active, knowledgeable, impartial, committed election board of Rockville residents and staff of Rockville employees to enable voters to vote. Above all, the goal is always trust, which is generated by enhancing the principles of integrity and making ethical decisions. This is essential lest voters become disillusioned not only with elections but democracy itself.

Questions for Former BSE		Response
1.	**General Questions** • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Basically, yes. The Charter charges the BSE to ensure elections are fair and open and to maximize/encourage voter participation. Those charges are, on the one hand, specific enough to limit the scope of the BSE and, on the other hand, broad enough to give the BSE sufficient latitude to respond to new challenges and changes to the environment and take advantage of, for example, new technologies. More subtle, but extremely significant, is structure of the Charter. First, as is to be expected, the Charter establishes and defines Rockville. Second, the Charter creates a Mayor & Council form of government. The, rather than addressing important issues such as finance, land use, or public health and safety, the Charter establishes the BSE and addresses elections. Such prominent placement in the Charter speaks to the importance of the BSE and elections. (If I remember correctly, the BSE is the only board established in the Charter, again speaking to its importance.) The Code, however, is another matter. Elements of the Code addressing elections and the Board's role are poorly organized, imprecisely worded, and sometimes contradictory. Section 8 needs a complete rewrite and a very good edit.

2.	**General Questions** • How do you judge the performance of the BSE overall? Please explain.	The performance of the BSE since 2013 has been exceptional. It ran three successful elections (2013, 2015, and 2019). The only major issue I remember, the presentation of candidate names on the touchscreen voting machines in 2015, was something the BSE had no control over. In 2019 election, at the suggestion of the BSE and with the necessary legislative action of the M&C, the election was a Vote by Mail process that significantly increased voter turn-out (one of the responsibilities given to the BSE by the Charter). The BSE also automated reporting of campaign finances, which made it much easier for candidates to file accurate campaign finance reports and for the BSE to review them.
3.	**General Questions** • If you could, what changes would you make in the BSE to improve its performance?	

4.	**General Questions** • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	Members of the BSE are appointed by the M&C so, there is no way to completely insulate the BSE from politics. However, on its face, this is a strange question. Rockville boasts that its elections are "non-partisan" at least to the extent that no candidates are identified by party affiliation. But, given today's reality . . . The Charter insulates the BSE from political pressure by establishing it as an entity that does not exist at the pleasure of the M&C. As long as the BSE remembers this, the BSE will be fine. The BSE must also be perceived to be non-partisan and unbiased. To that end, the BSE operates in the open. All meetings are open to the public. Observers are allowed in all polling places. Canvassing and counting of the votes are open to the public. Further, the BSE follows best practices of boards that oversee partisan elections. For example, any activity involving handling or processing of ballots is conducted by at least two people (either BSE members or a BSE member and member of the City Clerk's office). Finally, to the best of my knowledge, no member of the BSE has ever endorsed (directly or indirectly) a candidate. Members who decide to run for office resign from the Board before doing so.

5.	**General Questions** • In what ways could the BSE influence the outcome of an election, if it chose to do so?	Maybe I am not imaginative enough, but there really isn't a way the BSE could influence the outcome of an election. There are only two processes that the BSE is involved in that could potentially do so: certification of signatures on forms potential candidates submit and making decisions on whether to accept or reject questioned ballots. For a variety of reasons, the BSE could not use any of these procedures to influence the outcome of an election. Remember, running an election (designing, printing, and mailing ballots, determining the location of polling places and/or drop boxes, hiring election judges) is the purview of the City Clerk, not the BSE.
6.	**Increasing the number of members of the Board of Supervisors of Elections** • Is the current BSE the proper size for its workload? Please explain.	No. Unless all BSE members are retirees who don't like to travel, there is too much work to do, especially in an election year. (And having only retirees on the BSE is a bad idea). Even in off-years, there is a lot to do.

7.	**Increasing the number of members of the Board of Supervisors of Elections** • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	No. Either you are on the BSE or you are not. I would support adding at least one or two more members. If only one is added, perhaps the Chair could only vote in case of a tie. Note, however, that even now, the meeting room is crowded. The table usually has 5 BSE members, the Clerk, usually the Election Specialist in the Clerk's office, and an attorney. In addition, accommodation must be made for any members of the public who wish to attend. So, if the size of the Board is increased, you'll need to find a bigger meeting room.
8.	**Lengthening the term for the members of the Board of Supervisors of Elections** • Should the terms of BSE members be lengthened? If so, how long?	I suggest a 4-year term.
9.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Even assuming an experienced City Clerk (which the City is lucky to have) there are too many things that can wrong, too many moving parts. Besides, running and election is more than following a schedule. So at least on member of the BSE must have experience. But what happens if that person resigns, gets sick, or is otherwise unavailable. So, it is important for more than one member of the BSE to have gone through at least one election cycle. Also note that it was an experienced BSE member—not the Clerk's office—that suggested Vote by

		Mail. Board members look at elections from a difference perspective.
10.	**Lengthening the term for the members of the Board of Supervisors of Elections** Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	At the very least, too much responsibility would be placed on the Clerk's office. If the primary role of the BSE is to oversee the election (and it is), how will inexperienced members know what they are looking for. How will an inexperienced BSE member know whether all procedures are being properly followed at a polling site if the member has no idea of what those procedures are and what is supposed to be going on at the site?

11.	**Lengthening the term for the members of the Board of Supervisors of Elections**
	• How should the Mayor and Council address this situation?
	  ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or
	  ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?
		Change the charter. Assume the January after an election is Year 0. Stagger appointments so that one member is appointed in April of Year 0. (I choose April because the report on the previous year's election should be pretty much done by then. To be safe, make the appointment in July rather than April). Appoint another BSE member 3 months later. Continue to appoint BSE members at 3-month intervals until the Board is full. Even if the BSE expands to 7 members, all will have served at least 2.5 years before the next election. Not quite the same thing as having election experience, but even if only two members are reappointed in each 4-year cycle, there will always be at

		least two experienced people on the BSE in all subsequent elections. Obviously, some current BSE members will need to have their terms lengthened or shortened to ensure the BSE is at full strength until the first batch of members is appointed under the new scheme.

12.	**The appointment process for the members of the Board of Supervisors of Elections**
	Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor.
	
	• How would you address the issue? Please explain.
	  ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter.
	  ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
		Change the Charter to allow Councilmembers, not just the Mayor, nominate people to fill vacancies.

13.	**The appointment process for the members of the Board of Supervisors of Elections** • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	Am I correct in assuming an appointment is not the same as a nomination? In that case, a reappointment should be treated just like a new nomination. That is, the Mayor (or, if the Charter is changed, a Councilmember) may renominate a BSE member whose term is ending or nominate someone else to fill that seat. Or both. That is, a BSE member may be renominated and one (or more) others may be nominated. A vote by the M&C would determine which nominee (if there is more than one) is appointed.
14.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	As I've noted, the BSE is an independent entity, established by the Charter. To that extent, unless I've missed something, the BSE is not obligated to report to the M&C. However, the BSE should make recommendations, in writing to the M&C regarding the conduct of elections and propose changes to the Code it deems appropriate. The BSE should meet with the M&C in person to support any such requests and to respond to queries from the M&C. The BSE should report to the M&C after each election on that election paying particular attention to lessons learned. Frequently this report has included a to-do list, things the BSE thinks it needs to do (or would like to do) before the next election. If the BSE has provided a to-do list to the M&C, the BSE should submit an annual status report, in writing, and meet with the M&C, if requested to answer questions concerning that report.

		Finally, the BSE must always be aware that one or more members of the M&C may be candidates at the next election or, if it is in an election year, may actually be candidates. Therefore, it may be inappropriate to respond to every request for information from the M&C. To the best of my knowledge, such responses are not statutorily required. If nothing else, I suggest the BSE ask the attorney assigned to them for guidance (which the BSE, of course, is not obligated to follow).
15.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	

16.	**The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests** • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes. As noted above, because members of the M&C are, at the very least, potential candidates, any meeting that would give the M&C an advantaged a potential—or even a perceived—advantage would be inappropriate. For example, if a member of the M&C requested a written report on voter registration or participation by district during an active election—a report that might not be made public for some days or weeks after it is submitted—that might be perceived as giving incumbents an advantage. On a broader level, any request from the M&C that gives the impression that the M&C is overseeing the Board, might be considered inappropriate by the Board. It is the Board that oversees elections, not the M&C. Any action that implies otherwise, advertently or not, weakens the status and perception of the BSE as an independent, non-partisan body.

Questions for Other Members of the Community

	Should the size of the Council be expanded? • How could the addition of seats on the Council affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council?	I support adding two members to the city council. The size of the body has been fixed even as the city has grown substantially in recent decades. Adding two seats would distribute the work of council across more members. I cannot speculate as to how this would affect the factors of representation mentioned in the question. In theory an expanded council would increase opportunities for more demographic groups to see themselves represented in the body, but it doesn't always work out that way. In addition to expanding the council, I believe increasing the compensation for councilmembers from the current ~26K (est.) should be considered. While the position is "part-time," we must recognize the overwhelming demands it places on officeholders. The relatively modest compensation is a deterrent for those who are inclined to serve but cannot afford to take the time away from other work. Higher compensation may help alter the calculation for some. I understand the level of councilmember compensation is not set by charter, but it should not be overlooked as a potential factor limiting the pool of candidates for elected office in the city.

	Should there be representative districts? What would the boundaries look like? • Would representative districts affect racial, gender and gender expression, immigration status, economic status, sexuality, and/or disability representation on the Council? Why or why not?	I am open to representative districts, or perhaps a mixed model of at-large and representative districts like we have at the county level. I don't think districts can or should be drawn with gender, sexuality, or physical abilities in mind. That doesn't make sense to me, as these traits do not follow geographic characterization. However, we do have more reliable data on race and economic status which are salient factors for drawing boundaries. My view is that the primary factor driving boundaries should be Rockville's historical neighborhood identities and "communities of interest."
	Should there be representative districts? What would the boundaries look like? • How could the community be engaged during the creation of districts to encourage a more diverse field of candidates?	The city excels at outreach to the community. The extensive outreach done for the 2040 master plan is a good model for the city to follow. However, I am concerned that the Charter Review process is moving too slowly to enact representative districts before the 2023 election.

	BSE General Questions • Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?	Generally, yes. Section 8.4 establishing the BSE is simple and direct: follow the law and make recommendations annually. I cannot suggest a way to improve upon that.

	BSE General Questions • How do you judge the performance of the BSE overall? Please explain.	Some metrics I would consider: • Are city elections conducted fairly, in fact and in perception? • Are elections outcomes accurate, unambiguous and accepted? • Is voter participation on par with comparable jurisdictions with off-year municipal elections? • Does the BSE operate with transparency and integrity? • Do candidate packets and campaign finance guidance enable candidates to comply with city code? • Does the BSE strive to reach all residents eligible to vote, with a particular emphasis on historically marginalized groups?

	BSE General Questions • If you could, what changes would you make in the BSE to improve its performance?	I have no suggestions to improve the BSE performance.

	BSE General Questions • Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	Under the leadership of Lois Neuman, Rockville's BSE did an excellent job conducting the 2019 election, which saw huge gains in turnout in Maryland's first vote-by-mail election. After such a groundbreaking success, it's baffling that her nomination for reappointment failed to gain support. In denying her nomination, the council majority cited a desire to "cast a wider net" to diversity the BSE membership, yet she was subsequently replaced by a white male. With the efforts around the country to undermine local boards of elections as a backdrop, Neuman's rejection was a jarring moment for Rockville that called into question whether she faced retribution for defending the BSE's independence. Expanding diversity obviously had nothing to do with it. It's unfortunate the Mayor and Council put the BSE in the position where its independence from political interference is questioned. I'm not sure what I would change because ultimately, the council majority—elected by voters—decides who is appointed. I do not support direct election of BSE members.

	Increasing the number of members of the Board of Supervisors of Elections • Is the current BSE the proper size for its workload? Please explain.	Expanding the size of the BSE would reduce the risk of loss of institutional memory and experience. With just five members, the loss of even one experienced member is significant. A larger BSE would allow for a wider range of tenures, expertise, and demographics, as well as promote continuity.
	Increasing the number of members of the Board of Supervisors of Elections • Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	The process works about just as well as it does for any other Board or Commission.

	Increasing the number of members of the Board of Supervisors of Elections • Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	I do not support alternates. If we have qualified residents willing to serve, appoint them as full members. Add two seats to the BSE so that a vacancy or two presents less hardship than it does with a body of just five members.
	Lengthening the term for the members of the Board of Supervisors of Elections • Should the terms of BSE members be lengthened? If so, how long?	The BSE term should be at least four years so members can complete an election cycle.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The timing and length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leading up to elections, but no prior experience in conducting or assessing elections. • Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	Of course having at least one member with experience makes sense, but I don't know how the charter can mandate this. What if the experienced members resign, or God forbid, die? The charter can't control which seats are vacated or when. In the end, Mayor and Council must exercise good judgment in evaluating the spectrum of experience on the BSE when considering appointments.
	Lengthening the term for the members of the Board of Supervisors of Elections • What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	Let's hope we don't face this. This points to the importance of the City Clerk and her staff in this process to train and advise BSE members on the procedural conduct of our city elections.

	Lengthening the term for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	Adherence to the Charter should be an imperative. I believe making the appointments for a fixed duration at the time of appointment is preferable. Eventually this is likely to result in a membership with overlapping terms and a blend of experience levels.
	The appointment process for the members of the Board of Supervisors of Elections Preface – The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 1987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. • How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	Change the charter to reflect long-standing practice. Allowing any member of the elected body to nominate minimizes the risk that the BSE is beholden to one figure, or the perception that it is. It also creates more opportunities for diverse representation. Nomination does not mean appointment, so a majority is still required, as is appropriate.

	The appointment process for the members of the Board of Supervisors of Elections • The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	I am not a lawyer, but it seems to me that the charter needs to speak only to appointments. It is immaterial whether a vacancy is filled by a returning member or a new member. Perhaps instead the Charter Review Commission should concern itself with the practice of members of Boards and Commissions remaining in place after their appointments have expired, sometimes for years. Once a term is expired, the seat should be vacant and subject to appointment as set forth in the charter. This is true for BSE and any other Board or Commission, but particularly for those with statutory roles.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests Preface –The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in Issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. • Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.	No basis to comment.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	No basis to comment.
	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	Yes, the BSE must strive to maintain its independence, in fact and in perception, so it may appropriately decline an invitation to appear before Mayor and Council. Non-incumbent candidates do not have the privilege of summoning the BSE and giving it direction during an election season. Thus, the BSE may rightly decide that appearing in person before the Mayor and Council presents an intolerable risk to its independence and the conduct of unbiased of elections. This is not to say the BSE is unaccountable, but rather that the M&C must show proper deference to its BSE appointees and the unique role they play in our governance.

	The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests • Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	The bar for declining a written information request is higher than refusing a request to appear. It depends on the nature of the information request and whether the disclosure is appropriate. If the BSE feels the information request is made in good faith, then it should generally comply with the request.

ONE-OFF QUESTION-TYPES

Questionnaire Responses)
Charter Review Commission

Q60100C Staggered Terms

NA

Respondent	Group	Interviewee Response
Steven VanGrack	FormerElected	Staggered terms is likely to mean more elections and is not a good idea
Steven VanGrack	FormerElected	The past 3 mayors, over 20 years of service, have been able to devote full time to the office. The job requires a full time commitment. Councilmembers who have full time jobs find it extremely difficult to devote the time necessary to make decisions on th
Steven VanGrack	FormerElected	We have had some elected officials who serve for very long terms and their name recognition is sometimes the reason for keeping them in office. With 4 year terms we might limit 3 terms for Mayor and 3 terms for Council.
Suzan Pitman	Mayor & Council - Candidate	Elected officials should resign to run for a new position upon filing for election to the new position.

Questionnaire Responses
Charter Review Commission

Q501020 Should the size of the Council be expanded?

If additional seats were added to City Council, how many seats would you recommend adding and why?

Respondent	Group	Interviewee Response
Suzan Pitman	Mayor & Council - Candidate	Two seats, to start. This should be a slow roll to accommodate the budget and budget development process. There is also the impact on staff that must be considered.

Questionnaire Responses
Charter Review Commission

Q501022 Should the size of the Council be expanded?

If additional seats were added to City Council, how many seats would you recommend adding and why?

Respondent	Group	Interviewee Response
David Myles	Mayor & Council - Current	I would recommend adding at least two new seats. The City has grown and so should the number of representatives.

Questionnaire Responses
Charter Review Commission

Q201001 Election Process / Franchise Expansion

BSE: Questions: Considering the city's re-affirmed commitment to racial equity and social justice, how are you accounting for this in the way you are making decisions and collecting demographic data?

Respondent	Group	Interviewee Response
Current BSE	Current BSE	The BSE pioneered vote-by-mail for Rockville. Vote-by-mail removed many of the barriers that prevented marginalized groups – including people of color, people of limited economic means, and people with disabilities – from voting. Those who could not vot

Questionnaire Responses
Charter Review Commission

Q201003 Election Process / Franchise Expansion

Which communities in Rockville have lower voter turnout (geographical, race/ethnicity, renters) and have been historically less engaged? How are you gathering demographic data to track disparities in voter turnout among these communities? How have you i

Respondent	Group	Interviewee Response
Current BSE	Current BSE	The BSE collects data by voting district. That data showed that participation in each district increased significantly in 2019. The district-by-district information can be accessed here: https://www.rockvillemd.gov/DocumentCenter/View/38416/BSE-Report-w
Andrew Lin	Human Right	Although there is some reason to believe that holding City elections during presidential election years would draw some voters who would not otherwise participate, the HRC is unclear on how such a change would hinder the City's efforts to provide mail-in

Questionnaire Responses
Charter Review Commission

Q301005 Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis Lengthening the term of the members of the Board of Supervisors of Elections

Which of the following three ways of addressing this situation would you prefer and why? Improve the discipline over the timing of BSE appointments to maintain compliance with the Charter. o Change the Charter to reflect the actual practice of making

Respondent	Group	Interviewee Response
David Myles	Mayor & Council - Current	

Questionnaire Responses
Charter Review Commission

Q301006 Board of Supervisor of Elections / CRC Interviews: Mayor and Council to Support issue Analysis The appointment process for the members of the Board of Supervisors of Elections

Which of the following three ways of addressing this situation would you prefer and why? Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. o Change the Charter to reflect the

Respondent	Group	Interviewee Response
David Myles	Mayor & Council - Current	Looks to be the same question as #19

Alternative Voting Systems (G)

Recommendations

- Explore Ranked Choice Voting (RCV) for the 2023 Rockville elections and if deemed appropriate then implement.
- Implement "None of the above" (NOTA) ballot option.

History

Currently Rockville candidates win by receiving the highest number of votes in comparison to other candidates (plurality) and are not required to get a majority percentage of votes as are required in other methods.

As a simple example to distinguish majority from plurality, consider the mayoral election results below, with one winner:

Candidates	Number of Votes	Percentage
Candidate A	8	40%
Candidate B	7	35%
Candidate C	5	25%
Total	**20**	**100%**

What if the second choice of Candidate C voters was Candidate B? Our current election system would elect Candidate A for Mayor only representing 40% of voters, when the majority of voters – 60%, would prefer having Candidate B as Mayor, if given a chance to rank their second choice option.

Discussion

Ranked Choice Voting (RCV):

The City's election system should fundamentally represent the views of the Rockville residents it seeks to serve. However, our current system, where voters cast their ballot for a candidate of their choice and the candidate that gets the most votes wins with no requirement to get a majority of votes, can often misrepresent the majority's view.

To ensure the election results better represent the preferences of the voters – the main goal of a democratic election, several municipalities around the country transitioned to RCV.

Some municipalities practicing RCV include: Takoma Park, Maryland; Berkeley, California; Cambridge, Massachusetts; Minneapolis, Minnesota; Oakland, California; Maine (full state); San Francisco, California; San Leandro, California; Santa Fe, New Mexico; St. Paul, Minnesota; Telluride, Colorado; and recently as of last year New York City.

How RCV works for single winner election (Mayoral election):

1. Voters simply rank their candidates in order of choice based on the number of candidates – this is the one and only request of voters.
   - If a candidate receives more than half of the first choices, they win the election.
2. If not, the candidate with the fewest votes is eliminated, and voters who picked that candidate as 'number 1' will have their votes count for their next choice.
3. This process continues until a candidate wins with more than half of the votes, which is a majority.
   (If there are only two candidates for the Mayoral race, this system may be more applicable for the Council race)

How RCV works for multiple winner election (Council election):

1. Voters simply rank the multiple candidates in order of choice– this is the one and only request of voters.
2. Round 1: All first choices are counted, and if a candidate has enough votes to meet the required percentage of votes, they win a seat. The percentage threshold depends on how many seats are being elected - the more seats there are to fill, the lower the percentage needed to win. If there are four Council seats, the percentage threshold is 20%.
3. Following Rounds: In each round the process of counting surplus votes and eliminating last-place candidates repeats until all seats are filled. Each round seeks to answer – *are any candidates above the threshold percentage*, by the following:
   a. If yes, the candidate that met or has more than the threshold percentage is elected.
      i. Then, the number of votes they received in excess of the threshold then are added to the totals of continuing candidates. This works by adding a fraction of each vote for the elected candidate to the totals of the candidate ranked next. For example, if a candidate has 10% more votes than the election threshold, every one of their voters will have 10% of their vote count for their next choice. That way, voters are not punished for honestly ranking a very popular candidate first.
   b. If not, the candidate with the fewest votes is eliminated. When a voter's top choice is eliminated, their vote instantly counts for their next choice. That way, voters are not punished for honestly ranking their favorite candidate first, even if that candidate cannot win.

Options

Option 1 – Explore Ranked Choice Voting (RCV) for the 2023 Rockville elections and if deemed appropriate then implement.

Pros:

- Ranked choice voting ensures candidates win elections with the broadest possible support, upholding the principle of majority rule that legitimizes outcomes for voters and candidates. Without RCV, candidates can win elections with far less than 50% support.
- Candidates are incentivized to work together or find common ground on issues in the hopes of earning voters' next choices and promote more civil campaigns.
- RCV minimizes wasted votes, particularly in comparison to the current system. RCV allows voters the freedom to rank candidates in order of choice and maximizes the effectiveness of every vote to ensure that as many voters as possible will help elect a candidate they rank highly.
- RCV allows similar candidates to compete without concerns of splitting votes or the "spoiler effect".

- Since the system better captures nuanced preferences, the results create bodies that reflect the diverse views and experiences of the voters.
- There is an opportunity to inform voters on RCV through the existing City voter outreach, however considering the low voter turnout the RCV provides incentives for the City to conduct more voter outreach.
- The request of voters is simple – rank the candidates by preference.

Cons:

- Implementing any new method would require a voter education transition period. However, the key message is that RCV better represents voters' preferences/voices than the current method.
- Implementing any new method could raise concerns about administering a new type of election.
- Researching and changing systems has administrative impacts and takes time and resources.

Option 2 – Not explore RCV for 2023 and plan to retain the current election method.

Pro:

- Since the current election system is Rockville's standard method the process may be easier for voters to understand. However, since 70% of the Rockville electorate did not vote in the 2019 election there is an opportunity to incorporate any new voting method to increase voter education/engagement.

Cons:

- The current system is less representative of voters' preferences than other systems such as RCV.
- The current system can promote the 'spoiler effect' and is less competitive than other systems such as RCV.

None of the above Option (NOTA):

None of the above (NOTA) ballot option is designed to allow the voters to express their disapproval of all the candidates in an election. This option is based on the notion that consent requires the ability to withhold consent in an election, just as they can by voting "No" on ballot questions.

<u>Options</u>

Option 1 – Implement "None of the above" (NOTA) ballot option.

Pros:

- Enables the City to have a better understanding of the level of the reasoning behind the candidate choices.
- Allows voters to have the freedom to choose none of the running candidates and provides more voice to voters that the individual(s) are not adequate to govern.
- Promotes the basic human right of freedom of expression when not in favor of all the candidates.
- Can increase voter turnout allowing voters to vote for an option that goes against the candidates, instead of not voting at all.
- This is a simple addition to the ballot.

Cons:

- Like all elections, voters can be influenced by other voters to select the NOTA option without researching the candidate's platform.

Option 2 – Do not implement NOTA ballot option.

Pro:

- Since the current election system is Rockville's standard method, the process may be easier for voters to understand. However, since 70% of the Rockville electorate did not vote in the 2019 election there is an opportunity to incorporate any new voting method to increase voter education/engagement.

Cons:

- The current system does not allow room for voters to express dissatisfaction with the candidates, like the NOTA option. This is critical information for the City to understand.

Considerations

Although not applicable or recommended for the 2023 election, the future Mayor and Council (elected in 2023) can consider exploring other alternative voting methods for future elections.

Approval Voting (single winner – Mayoral):

Approval voting is a system which allows voters to select any number of candidates as they like for the Mayoral race rather than just one single candidate. The candidate with the most selections wins. The votes are then tallied normally and there are no changes to the ballot.

Pro:

- This system provides more opportunities for voters to express their approval of each candidate and expresses broader representation.

Con:

- Considering that there have only been two candidates running for Mayor in the past decade, this system may not add significant value in comparison to the current system.

Proportional Approval Voting (multi winner – Council):

Proportional approval voting (PAV) is an extension of approval voting for multiple-winner elections. It allows each voter to vote for as many or as few candidates as they choose. PAV elects candidates to office roughly in proportion to the support they receive through a series of rounds. Although there are various versions of this system, generally proportional approval voting will reweight votes from the highest selected candidate's ballot by ½ the first time they elect someone, then ⅓ for the second time, ¼ for the third time, and so on.

Pro:

- This system provides more opportunities for voters to express their approval of each candidate and can capture broader representation in comparison to the current system.

Cons:

- Proportional methods tend to achieve broader representation as they fill a larger number of seats. This system works well when there are five or more seats to fill, which is not applicable to our current election structure.
- This system was designed to provide more diversity in representing different views often associated with political groups or opposing parties. Since Rockville elections are non-party affiliated there may be less distinguishable differences in which there is a need to apply this system.

STAR (Score Then Automatic Runoff) Voting:

STAR is an electoral system in which voters rate the candidates for a particular seat on a scale of zero to five, with zero indicating no support and five indicating maximum support. The scores for all candidates are then tabulated and the top two finishers advance to an automatic runoff, at which time a voter's full vote is assigned to whichever of the two finishers scored highest. The candidate with the greater number of voters given a higher score in the runoff is declared the winner.

Pros:

- This system provides more opportunities for voters to express a varying degree of satisfaction for each candidate.
- The results will better inform the City on voters' preferences on the candidates and their overall campaign platform.

Con:

- Since STAR voting was recently developed in 2014 by the Equal Vote Coalition, it has not been implemented in an election yet and its effectiveness has not been studied.
- This method would have to be modified to apply to the Rockville elections.

Translation of election information into various languages (H)

Recommendation

Translate Rockville election information into the most frequently spoken in languages after English, including

Additionally, ensure that election materials are written in plain language, regardless of the language.

History:

There are approximately 26 million people in the United States with limited English proficiency (LEP), and approximately 72 million people in the U.S. speak a language other than English at home (28,000 Rockville residents).

Currently the Charter does not address or require that election language be translated in any other language than English. However, the demographics of our City have changed to reflect a highly diverse, multicultural, and multilingual population.

Discussion:

According to the Census Results: City of Rockville, 84.9 percent of the foreign-born population spoke a language other than English at home and 43.4 percent spoke English less than "very well".[1]

Policy should reflect the voice of voters. Continuing to maintain language barriers can:

- Suppress residents' voting power and their ability to participate.
- Result in structurally promoting discriminatory public policy and can prevent resource allocation to communities most impacted by election language barriers.

Options

Option 1 – Translate Rockville election information into the most frequently spoken languages after English, including

Additionally, ensure that election materials are written in plain language, regardless of the language.

[1] Census Results: City of Rockville https://www.rockvillemd.gov/DocumentCenter/View/96/2010-Census-Results---February-2012?bidId= -The primary sources for this document are from the 2010 Decennial Census and the American Community Survey (2005-2009 5-year estimates). All data is accessible from the U.S. Census Bureau web site at www.Census.gov

Pros:

- Aligns with the City's commitment to advance equity and inclusion, as this provision will diversify the electorate and better represent the changing demographics of Rockville residents.
- Increases civic engagement from communities that have historically been disenfranchised by language barriers.
- Aligns with the County's approach to provide election information in other languages.

Cons:

- Due to a long history of not making election information accessible to voters that experience language barriers and overall low voter turnout, it could take longer than one election cycle to increase the participation from these communities. Thus, there is potential for initially experiencing diminishing returns in comparison to cost and staff level of effort to invest in translating election information.

Option 2 – Continue providing election information only in English.
Pros:

- Saves money and resources in the short term, but could increase equity gaps among LEP communities in the future.

Cons:

- Continues to suppress voting from LEP communities.
- Contradicts with the City's efforts to advance equity.
- Long term it neglects a needed investment in the City's changing demographics.

Considerations

Should the Mayor and Council decide to pursue the recommendation to translate election information and update the Charter accordingly, the CRC has additionally included suggested options to implement.

The following options and associated practices are drawn in part from the work behind and lessons learned from the 2020 Census and the efforts to promote COVID-19 vaccinations, both of which had an intentional emphasis on equity and navigating language barriers to reach disproportionately impacted communities with accurate health information.

- Regularly conduct an analysis of the city's foreign-born and LEP communities and residents; develop an understanding of the most common languages other than English spoken by Rockville households; rank and prioritize as needed; recognize the difference between longtime residents who are LEP versus migrant and refugee/resettled people and other LEP populations.
- Conduct outreach early and often and through multiple modes of communication in the identified languages to build awareness and deepen the relationships between these households and City government (this may include basic civics lessons in addition to election-specific information); leverage each language community's radio, television, newspapers, and social media; consider adding an Outreach Coordinator position(s) to City staff (perhaps recruited from the LEP households).
- Identify and build sustained and trusting relationships with community leaders and organizations that service the City's traditionally hard-to-reach populations, including faith

leaders, community groups, and cultural organizations; find opportunities to go on-site with these groups and conduct activities like voter registration at their events.
- Translate all election-related materials and resources into the appropriate languages across all media and modes of communication, including signage.
- Provide language assistance leading up to and on election day; including recruiting bi-/multilingual poll workers for on-site assistance and multilingual ballots
- Educate LEP populations on both their rights and responsibilities related to voting, including topics such as voter intimidation and other interference tactics, voter registration, voter assistance, etc.
- Identify City employees who are bilingual and leverage those skills; recruit bilingual City residents as volunteers on Election Day; invest in telephone interpretation services.

Additional links and resources:

1. U.S. Election Assistance Commission: https://www.eac.gov/election-officials/language-access
2. U.S. Government Interagency Working Group on Limited English Proficiency: https://www.lep.gov/
3. National Center for State Courts Language Access page for Maryland (Language Access Plan "In the process of being finalized"): https://www.ncsc.org/services-and-experts/areas-of-expertise/language-access/resources-for-program-managers/lap-map/maryland
4. ACLU Guidance for those who "speak English less than 'very well'": https://www.aclu.org/know-your-rights/voting-rights/#i-speak-english-less-than-very-well
5. USDOJ "About Language Minority Voting Rights": https://www.justice.gov/crt/about-language-minority-voting-rights
6. Montgomery County Community Engagement Cluster page on LEP Assistance: https://www.montgomerycountymd.gov/lep/index.html
7. Montgomery County Board of Elections offers the registration form in English, Spanish, Traditional Chinese, Simplified Chinese, and Korean: https://www.montgomerycountymd.gov/elections/index2.html

Alternative methods of advertising an election (I)

Recommendations

- Update the election advertisement requirements stated in the Charter (Article III, section D) to include community outreach implemented in the 2019 election.
- Open apartment buildings to candidates and city representatives to share information on the elections, as practiced in Takoma Park for a 90-day period in advance of the City elections.

History

Historically a large percentage of the electorate has not participated in Rockville elections. Although more advertisement tactics were implemented in the last 2019 election and tactics from this election cycle should be continued, the Charter requires minimal advertisement as stated in Article III and section D .

"*The Board of Supervisors of Elections shall give at least one (1) months' notice of every election, including places for voting, by an advertisement published at least four (4) times during the period of such notice in at least one (1) newspaper of general circulation in the City and by posting notice thereof during such period in some public place or places in the City".*

BALLOT	2011	2013	2015	2019

Turnout - number of ballots cast	**6,240**	**6,685**	**6,468**	**12,287**
Percentage of the electorate that did not vote.	**83% did not vote**	**83% did not vote**	**84% did not vote**	**70% did not vote**

Discussion:

The 2019 community outreach helped to increase voter turnout by about 16 % in comparison to the 2015 election and thus these general tactics should be added as a requirement to the charter.

However, the City and particularly the Board of Supervisors of Elections could apply a greater equity lens to *how* and *who* it invests in reaching with election information to intentionally focus on communities with the lowest turnout and who experience the greatest barriers to receiving election information.

Add 2019 election advertisement tactics to the Charter
Update the election advertisement requirements stated in the Charter (Article III, section D) to include the following outreach tactics that were implemented in 2019 to increase voter turnout, including[2]:

- Mailings
- City Website
- Digital tactics: social media and text alerts
- Television ads
- School notices
- Press releases
- Bike share signs
- Moveable electronic message boards at strategic road intersections

Options
Option 1 – Update the charter to include the 2019 election practices.

Pros:

- Aligns with the City's commitment to advance equity and inclusion, as this provision seeks to diversify the electorate and better represent the changing demographics of Rockville residents.
- Likely improve voter turnout.
- Applies an inclusive approach considering that many residents do not receive their information just from a local newspaper.

Cons:

- The cost of investing in a robust advertisement campaign. However considering that 70% of the electorate did not vote in the last election there is a significant need.

Option 2 – Maintain the current charter language that extremely limits the dissemination of election information to one local newspaper.

Pros:

[2] https://mdmunicipal.org/DocumentCenter/View/7465/Vote-by-Mail---Rockville-Election-Report?bidId=

- Saves money and resources in the short term, but will likely continue to increase equity gaps among communities not engaged, especially considering that 70% of the electorate did not vote in the last election.

Cons:

- Continues to suppress the vote from the majority of the electorate.
- Contradicts with the City's efforts to advance equity.
- Long term, it neglects a needed investment in the City's changing demographics.

Sharing election information with Rockville apartment occupants

This option is designed to address the structural and physical barriers that the Rockville apartment occupant community face in receiving information about the election. These barriers particularly impact renters' ability to participate and engage with City government and may have detrimental impacts on policy making and resource allocation. Renters occupy 45% of the total number of households in Rockville - a significant part of our population and is a growing demographic.[3] An example of this direct outreach is being conducted in Takoma Park.[4]

Options

Option 1 – Have apartment buildings open to candidates and City representatives to share information on the election for a 90-day period in advance of the City elections.

Pros:

- Aligns with the City's commitment to advance equity and inclusion, as this provision seeks to diversify the electorate and better represent the changing demographics of Rockville residents.
- Likely improve voter turnout among communities that experience barriers to receiving election information, particularly among lower income and newer residents.

Cons:

- Will require additional resources and planning, however the City can organize a meeting with renters to more broadly share the information and gain insight on how this can be implemented.

Option 2 – Continue to not address the structural and physical barriers apartment occupants face with receiving City election information.

Pros:

- Saves resources in the short term, but could increase equity gaps among underserved communities in the future.

Cons:

- Contradicts with the City's efforts to advance equity and inclusion and the consideration of different housing types.
- Long term, it neglects a needed investment in the City's changing demographics.

[3] https://censusreporter.org/profiles/16000US2467675-rockville-md/
[4] https://takomaparkmd.gov/government/city-clerk/ensuring-tenants-rights-to-participate-in-elections/

Considerations

Should the Mayor and Council decide to pursue broader alternatives to share election information and update the Charter accordingly, the CRC has included additional suggestions.

- Understand and then reach out to specific populations that have low participation, such as younger voters, etc.; this includes identifying specific barriers and then working to mitigate or eliminate them.
- Conduct phone trees and phone banks (volunteer-based).
- Increase public signage, in locations and languages not used before.
- Public Service Announcements that use humor or another offbeat approach to build awareness and excitement about an election.
- Create a Voting Series for broadcast or a podcast on local programming; it can include content ranging from candidate biographies to deep dives on the local issues likely to be impacted by the election.
- Partner with voter-mobilization organizations such as Rock the Vote, Voto Latino, the NAACP, the Census Taskforce, and others.
- Focus advertising on specific important issues versus the election itself, or focus on the election process and voter rights, civic unity more generally, and/or key values such as everyone's vote counts.

Additional links and resources

1. Promote Our Vote: http://www.promoteourvote.com/spread-awareness.html
2. National Association of Social Workers' Increasing Voter Participation: https://www.socialworkers.org/Advocacy/Social-Justice/Increasing-Voter-Participation
3. Participatory Governance Exchange Article: https://www.pgexchange.org/index_option_com_content_view_article_id_154_Itemid_149.html
4. National Voting Registration Day: https://nationalvoterregistrationday.org/about/

Provisions that May Increase Voter Turnout (O)

Recommendations

- Change the scheduling of the Rockville elections to coincide with the Presidential Elections.
- Expand the electorate by removing the US citizen requirement with stipulations (e.g. Lawful permanent residents (LPRs)
- Expand the electorate by lowering the voting age to 16 years.

History

Rockville, like many jurisdictions with off year elections has historically had low voter turnout. Generally, low voter turnout can lead to local elected officials and policies being disproportionately influenced by a small percent of municipal residents, undermining our representative democracy and the effectiveness of local government.

The Mayor and Council recognize the problem with low voter turnout and have asked the Commission to research recommendations provisions that may increase turnout.

History of the large percentage of the electorate that has <u>not</u> participated in Rockville elections

BALLOT	2011	2013	2015	2019
Turnout - number of ballots cast	**6,240**	**6,685**	**6,468**	**12,287**
Percentage of the electorate that <u>did not vote/participate</u> in the election.	**83% did not vote**	**83% did not vote**	**84% did not vote**	**70% did not vote**

<u>Discussion</u>

A healthy democracy requires the majority of the electorate participating in the elections to ensure there is equitable representation of the whole community it serves. In 2019 approximately 70% of registered Rockville voters did not participate in the municipal election. Although there was a marked increase in voter turnout from the previous 2015 election primarily due to Vote by Mail – <u>the overwhelming majority of the Rockville electorate did not vote.</u> This also does not account for residents that are not registered yet but are eligible to vote - a segment of the population that requires greater attention and outreach.

Lower voter turnout leads to less representative policy making and inequitable resource allocation. Additionally, less representative elections can contribute to disparate outcomes for socially and economically marginalized communities, including unequal prioritization of public spending[5]. The 2020 Commission was charged by the Mayor and Council to consider the "demographics and characteristics of the City." and "Racial and other inequities and social justice", it is imperative that these research findings also be reviewed through this lens to ensure our City advances equity.

Change the Schedule/Timing of Elections:

Significant research findings determine that moving the timing of the Rockville election to coincide with the Presidential elections will undoubtedly increase voter turnout. This approach recommends bringing the Rockville election to where most Rockville voters are – the Presidential elections.

It is likely the main reason why there is lower voter turnout on the municipal level is because voters are not aware of the election to begin with. Additionally, studies show that changing the timing of the election to the federal election cycle greatly increases the representation of underserved

[5] (Maciag, M. (October 2014). https://www.governing.com/topics/politics/gov-voter-turnout-municipal-elections.html

communities, including racial and ethnic minorities and young adults – which will also support the City's effort and public commitment to advance equity[6].

Off-year elections as practice in Rockville have historically had lower voter turnout. Just in Maryland. Takoma Park, City of Baltimore, the Town of Ocean City, and the City of Cumberland have all changed their election date from off years to coincide with the state and federal elections. Data shows that when municipalities, regardless of population size, change the timing of their election to coincide with the Presidential elections they will see a significant increase in voter turnout.

Some thoughts expressed about changing the time of the election were concerns about removing vote-by mail. Vote-by-mail has become far more accessible and has become more commonly used since 2019 (pre-pandemic) and due to the pandemic has increased in the county and state elections in 2020 and 2022 - it has now become the norm. Additionally the increase in voter turnout projected with changing the schedule of the elections alone is far greater (three to five times) than a mere 15% that occurred in the first year of vote by mail - which may not increase by that same amount the next cycle. However this idea that vote-by-mail will go away if we change the timing of the City election is misleading. Rockville has the creative ability to incorporate both methods - like Takoma Park BSE, Baltimore City BSE and Ocean City BSE **who all have changed their elections timing to increase voter turnout and offer vote-by-mail**.

If the City decides to pursue changing the scheduling of the elections, the City may also opt to implement a two ballot system, as practiced by Ocean City, MD[7] and Takoma Park, MD[8], where they maintain their own city ballot to keep the independence of the municipal election, while leveraging the motivation and the increased civic engagement from the timing of the state or federal election. Using a two-ballot system, Ocean City experienced a significant increase when they changed the timing of their city elections to even-years (state and federal)[9]. Additionally, a two-ballot system is also practiced in Takoma Park, MD, which pursued a robust municipal vote-by-mail election in 2020[10] and the voter turnout almost tripled from the previous election[11].

Also, moving elections to a Presidential election year would eliminate some of the expense of running a full municipal election, if the city opts to integrate the election with one ballot. In 2019 the estimated cost of the election was more than $200,000. When the 2010 Commission recommended that the City move to Presidential election, it was estimated it would save the city $50,000. The cost savings from holding the municipal election during the presidential election could be reinvested in broader voter outreach efforts and education materials on the importance of participating in the Rockville election with the communities who experience the lowest turnout.

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[6] Zoltan Hajnal https://scholars.org/contribution/we-can-double-number-americans-voting
[7] The Dispatch, https://mdcoastdispatch.com/2015/09/03/ocean-city-votes-to-keep-separate-election-ballot/
[8] https://takomaparkmd.gov/initiatives/project-directory/election-date-change-planning/
[9] https://marylandonmymind.wordpress.com/2012/11/07/ocean-city-mayor-and-council-election-results/
[10] https://takomaparkmd.gov/news/city-election-information/ways-to-cast-your-ballot/
[11] Takoma Park Election Results 2020 https://takomaparkmd.gov/news/city-election-information/election-day-results/

The 2010 Rockville Charter Review Commission also came to the same conclusion from their research and public input to recommend that the City change the election to a presidential year. Nationally, at least 70 percent of all Americans prefer to vote on one day[12]. (combining the national and local elections)

Another misleading argument against holding elections to coincide with the presidential election has focused on the cost to the candidate. Our approach should prioritize the convenience, awareness of the election and cost to the Rockville residents – those that the election and candidates are meant to serve.

Additionally, the preconceived notion that future new Rockville voters will not be informed when selecting candidates for our municipal election is discriminatory. This prejudicial thinking will continue to limit the voting power to the residents least engaged and have less policy making influence – it also directly maintains the structure of their disenfranchisement. More importantly, our knowledge and understanding of issues are not requirements in a democracy to have the right to vote. Tactics like tests and questions to voters to support this discriminatory way of thinking have been historically deemed unconstitutional. Voting is fundamental to all other rights and expanding the franchise is in fact the initial action that builds civic engagement and increases voter turnout – our issues requested by the Mayor and Council.

Options

Option 1 – Change the scheduling of the Rockville City Elections to coincide with the Presidential Elections.

Pros:

- Based on election results, changing the timing will significantly increase voter turnout thus achieving a broader representative democracy; captures Rockville voters that do not vote or are not aware of the municipal elections, but turnout for the Presidential elections.
- Aligns with the City's commitment to advance equity and inclusion, as this provision will likely diversify the number of voters and better represent the changing demographics of Rockville residents.
- Saves money and labor for the city and taxpayer's dollars (many of whom have not historically participated and/or are aware of the off-year elections, yet have paid for it). The 2010 Commission estimated savings of $50,000 if the City changed the timing of the election. These cost savings also provide an opportunity to the City to increase investment in innovative ways to educate and inform voters on the importance of participating in a local election.
- Leverages the electorate's interest in the upcoming national and state elections and increased civic engagement to participate in the local Rockville elections. Voters may also be more open to learning about local issues and Rockville government services that have an

[12] Zoltan Hajnal https://scholars.org/contribution/we-can-double-number-americans-voting

impact on the everyday lives of residents, which will further increase civic engagement in the long term.

- Sends a message to voters that Rockville municipal elections are just as important as federal and state elections.

Cons:

- The change to the timing will require changes to the current terms of service to extend to the next Presidential election year. However, if this change is pursued in 2022 this change will only add one year to the current terms to extend from 2023 to 2024. Additionally, there are several models from various jurisdictions on how they added time to their terms to ensure their elections would coincide with the presidential election.
- The City will need to determine a process to combine the elections. The City may opt to implement a two-ballot system to maintain the independence of the local election or completely integrate the elections. There are several models from other jurisdictions that also made these changes to meet their voters where they are.

Option 2 – Continue holding elections during off-years.
Pros:

- Saves resources in the short term, but will likely maintain the lower voter turnout - the issue the Commission was asked to address.

Cons:

- 70% of registered voters did not vote in the last election - using the same system continues their disenfranchisement.
- Contradicts with the City's efforts to advance equity.
- Long term it neglects a needed investment in the City's changing demographics.

Expand the voter franchise to Rockville residents who are not US citizens with stipulations (e.g. LPR)

Rockville is a diverse city that demographically well represents nations around the globe[13]. As of 2019, 34.1% of Rockville, MD residents (23k people) were born outside of the United States, which is higher than the national average of 13.7%[14]. Also according to the 2010 census 34% of the City's 2010 total population was born outside the United States. Out of this foreign-born population, 14.5% were U.S. citizens and 19.4% were non-citizens [15].

Despite the diversity of Rockville's demographic numbers, this diversity does not translate to equitable electoral power, policy making representation or inclusion in resource allocation decisions for our immigrant communities. Because Maryland ended noncitizen voting rights for state and federal elections in 1851 and Rockville's municipal voting eligibility mirrors the state, a significant portion of Rockville residents are continuing to be disenfranchised.

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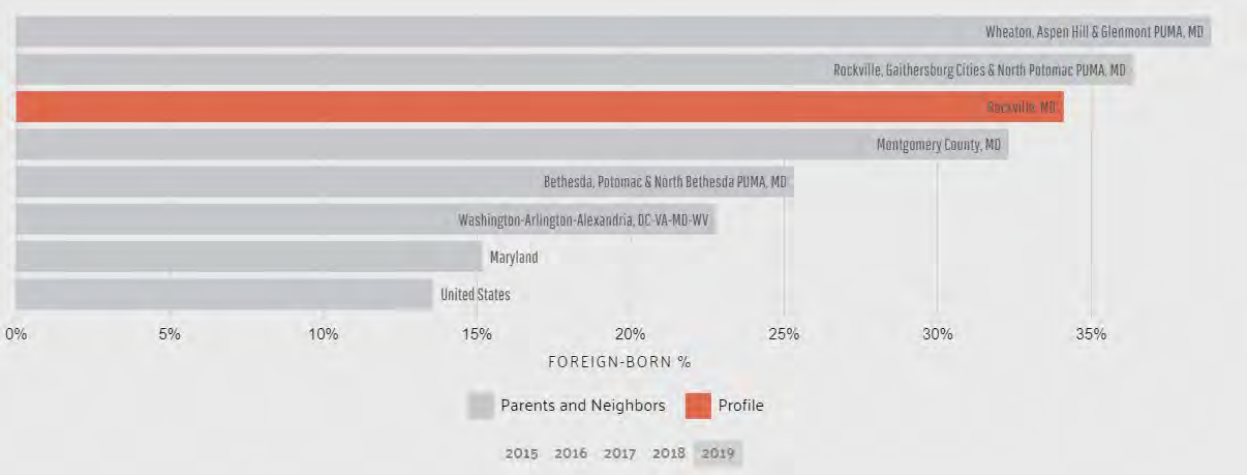
[13] https://worldpopulationreview.com/us-cities/rockville-md-population

[14] DataUSA: Rockville MD: Foriegn Born Population

[15] Microsoft Word - Census_Results_Jan2012.docx (rockvillemd.gov)

Percentage of Rockville Residents that are Foreign Born



Maryland's constitution however recognizes the autonomy of local municipalities and localities to make their own voting eligibility requirements. Because of this, **Maryland has the most municipalities granting the right to vote for noncitizens in local elections than any other state in the country -with the majority of them located right here in Montgomery County.** Also, last June 2021 the Washington DC City Council re-introduced a bill that would allow non-citizens to vote in local D.C. elections[16] and New York City also passed legislation earlier in 2022 to have non-citizens vote, empowering the voices of 800,000 residents[17]

List of Maryland municipalities where US citizen status is not a requirement to vote and the subsequent Charter Language or website language

MD Municipality	Charter language allowing noncitizens to vote or not limiting voting to citizen status
Chevy Chase, **Montgomery County**	"'Qualified Voter' shall mean any person who is a resident of Chevy Chase Section 3, without regard to citizenship, and is at least eighteen (18) years of age."
Takoma Park, **Montgomery County**	"City residents who are not citizens of the United States can register to vote in Takoma Park elections by completing the Takoma Park Voter Registration Application." (city website)

[16] https://www.npr.org/local/305/2021/06/11/1005274621/d-c-council-once-again-considers-letting-non-citizens-vote-in-local-elections

[17] https://www.nytimes.com/2022/01/09/nyregion/noncitizens-nyc-voting-rights.html

Garrett Park, **Montgomery County**	"Qualified persons may register by universal registration with either Montgomery County or the town, or may register only with the town, including residents who are not citizens of the United States, up to and including election day."
Glen Echo, **Montgomery County**	"Any person who is not a United States citizen, and (a) is a resident of the Town of Glen Echo, (b) is a lawful resident of the United States, and (c) except for the United States citizenship requirement, meets the voter qualifications provided in Section 501(a) may register to vote in Town elections."
Barnesville, **Montgomery County**	"Having resided therein for six months previous to any town election and being eighteen years of age."
Somerset, **Montgomery County**	"Every person who (1) is at least eighteen years of age, (2) has resided within the corporate limits of the town for fourteen days next preceding any election, (3) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections."[
Martin's Additions, **Montgomery County**	"Qualified Voter' is any person who owns property or any resident of Martin's Additions who is eighteen (18) years of age or over."
Hyattsville, Prince George's County	"Hyattsville residents who are not U.S. citizens, or do not wish to register with the State, may use the Hyattsville City Voter Registration Form." (City website)
Riverdale, Prince George's County	"(a) Every resident of the town who (1) has the Town of Riverdale Park as his or her primary residence, (2) is at least sixteen (16) years of age, (3) has resided within the corporate limits of the town for at least forty-five (45) days immediately preceding any nonrunoff town election, (4) does not claim the right to vote elsewhere in the United States, (5) has not been found by a court to be unable to communicate a desire to vote, and (6) is registered to vote in accordance with the provisions of § 503 of this charter shall be a qualified voter of the Town."
Mount Rainier, Prince George's County	"Regardless of their nationality or immigration status"
Cheverly Prince George's County	Amended the charter by <u>removing</u> the voting requirement "Shall be a citizen of the United States"

The notion that has been shared on this issue that noncitizens as new voters will not be informed when selecting candidates for our municipal election is discriminatory. This prejudicial thinking will continue to limit the voting power to the residents least engaged and have less policy making influence – it also directly maintains the structure of their disenfranchisement. More importantly, having knowledge and understanding issues are not requirements in a democracy to have the right to vote. Tactics like tests and questions to voters to support this discriminatory way of thinking have been historically deemed unconstitutional and unfair. Voting is fundamental to all other rights and expanding the franchise is the initial action that builds civic engagement and increases voter turnout – our priorities.

<u>Options</u>

Option 1 – Expand the right to vote to Rockville residents that are not currently US citizens.

Pros:

- Recognizes the significant contribution to the local economy, education system and our society as a whole from Rockville residents that are not US citizens; immigrants additionally pay local taxes (including contributing to the cost of the Rockville election), contribute to Rockville's revenue and partake in Rockville government services.
- Directly advance electoral equity.
- Aligns with the City's commitment to advance equity and inclusion, as this provision will likely diversify the number of voters and better represent the changing demographics of Rockville residents.
- Policy should reflect the voice of voters. Continuing to disenfranchise residents who are not US citizens excludes the experiences and needs of a significant portion of Rockville residents and structurally promotes discriminatory public policy and resource allocation.
- There is no proof that allowing people who are not US citizens to vote does not discourage them from seeking citizenship.

Con:

- Requires implementing new administrative measures.

Option 2 – Continue to disenfranchise Rockville residents that are not US citizens.

Pros:

- Saves resources in the short term, but could increase equity gaps among underserved communities in the future.

Cons:

- Contradicts with the City's efforts to advance equity.
- Neglects electoral inequities experienced by significant portions of the City's population
- Long term it neglects a needed investment in the City's changing demographics.

Expand the voter franchise by lowering the voting age to 16 years old

Lowering the voting age to 16 will not only help to increase voter turnout in the short term, but will establish new engaged voters that will increase voter turnout for the long term. This provision also has proven to have a multiplying effect, as younger people who vote directly influence voter turnout of their parents/caretakers and older residents within their community[18].

When Takoma Park, MD lowered voting age to 16 in 2013, **approximately 42% of registered people under 18 voted, which was four times the rate of registered residents 18 and older who voted**. This trend of high voter turnout among voters under 18 has continued since[19]. Additionally, Takoma Park residents also supported the measure in an exit poll of an April 2014 Takoma Park special

[18] National Youth Rights Association, https://www.youthrights.org/issues/voting-age/top-ten-reasons-to-lower-the-voting-age/

[19] Promote our vote, http://www.promoteourvote.com/blog/16-and-17-year-olds-vote-for-first-time-in-takoma-park

election, where **72% of participants supported keeping voting rights for 16- and 17-year-olds in city elections[20].**

Takoma Park's success in expanding the franchise to people who are 16 and 17 years old led to other municipalities in Maryland lowering their voting age including Mount Rainer, Riverdale Park, Greenbelt, and Hyattsville in addition to other places around the country. Internationally, more than 25 countries have a voting age lower than 18 and many more are looking at following their lead.

People who are 16 and 17 years old are a part of our community, experience and receive Rockville government services, are impacted by policy in which they have no voice, are employed in Rockville and pay taxes, contribute to their households and to our community. People under 18 will also be disproportionately impacted by several current policy decisions, particularly related to our environment, how we address long-term City debt, affordable housing, policing, decisions impacting our school system and City planning decisions.

Additionally, the preconceived notion that people who are 16 and 17 years old as new voters will not be informed when selecting candidates for our municipal election is discriminatory. This prejudicial thinking will continue to limit the voting power to the residents least engaged and have less policy making influence – it also directly maintains the structure of their disenfranchisement. More importantly, having knowledge and understanding issues are not requirements in a democracy to have the right to vote. Tactics like tests and questions to voters to support this discriminatory way of thinking have been historically deemed unconstitutional and unfair. Voting is fundamental to all other rights and expanding the franchise is in fact the initial action that builds civic engagement and increases voter turnout – our priorities.

<u>Options</u>

Option 1 – Expand the right to vote to Rockville residents who are 16 and 17 years old. The same age Maryland residents are able to register to vote.

Pros:

- Expanding the franchise to people 16 and 17 years old will increase voter turnout and data shows will significantly increase civic engagement in the long term.
- Lowering the voting age has a trickle up effect since younger people can directly influence the voter turnout of community members of all ages.
- Research shows that voting is habitual. A person who votes in the first election they are eligible for is likely to continue voting consistently; voting data from Takoma Park that lowered its voting age, shows that voters under 18 vote at higher rates than older first-time voters who are older than 18.
- People under 18 are an integral part of our community, are employed, support their families, pay Rockville taxes (including paying for the City election), contribute to our economy and community, thus should have the right to vote.

[20] FairVote, https://www.fairvote.org/lower_the_voting_age

- Lowering the voting age will directly improve the lives of Rockville youth (many of our neighbors). Policy decisions that will have a disproportionate impact on people under 18 are being made without their input, particularly in the areas of environment, how we address long-term City debt, affordable housing, policing, decisions impacting our school system and city planning decisions.
- Aligns with the City's commitment to advance equity and inclusion, as this provision will likely diversify the number of voters and better represent the changing demographics of Rockville residents.
- 16- and 17-year-olds are both neurologically and socially mature enough to vote responsibly[21].

Cons:

- Requires implementing new administrative measures.

Option 2 – Continue to disenfranchise Rockville residents who are 16 and 17 years old

Pros:

- Saves resources in the short term, but could increase equity gaps among underserved communities in the future.

Cons:

- Contradicts with the City's efforts to advance equity.
- Neglects electoral inequities experienced by significant portions of the City's population.
- Long term it neglects a needed investment in the City's changing demographics.

Considerations

Regardless of the options pursued, it is recommended that the City explore the following considerations that could impact the Charter.

Although there was an increase in voter turnout primarily due to Vote by Mail from 15% of the electorate in 2015 to approximately 30% in 2019, it is challenging to predict that maintaining the same system that will re-use the same outreach tactics, will bring an additional 15% or more increase in 2023. Vote by Mail indeed engaged more new voters, but now since these voters are already engaged, how many more potential voters can the City engage without implementing new tactics that reach deeper into our communities and intentionally transform our process of voting to achieve a similar increase – particularly among our unrepresented voter populations (70% of the electorate).

Enhance voter turnout efforts by:

- Offering voting information assistance together with other services, such as housing, health, education, financial and social services.
    - Example: Coordinate with the housing department to provide voter/election information to renters with apartment leases.

[21] Rutgers University, 16- and 17-year-olds are both neurologically and socially mature enough to vote responsibly; https://journals.sagepub.com/doi/abs/10.1177/0002716210382395

- Developing a more robust voter education program to share why the Rockville government is important; what is its role and impact on resident's daily lives.
- Leverage the City's renewed commitment to equity by intentionally targeting historically underrepresented voting communities.
    - Mandate capturing data based on race/ethnicity in exit polls.
- Creating a community led board/commission composed of members representing harder to reach neighborhoods and professionals/community leaders with experience reaching or directly representing these communities.
- Having apartment buildings open to candidates and city representatives to share information on the elections, as practiced in Takoma Park for a 90-day period in advance of the City elections.

Provision in the Election Code for Internal Consistency with the Charter and Vice-Versa (P)

Recommendation

Address discrepancies in election policy between the CIty Ordinances and Charter and incorporate plain language by conducting the following:

- Address differences identified in the Code and Charter by providing cross-walking topics not equally covered.
- Provide an addendum to the City Ordinance and Charter titled "elections glossary" that serves as a guide to election-related terms; and provide currently based examples to put them into current context.
- Periodically update the charter and ordinance with applied examples of how listed knowledge can be used to enhance their ability to vote timely and participate in the Rockville elections.
- Specific change to various Charter sub-sections per Table 1.1 below.

Discussion

We were tasked with reviewing key provisions of the City Ordinance, and that of the Rockville City Charter. The goal was to identify any discrepancies between both documents; and if found, recommend ways to resolve them. While we didn't discover discrepancies, we identified areas considered as needed for clarification.

City charters and ordinances form the legal structure of a given city's mission to guarantee open, transparent democracy. Chances are that most people will never read the Rockville code and ordinances on election administration as daily reading. However, leaders such as the Mayor and Council must understand the importance of codifying election rules with clear language, with defined terms to ensure the better transparency of our local system, and educating the public.

History

The historical record of voter disenfranchisement in the US is well documented. A combination of poll taxes, secret ballots, literacy/understanding tests, grandfather clauses, and the biased manipulation of registration procedures achieved the goal of disenfranchising the overwhelming number of African Americans and women for decades.[1] The manipulation of literacy and

understanding tests represented among the most effective tools used, serving as one of the greatest barriers to universal suffrage.

Congress enacted the language minority provisions because it found that citizens of language minorities have been effectively excluded from participation in the electoral process. *Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation.* The Civil Rights Division of the US Justice Department offers guidance to local election officials on how to comply with language minority provisions.[2]

Voter participation is enhanced when the process and administration of voting is more easily understood. Code and ordinance sections related to elections that are consistent; used clearly defined terms; and crosswalk key concepts better inform the public, administrators, and our local democracy.

FINDINGS:

- Upon reviewing election codes by topic, we observed the key difference between the Ordinance and Charter relative to election administration to be coverage (or lack thereof) of similar topics.
  - Removal of Mayor & Council Not In Ordinance
  - Recall Process Not In Ordinance
  - Provisional and Absentee Voting In Ordinance/Not In Charter
- Crosswalk key areas in both documents to enhance uniformity/consistency

Table 1.1

CITY CHARTER #	Topic	Change
1.)	Provisional Voting	Provisional Voting – What is it? Section 8.1. provides definitions – includes provisional ballot, but not voting.
2.)	Section 8.2 Election Districts	Lists 10 city voting districts, describes their boundaries. This should be displayed visually on a guide. Why are these boundaries used for these distinct districts? How do these districts align with the voting process (number of people to representatives)? When was the last time this was updated? • Most residents don't understand Rockville's districts.
3.)	Section 8.1b	Section 8.1b discusses newly annexed property. How does this affect the election process?
4.)	Voter Registration	Sec 8.6, a.) suggest a change -- have the semicolon removed from following sentence: o *Persons registered with the City pursuant to the foregoing sentence shall be removed from the City voting roll upon any subsequent registration with Montgomery County if:* ▪ *Upon losing eligibility to vote in City elections* ▪ *Failing to vote each consecutive year in a city election in preceding 9 year period.*
5.)	Section 8.7 – Preservation of Ballots	Clarify how ballots should be preserved, and kept separate. Include language on a minimum security, storage, and retrieval for ballot information.
6.)	Article III - Conduct of Elections	▪ Section 3, para c states that the Board will mail one notice to all household in the City. Suggest this be changed to one notice per eligible voter. ▪ Section 3, para g requires the City to only count 1 ballot per voter if that voter votes more than once. How is this recorded? How is this checked/audited? ▪ Suggest language on auditing and periodic updating of voter roles for death, birth, new arrivals, departures (1 x per quarter).

Recommendation #5: Comparison/Crosswalk

Table 1.2 – Charter/Ordinance Comparison

The Charter and Ordinance do not appear to be perfectly aligned to cover similar election topics. Whether that was intentional or not was not clear upon our review. Uniformity would improve the City's ability to communicate and administer key electoral functions.

Cross-walking key topics such as the process for Recall and Absentee Voting needs to occur.

	CHARTER	ORDINANCE
TOPICS/SECTIONS COVERED	Voters	Elections in General
	Board of Supervisors of Election	Absentee and Provisional Voting'
	Nominations	Challengers or Watchers
	Election of Mayor & Council	Voter Assistance
	Removal of Mayor & Council	Electioneering
		Nonpartisan Elections
Need to Cross Walk		
	No Mention of Electioneering	No Mention of Removal of Mayor & Council
	No Mention of Absetee & Provisional Voting	No Mention of Recall

Recommendation #6 (City Election Glossary Addendum to Ordinance and Charter)

ROCKVILLE ELECTION GLOSSARY
Key Terms & Terminology Guide

	A
Active (status):	A voter is "active" if he or she (1) voted in the last general election, (2) recently registered to vote, or (3) updated his or her voter information since the last election. Active voters have no restrictions on the ability to vote or to receive election mailings. Many statistical counts (such as voter participation) and voter lists include only active voters.
Active-20 day (status):	When a person first applies for voter registration, his or her status is "Active – 20 day." The County Clerk and Recorder must send the applicant a Voter Information Card (VIC). If the card is returned as undeliverable within 20 days after the application, the applicant is deemed "not registered" and the record is marked "Failed 20-day". Otherwise, after 20 days, the applicant is deemed registered and the record becomes "Active".
Affiliation:	An elector's decision to affiliate (that is, officially align him or herself) with a political party, such as the Democrat, Green, Reform, or Republican parties. Not all voters declare a party affiliation, and those who choose not to are considered "unaffiliated."
Americans with Disabilities Act (ADA):	A federal law passed in 1991 that pertains to the rights of disabled Americans. The ADA outlines requirements and guidelines for, among other things, accessibility and accommodations in facilities used for voting.
Assembly:	A meeting of delegates of a political party, organized in accordance with the rules and regulations of the political party, held for the purpose of designating candidates for nominations to the ballot. Ballots recorded in an audible voice for the use of voters with visual disabilities.
Audio ballot:	Audio ballots are prerecorded with ballot language and can be accessed at polls which use Direct Recording Electronic devices (DREs). Persons with visual disabilities can use headphones to listen to all contests on a ballot. The voter may then select his or her choice using knobs or buttons on the DRE.
Authorized Agent:	The person legally responsible for the registration or voting material of a qualified voter.
Affidavit	Sworn statement or testimony
At large	Relating to or being a political representative who is elected to serve an entire area rather than one of its subdivisions.

B	
Ballot:	The official presentation of all of the contests to be decided in a particular election.
Ballot Access:	Ballot access refers to the process by which candidates and political parties qualify for the primary and general election ballots.
Ballot Instructions	Information provided to the voter during the voting session that describes the procedure for executing a ballot. Such material may (but need not) appear directly on the ballot.
Ballot Measure	(1) A question that appears on the ballot for approval or rejection. (2) A contest on a ballot where the voter may vote yes or no.

C	
Candidate	Person contending in a contest for office. A candidate may be explicitly presented as one of the choices on the ballot or may be a write-in candidate.
Canvass	Compilation of election returns and validation of the outcome that forms the basis of the official results by political subdivision.
Cast Ballot	Ballot that has been deposited by the voter in the ballot box or electronically submitted for tabulation.
Caucus	A closed meeting of a group of persons belonging to the same political party or faction usually to select candidates or to decide on policy.
Certificate of Election	A document prepared by the official or body with the legal authority to do so, conferring upon a candidate the right to assume an elective office as a result of being elected to it.
Certification Testing	Testing performed under either national or state certification processes to verify voting system conformance to requirements.
Challenged Ballot	Ballot provided to individuals who claim they are registered and eligible to vote but whose eligibility or registration status cannot be confirmed when they present themselves to vote. Once voted, such ballots must be kept separate from other ballots and are not included in the tabulation until after the voter's eligibility is confirmed.
Contest	Decision to be made within an election, which may be a contest for office or a referendum, proposition and/or question. A single ballot may contain one or more contests.
Counted Ballot	Ballot that has been processed and whose votes are included in the candidates and measures vote totals.
Curbside Voting	In any election or referendum, if any qualified voter is able to travel to the voting place, but because of age or physical disability and physical barriers encountered at the voting place is unable to enter the voting enclosure to vote in person without physical assistance, that voter shall be allowed to vote either in the vehicle conveying that voter or in the immediate proximity of the voting place.
Democracy	A government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.
Disability	

D	
Democracy	A government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.
Disability	With respect to an individual: (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) a record of such an impairment; (3) being regarded as having such an impairment (definition from the Americans with Disabilities Act).
Duly Nominated:	Someone's appointment

Option 1:Address discrepancies in election policy between the CIty Ordinances and Charter and iIncorporate plain language by conducting the following:

- Address differences identified in the Code and Charter by providing cross-walking topics not equally covered.
- Provide an addendum to the City Ordinance and Charter titled "elections glossary" that serves as a guide to election-related terms; and provide currently based examples to put them into current context.
- Periodically update the charter and ordinance with applied examples of how listed knowledge can be used to enhance their ability to vote timely and participate in the Rockville elections.
- Specific change to various Charter sub-sections per Table 1.1 above

Option 2: Leave the code language as is and do not address discriencies incorporating plain language.

Pro:

- Saves money and time.
- Exclusion of uninitiated, non-English speaking minority

Cons:

- Exclusion of uninitiated, non-English speaking minority
- Perpetuates unclear messaging to voters

References

1. https://www.nps.gov/subjects/tellingallamericansstories/upload/CivilRights_VotingRights.pdf).
2. https://www.justice.gov/crt/about-language-minority-voting-rights
3. *Why Should I Go Vote Without Understanding What I Am Going to Vote For?: The Impact of First Generation Voting Barriers on Alaska Natives*; Thomas, James, et al; 2017, https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1074&context=mjrl
4. *Voter Registration in Today's Democracy: Barriers & Opportunities*; Shah, Niyati, et al. https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-rights/-use-it-or-lose-it---the-problem-of-purges-from-the-registration/

Appendix E

Mayor and Council Working Group
Reference Materials

- **Attachment 1 - City of Rockville Demographic Analysis**

- **Attachment 2 - Compendium of Maryland Municipalities with Representative Districts and Relevant Charter or Municipal Code Language**

Attachment 1

City of Rockville Demographic Analysis

Rockville Demographics

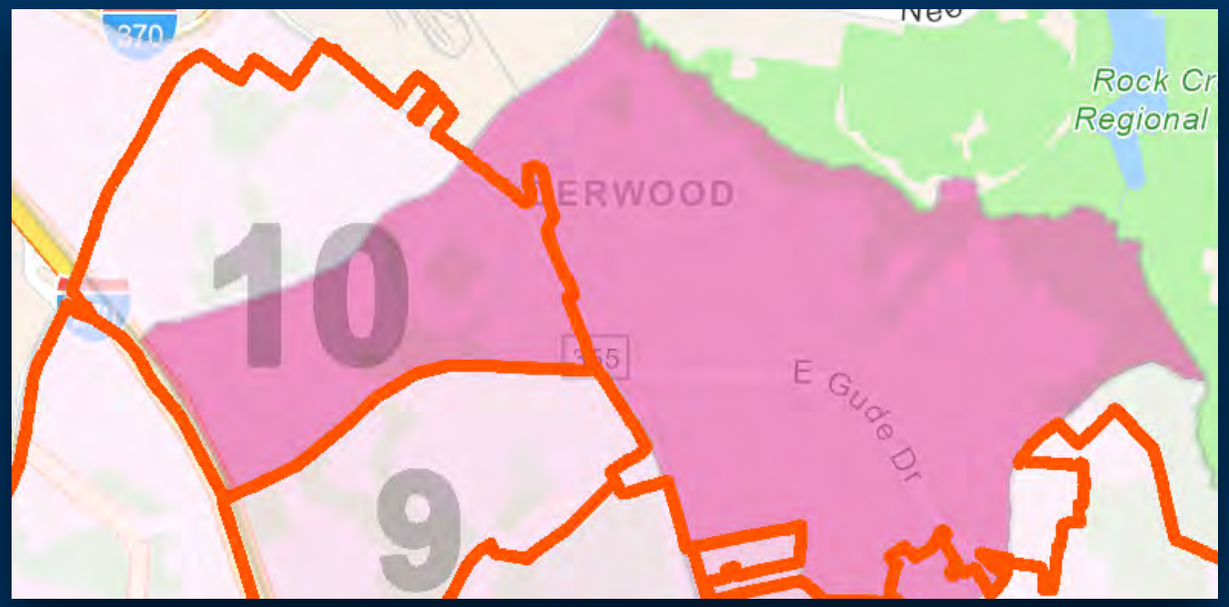
An Analysis of City Demographics Through Municipal Election District Boundaries

Marissa Valeri, Commissioner, City of Rockville Charter Review Commission
June 28, 2022

U.S. Census Tracts

Important Note:

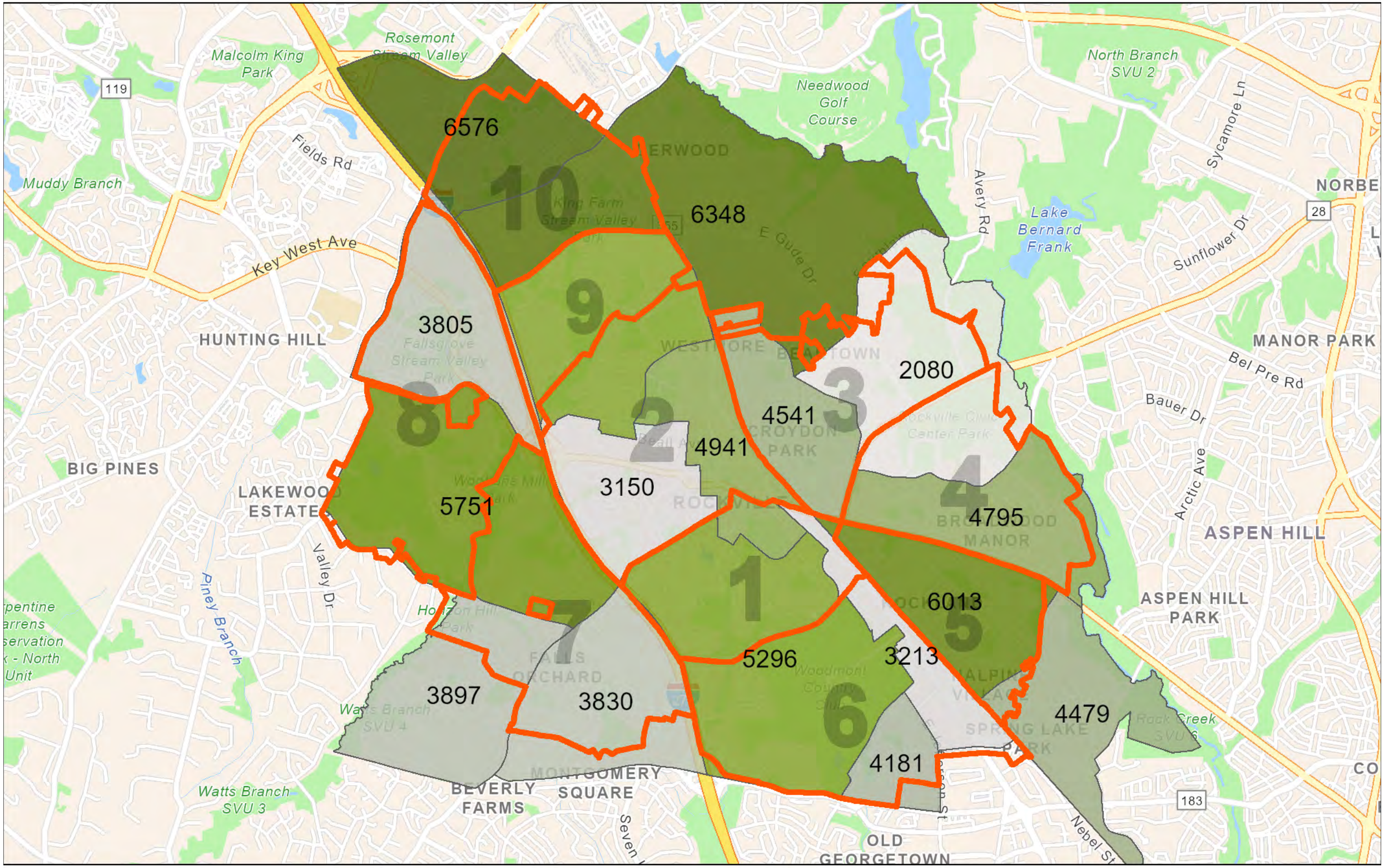
Several Census tracts straddle both inside the City of Rockville and outside the City of Rockville boundaries.



Most notably, this skews the demographics of Municipal Election District 10 as the community to the east of the City boundary in Census Tract 7012.11 includes a large immigrant community and affordable housing.

In the following slides, please refer to the data results of the northern part of District 10 as the accurate analysis.

Total Population of the City of Rockville



6/28/2022

Population

6,576

2,080

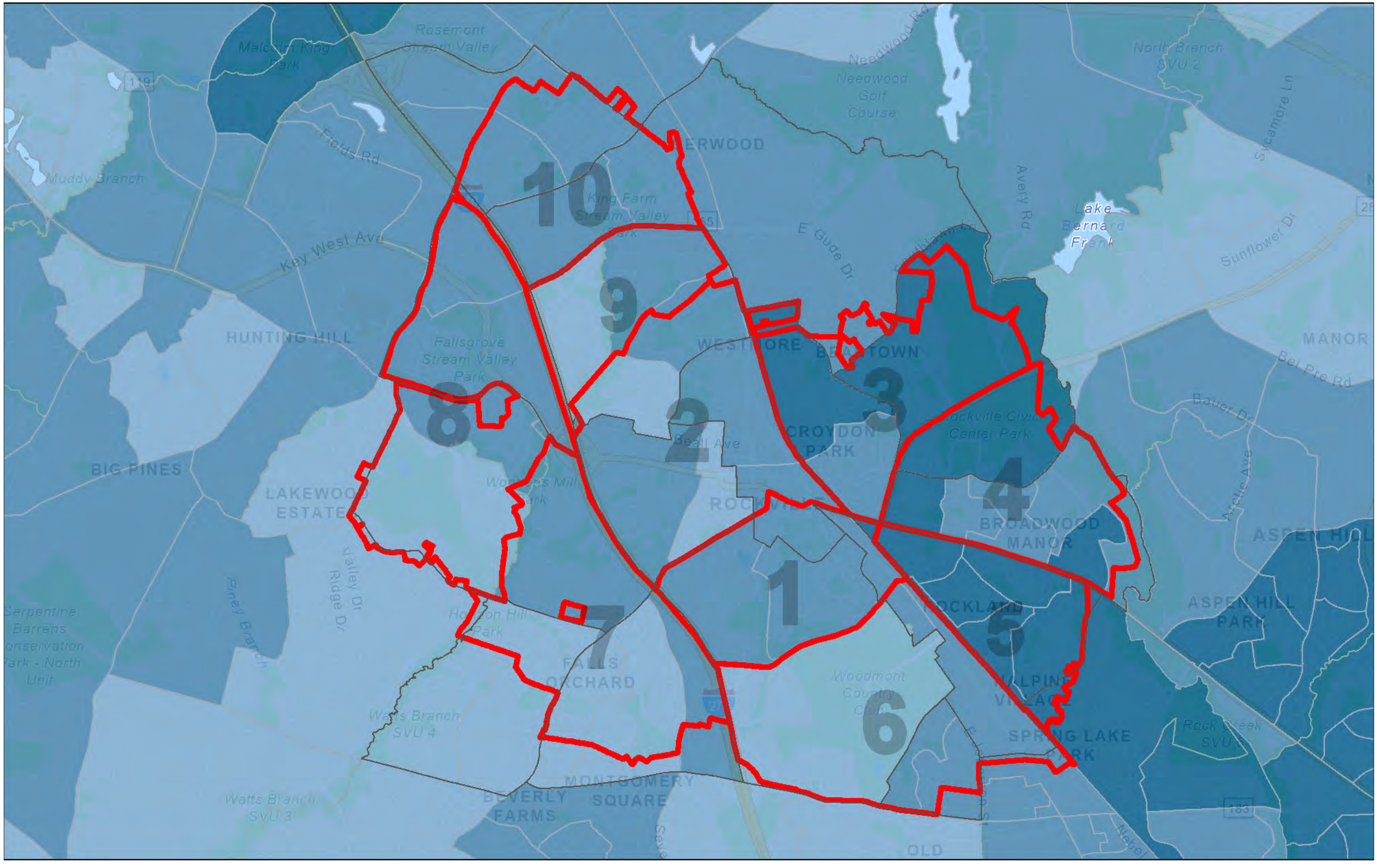
1:72,224

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

2020 USA Diversity Index

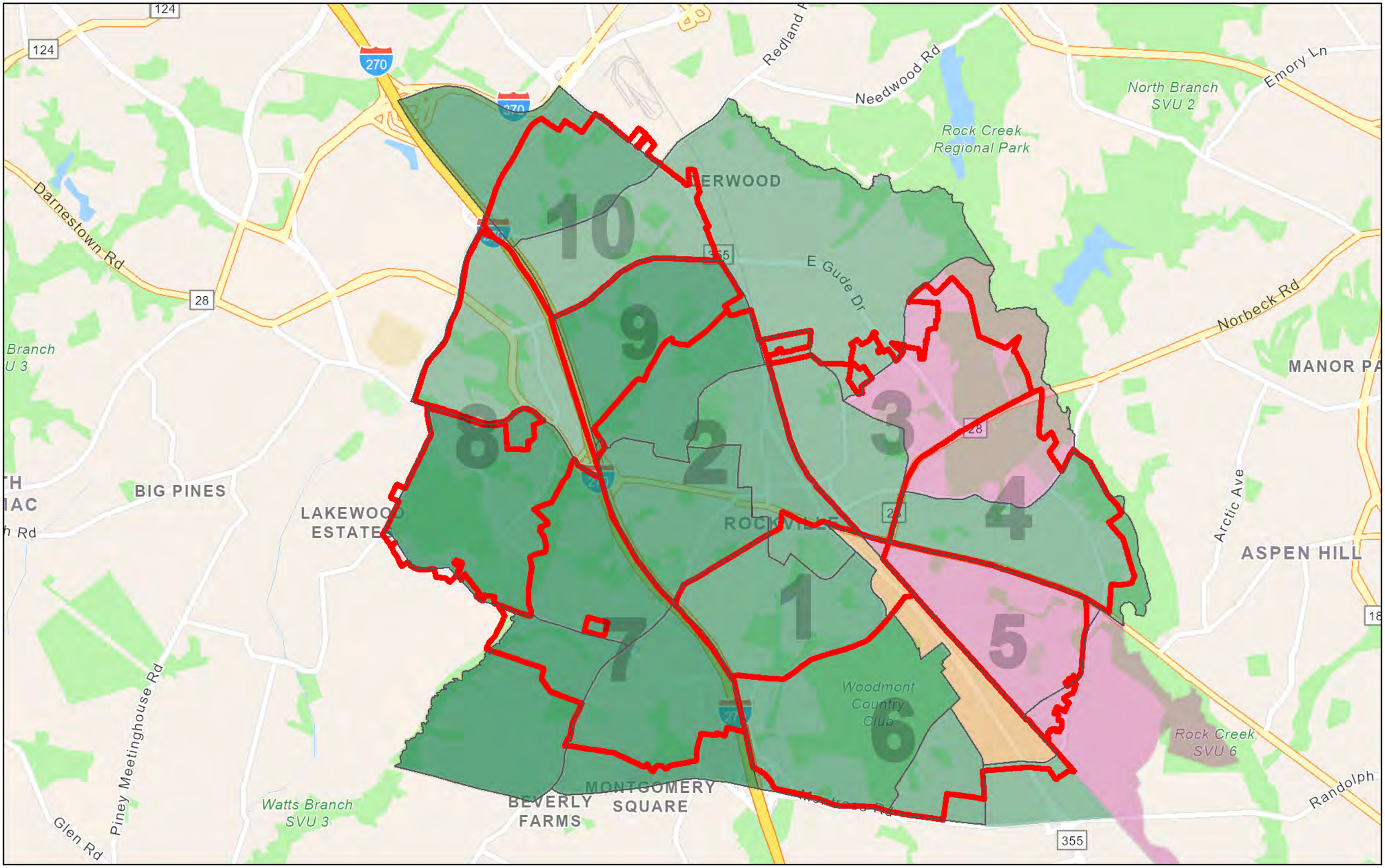


The diversity index measures the probability that any two residents, chosen at random, would be of different ethnicities.

Lighter Blue = Less Diverse Darker Blue = More Diverse

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Dominant Race by Census Tract



6/28/2022

ACS Race and Hispanic Origin Variables - Boundaries

White alone, Not Hispanic or Latino

Hispanic or Latino

Asian

0 - 15

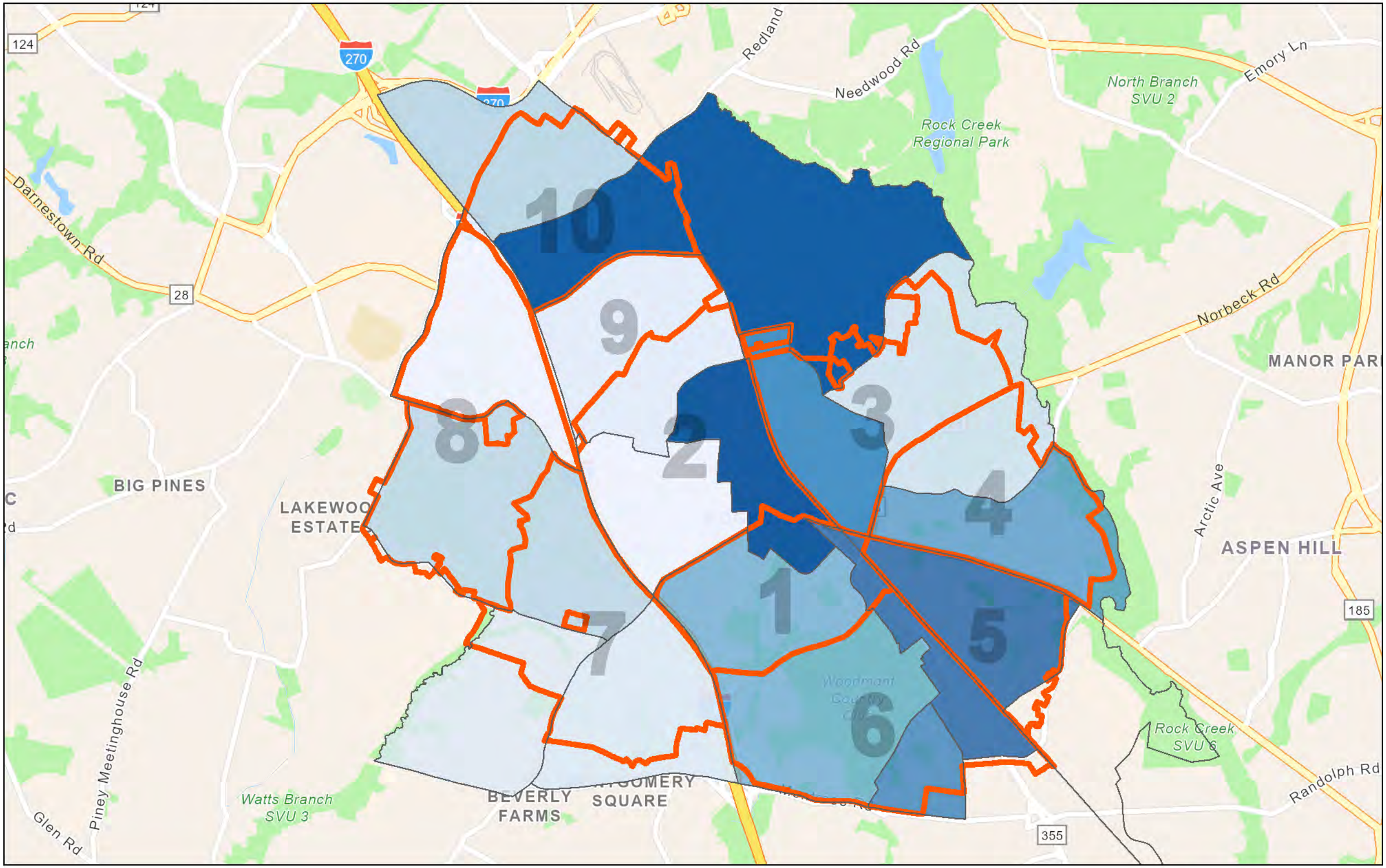
1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Population 18 Years and Older With Limited English Proficiency



6/28/2022

ACS English Ability and Linguistic Isolation Variables - Boundaries - Tract

683

46

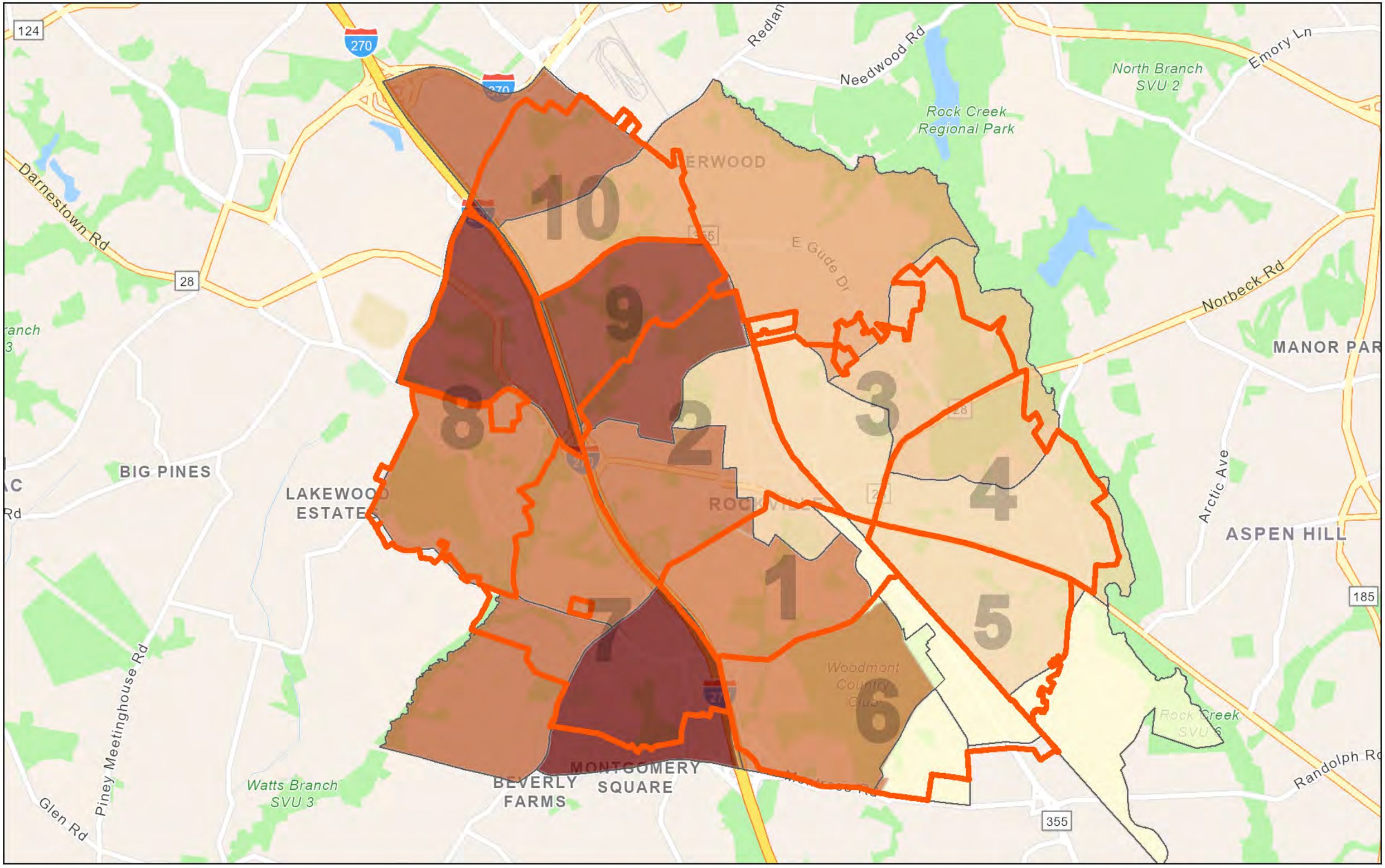
1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

% of Population Who Only Speak English at Home



6/28/2022

2010-2014 ACS Language Spoken at Home Variables - Boundaries - Tract

75.8

25.9

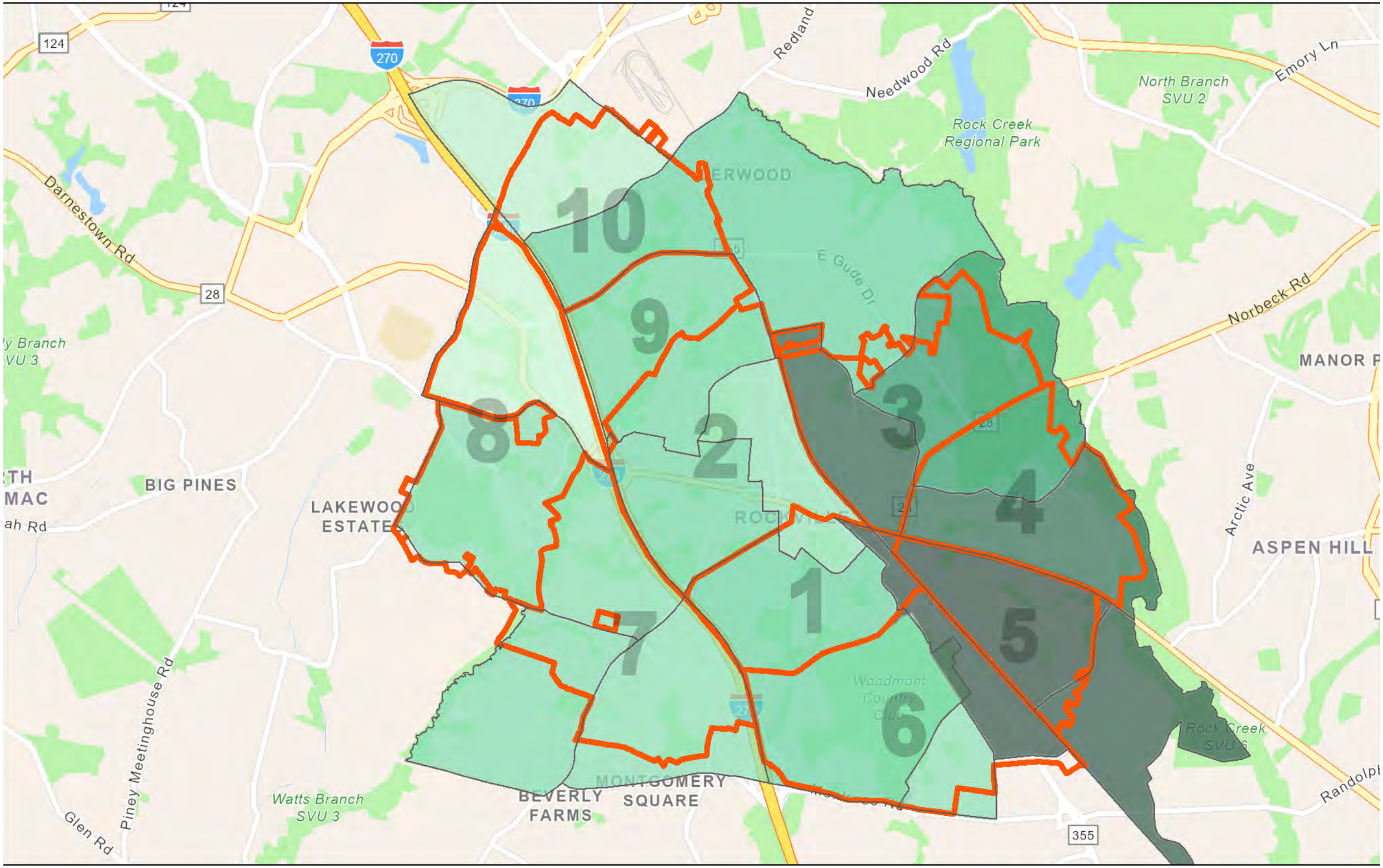
1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

% of Population Who Speaks Spanish at Home



6/28/2022

2010-2014 ACS Language Spoken at Home Variables - Boundaries - Tract

32.4

2.3

1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

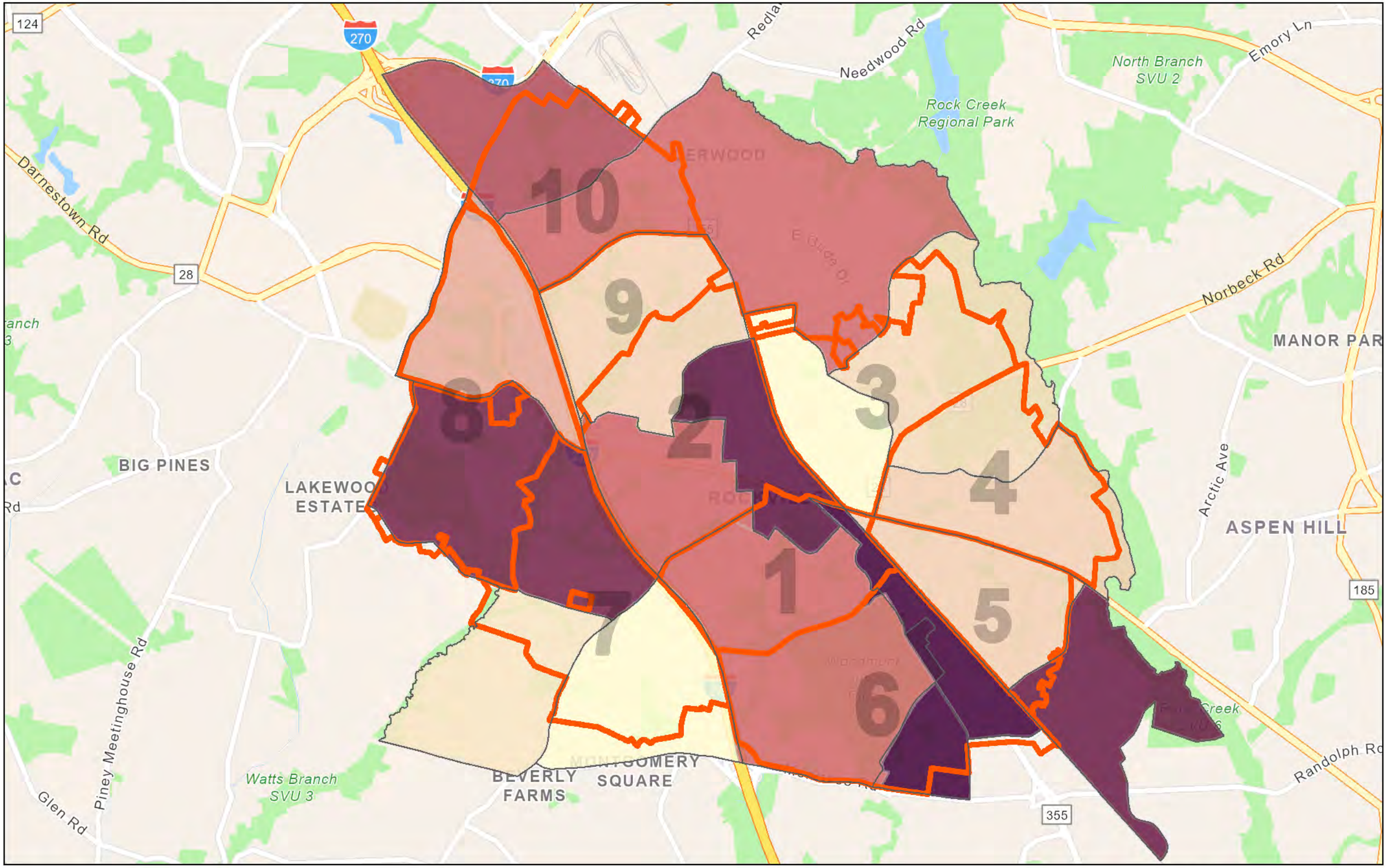
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Asian and Pacific Islander Languages as Defined by the U.S. Census

Examples include:

- Chinese (incl. Mandarin, Cantonese)
- Korean
- Tagalog (incl. Filipino)
- Hmong
- Vietnamese
- Khmer
- Thai
- Lao
- Japanese
- Indonesian
- Burmese
- Tibetan
- Turkish
- Ilocano
- Samoan
- Hawaiian
- Cebuano (Bisayan)
- Iloko (Ilocano)
- Samoan

% of Population Who Speak an Asian and Pacific Islander Language at Home



6/28/2022

2010-2014 ACS Language Spoken at Home Variables - Boundaries - Tract

25.1

7.7

1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

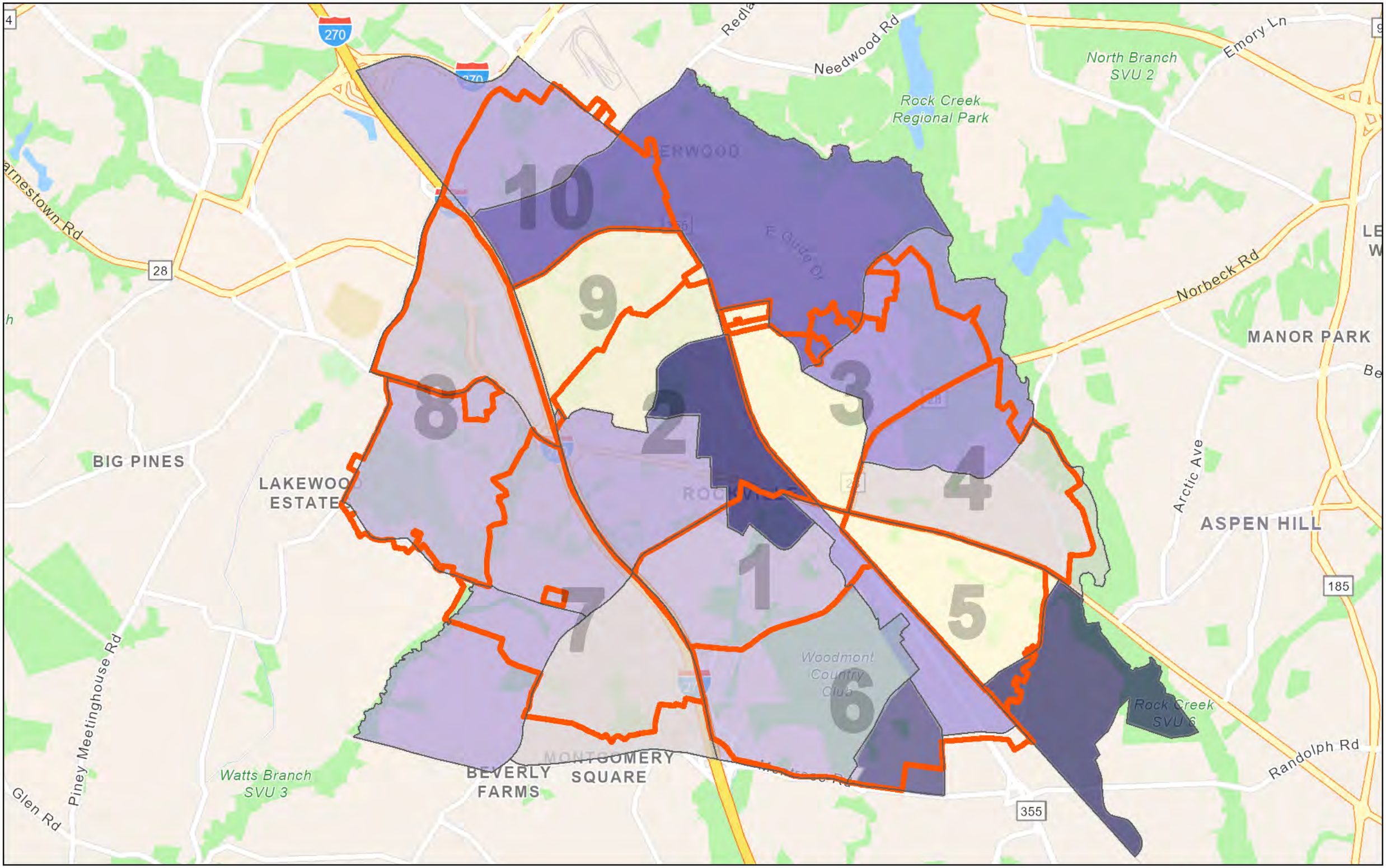
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Indo European Languages as Defined by the U.S. Census

Examples include:

- French (incl. Cajun)
- Haitian Creole
- Italian
- Portuguese
- German
- Yiddish
- Pennsylvania Dutch
- Greek
- Russian
- Polish
- Serbo-Croatian
- Ukrainian
- Armenian
- Persian (incl. Farsi, Dari)
- Gujarati
- Hindi
- Urdu
- Punjabi
- Bengali
- Nepali
- Marathi
- Telugu
- Tamil
- Malayalam
- Kannada
- Albanian
- Lithuanian
- Pashto
- Romanian
- Swedish

% of Population Who Speaks Another Indo-European Language at Home



6/28/2022

2010-2014 ACS Language Spoken at Home Variables - Boundaries - Tract

23.5

5.3

1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

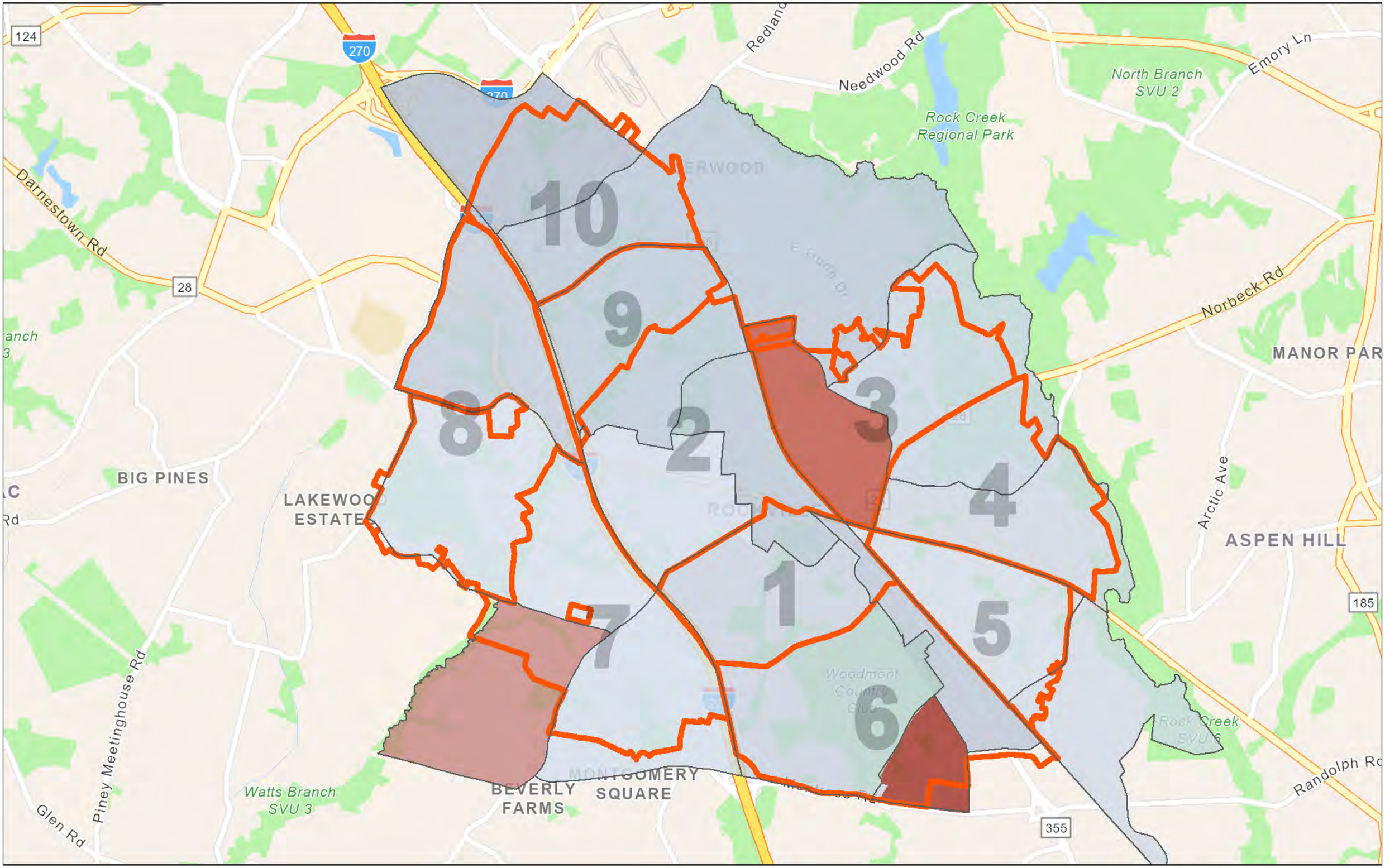
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Other Languages as Defined by the U.S. Census

Examples include:

- Arabic
- Hebrew
- Amharic
- Somali
- Yoruba
- Twi
- Igbo
- Swahili
- Bantu languages
- Lingala
- Hungarian
- Jamaican Creole English
- Navajo
- Apache languages
- Cherokee
- Dakota languages
- Tohono O’odham
- Unspecified

% of Population Who Speak Other Languages at Home



6/28/2022

2010-2014 ACS Language Spoken at Home Variables - Boundaries - Tract

9.5

0

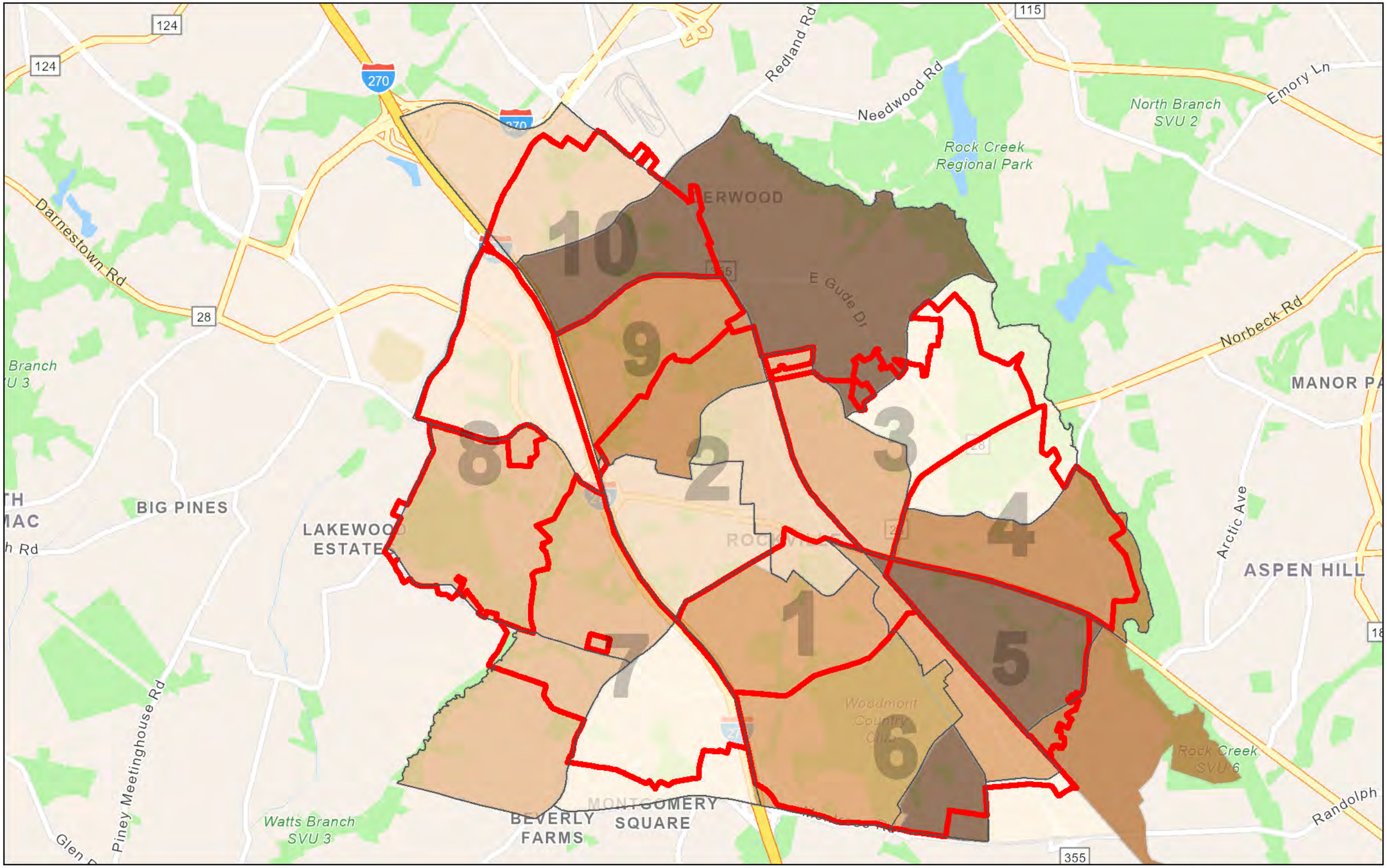
1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Children in Immigrant Families



6/28/2022

2010-2014 ACS Children in Immigrant Families Variables - Boundaries

1,008

149

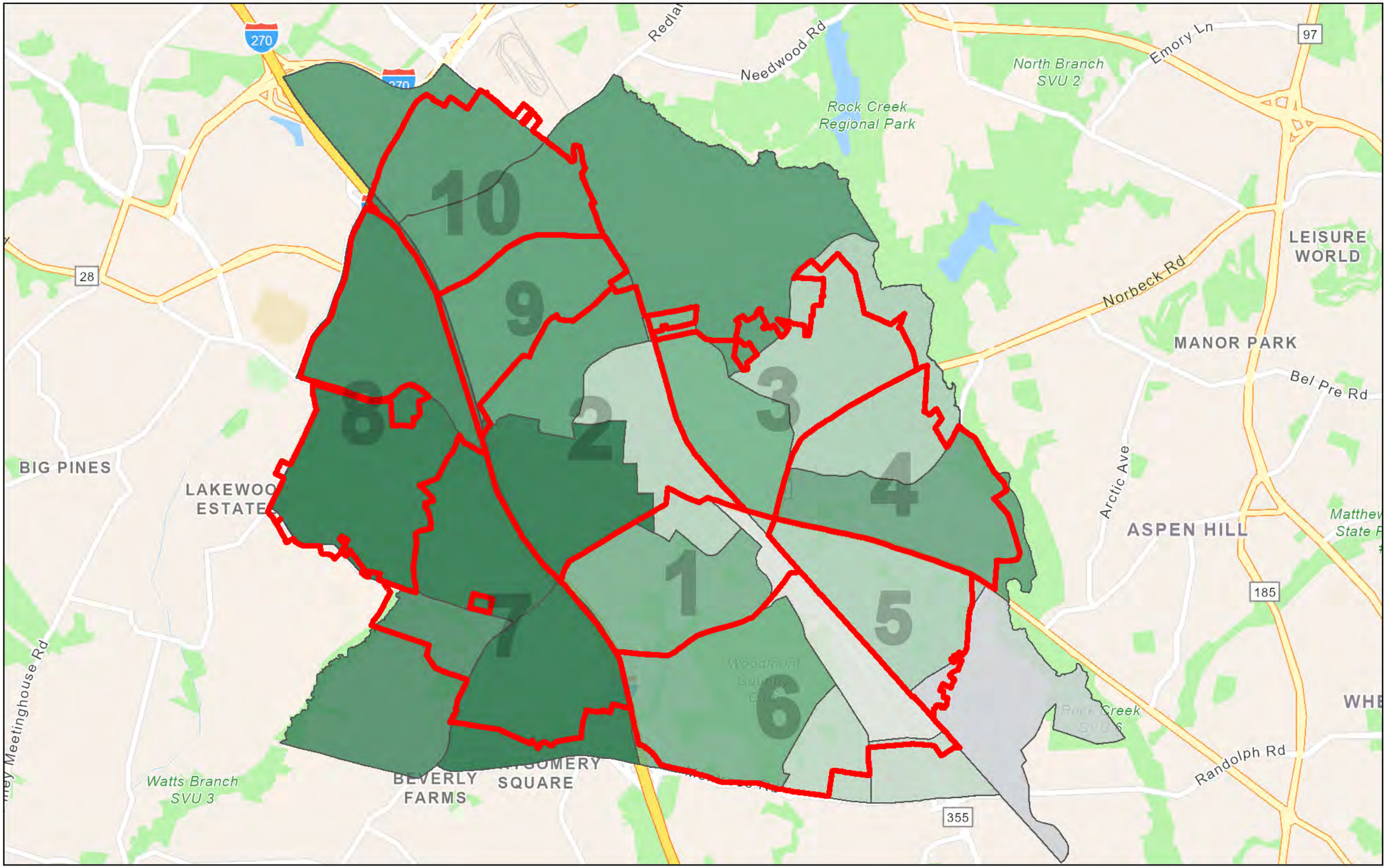
1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Median Household Income



6/28/2022

2010-2014 ACS Median Household Income Variables - Boundaries

250,001

2,499

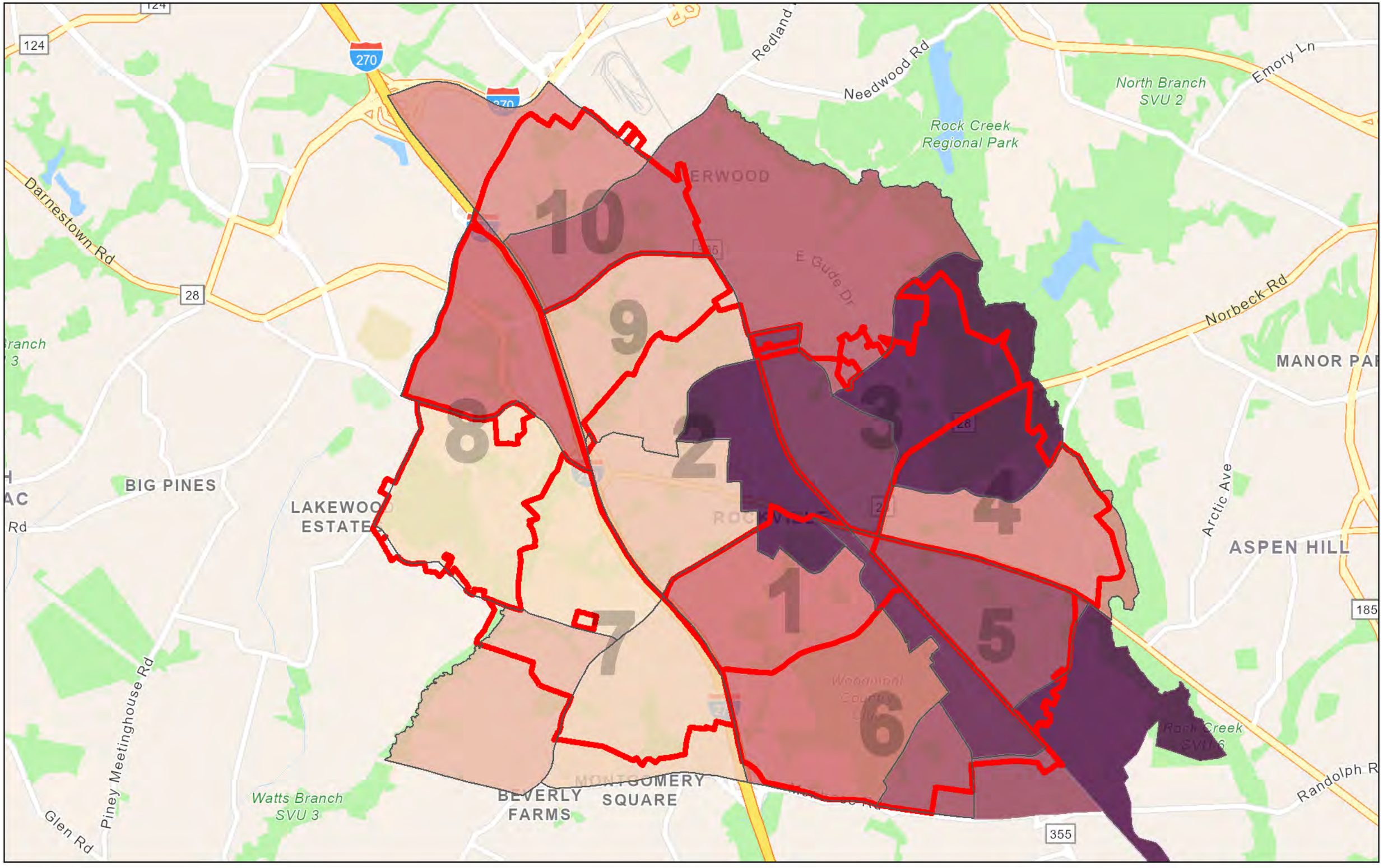
1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

% of Population Living Under the Poverty Level



6/29/2022

ACS Poverty Status Variables - Census Tract Boundaries

100

0

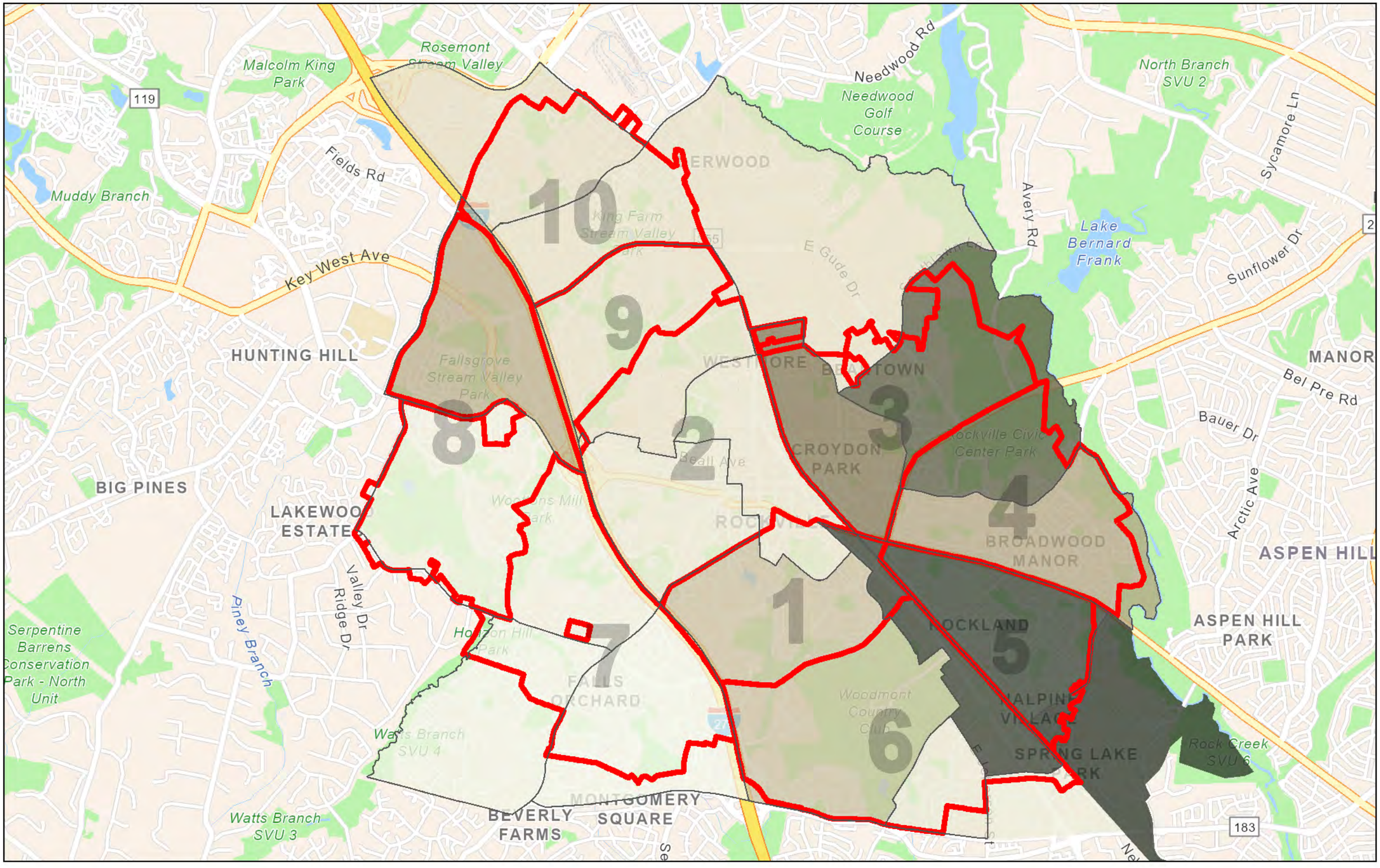
1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

% of Population with No Health Insurance Coverage



6/29/2022

ACS Health Insurance Coverage Variables - Tracts

100

0

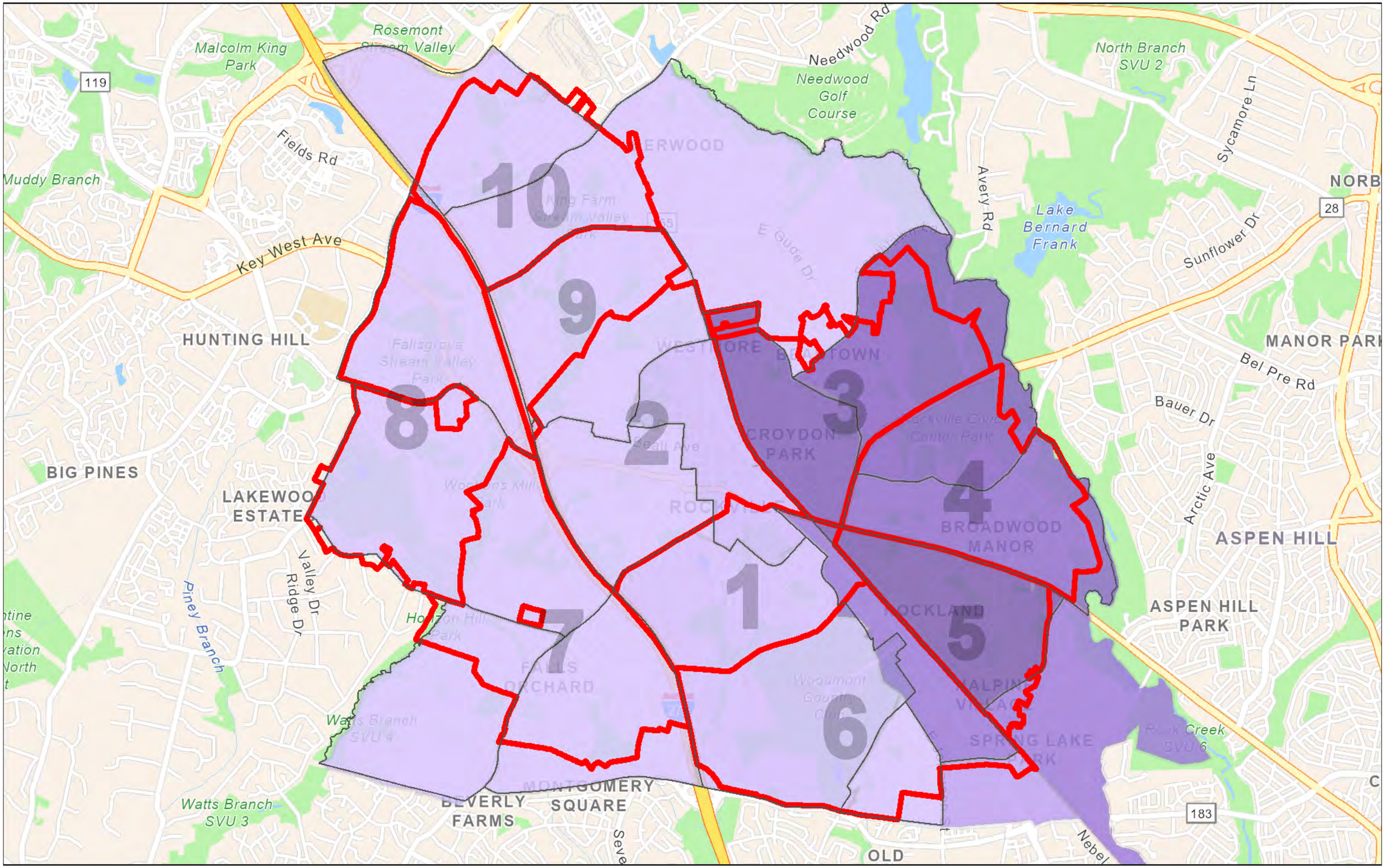
1:70,298

0 0.45 0.9 1.8 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CDC % of Population in Fair or Poor Health



6/30/2022

Tracts

59.4

4.2

1:70,298

0 0.45 0.9 1.8 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

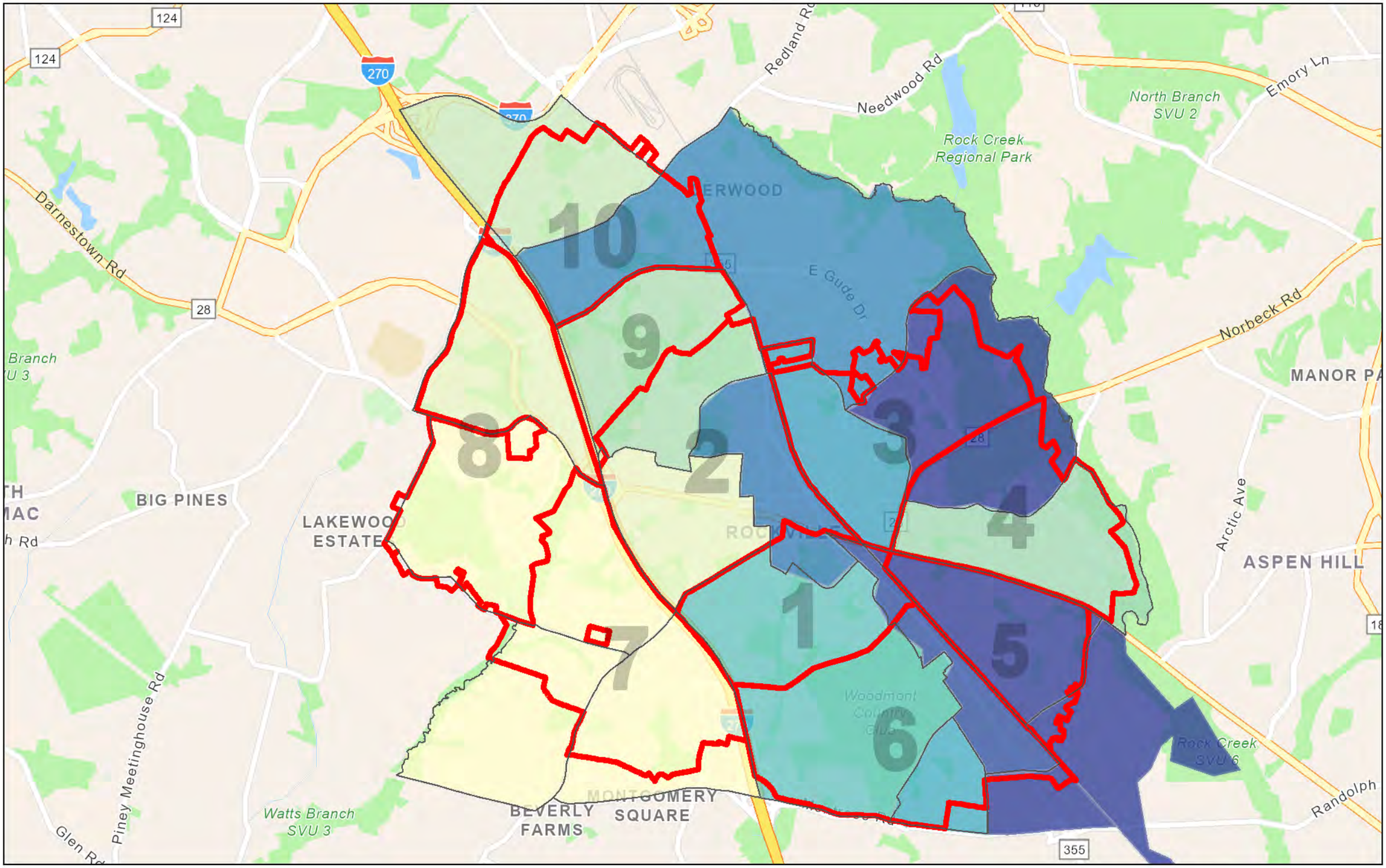
CDC/ATSDR Social Vulnerability Index

Social vulnerability refers to the potential negative effects on communities caused by external stresses on human health. Such stresses include natural or human-caused disasters, or disease outbreaks.

The CDC/ATSDR Social Vulnerability Index (CDC/ATSDR SVI) uses 15 U.S. census variables to help local officials identify communities that may need support before, during, or after disasters.

A percentile ranking represents the proportion of tracts that are equal to or lower than a tract in terms of social vulnerability. For example, a CDC/ATSDR SVI ranking of 0.85 signifies that 85% of tracts in the state or nation are less vulnerable than the tract and that 15% of tracts in the state or nation are more vulnerable.

CDC Social Vulnerability Index



6/30/2022

CDC Social Vulnerability Index 2018 - USA

0.7498

0.049

1:74,150

0 0.5 1 2 mi

0 0.75 1.5 3 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Centers for Disease Control and Prevention/ Agency for Toxic Substances and Disease Registry/ Geospatial Research, Analysis, and Services Program. CDC/ATSDR Social Vulnerability Index 2018 Database Maryland. https://www.atsdr.cdc.gov/placeandhealth/svi/data_documentation_download.html. Accessed on June 29, 2022.

Attribution for Maps

Esri Inc. (2022). ArcGIS Online (2022). Esri Inc. https://www.esri.com/en-us/arcgis/products/arcgis-online/overview.

Attachment 2. Compendium of Maryland Municipalities with Representative Districts and Relevant Charter or Municipal Code Language

Annapolis
State Capital of Maryland, County Seat of Anne Arundel County

Aldermen: 8 from 8 districts
Population: 38,620

> Sec.1 - Wards[1]
>
> The city shall be divided by ordinance into eight (8) wards of approximately equal population. One (1) or more additional wards of the city may be established by ordinance if additional territory is annexed to the city as provided in Article III, Section 4 of this Charter.

Bowie
Prince George's County, Maryland

Councilmembers: 6 total - 4 from 4 districts and 2 at-large seats
Population: 56,000

> Each Councilmember shall be a resident of the council district, which the candidate seeks to represent at the time of filing for candidacy and during the full term of office. (Sec. 4 amended by CAR-01-03, effective 2/5/04).[2]

> Sec. 22. Election districts.[3]
>
> A. For City purposes, the City of Bowie is divided into four (4) council election districts, substantially equal in population. The Council shall establish, by ordinance, the geographical area of the council districts.

[1] https://library.municode.com/md/annapolis/codes/code_of_ordinances?nodeId=THCH_ARTIIELMAALAL_S1WA
[2] https://www.cityofbowie.org/DocumentCenter/View/95/Charter?bidId=
[3] https://www.cityofbowie.org/DocumentCenter/View/95/Charter?bidId=

B. The Council shall reevaluate and reestablish the boundaries of the council districts, if necessary, to achieve substantial equality of population as soon as practicable following the publication of each decennial census of the population of the United States.

C. Any ordinance enacted by the City of Bowie for purposes of establishing the council districts shall be effective forty-five (45) calendar days after enactment unless the ordinance is petitioned to referendum pursuant to paragraph D.

D. Any ordinance enacted pursuant to this section shall be subject to referendum provided that a proper petition signed by twenty percent (20% of the registered voters within the City is filed with the City Clerk within thirty (30) calendar days of the ordinance's date of adoption.

E. If a proper referendum petition is filed, the City Council, by resolution, shall set the time and date for submission of the ordinance to City voters. The referendum shall be conducted by the City's Board of Elections in the same manner, as far as practicable, as regular city elections.

F. The Council shall assign any geographical area annexed into the corporate limits of the City of Bowie to the appropriate Council district. (Sec. 22 amended by CAR-2-01, adopted 12/3/01, effective 1/22/02).

College Park
Prince George's County

Councilmembers: 8 total from 4 districts
Population: 30,413

§ C2-2 Districts[4]

A. By enactment of an ordinance the City of College Park shall apportion itself into four council districts. The City shall review its council districts not less than once every 10 years as soon as feasible after the decennial federal census figures are published. There shall be two Council members elected from each district. The qualified voters in each of the districts shall be entitled to vote for two candidates.

B. As used in this section, the following terms shall have the following meaning:

[4] https://ecode360.com/12157705#12157705

ACTUAL VOTERS

Actual voters consist of those College Park residents registered to vote as of February 1 of the year that reapportionment occurs who have voted in either:

(1) The immediately preceding statewide election; or

(2) The immediately preceding citywide election.

CRITERION

The criterion is the sum of population and actual voters.

POPULATION

Population consists of the residents of College Park counted in the most recent decennial census preceding the redistricting.

(1) In addition, if the City has objective evidence about their numbers, the City may at its discretion include:

(a) Residents who were erroneously omitted from the census count;

(b) Residents of structures that have been built since the census count;

(c) Residents of properties annexed into the City after the completion of the most recent census.

(2) In addition, if the City has objective evidence upon which to rely, the City may at its discretion adjust a census block count when that count exceeds the actual population in the block.

C. The reapportionment of districts shall ensure that the criterion in each district is substantially equal to the criterion in every other district.

D. When reapportioning the districts, the City shall also consider commonality of local economic and social interests, preservation of the cores of prior districts, geographic compactness of the districts, and respect for neighborhoods. If a commission is appointed to participate in any reapportionment, at least one member thereof shall be designated by the University of Maryland Student Government Association.

Hyattsville

Prince George's County, Maryland

Councilmembers: 10 total from 5 districts

Population: 18,000

§ C4-16 Division of City; ward descriptions.[5]

The City shall be divided into five (5) wards[.]

La Plata
County Seat of Charles County, Maryland

Councilmembers: 4 total from 4 districts
Population: 10,159

§ C3-2. - Qualifications of Councilmen.[6]

[...] A candidate for Councilman shall reside in the ward from which he seeks to be elected at the times of nomination and election. A Councilman shall reside in the ward from which he is elected continuously during his term of office. Removal of residency from a ward disqualifies a person from seeking or holding the office of Councilman from that ward. A person appointed to fill a vacancy in the office of Councilman shall fulfill the same qualifications as a person elected to that position.

17-16 - Division into wards; selection of Council members[7].

The town shall be divided into four (4) councilmanic wards. On the first Tuesday in May in every odd year, the qualified voters of the town shall elect Councilmen as provided by § C7-13 of the Town Charter.

17-17 - Duties of Board of Supervisors of Elections.[8]

Not later than the first day of February in every odd year, the Board of Supervisors of Elections shall study the councilmanic wards and recommend such ward boundary redistricting as it deems necessary to the Town Council.

The Town Council shall designate, by ordinance, the boundaries of the wards, each of which shall be compact, contiguous and of substantially equal population.

[5] https://ecode360.com/36856291?highlight=ward,wards&searchId=16255514615246828#36856291
[6] https://library.municode.com/md/la_plata/codes/code_of_ordinances?nodeId=CHTR_ARTIIICO_SC3-2QUCOA11-13-1990CARENO90-2
[7] https://library.municode.com/md/la_plata/codes/code_of_ordinances?nodeId=CH17EL_ARIICOWAA3-10-81ORNO80-8_17-16DIINWASECOMEA11-13-1990ORNO90-13
[8] https://library.municode.com/md/la_plata/codes/code_of_ordinances?nodeId=CH17EL_ARIICOWAA3-10-81ORNO80-8_17-17DUBOSUEL

7-18 - Designation of boundaries.[9]

The Town Council shall designate, by ordinance, the boundaries of the wards, each of which shall be compact, contiguous and of substantially equal population.

Laurel
Prince George's County, Maryland

Councilmembers: 5 total - 4 from 2 districts and 1 at-large council member
Population: 30,060

Sec. 602. - Election of mayor and councilmembers.

(b) [...] Of the five (5) councilmembers, there shall be two (2) councilmembers elected from each of the two (2) wards, and one (1) councilmember who shall be elected from the City as an at-large member of the City Council. Other than the councilmember elected to the office of at-large councilmember, councilmembers seeking office in either of the two (2) wards shall at all times be domiciled in and a resident of the respective ward for which the councilmember shall seek or hold office. All registered voters may cast votes for the offices of Mayor and councilmember at-large. Only registered voters residing in one (1) of the two (2) wards may vote for candidates seeking the office of councilmember for the ward in which the voter resides.

Sec. 603. - Ward boundaries.[10]

(b) The city council shall, not less than once after the publication of each decennial census of the population of the United States, evaluate the wards of the city to ensure that the representation is reasonably equal, and shall have the power to change boundaries thereof. The effective date of any change of boundaries shall be determined by the city council.

Mount Rainier
Prince George's County, Maryland

Councilmembers: 4 total from 2 districts
Population: 8,080

[9] https://library.municode.com/md/la_plata/codes/code_of_ordinances?nodeId=CH17EL_ARIICOWAA3-10-81ORNO80-8_17-18DEBO
[10] https://library.municode.com/md/laurel/codes/code_of_ordinances?nodeId=CH_ART600REEL_S603WABO

Section 301. - Composition of Council and Term of Office.[11]

> B. A ward system shall be utilized within the City to elect four Councilmembers. Two Councilmembers shall be elected from each ward. The Mayor shall be elected at-large.

Section 506. - Establishment of Wards and Ward Boundaries.[12]

A. Two Council wards are hereby established within the City.[...]
B. The boundaries of the two wards shall be reviewed and adjusted as necessary after each census in accordance with any applicable State and Federal laws. The Council may review and adjust the ward boundaries on a more frequent basis if deemed necessary.
C. In addition to the decennial review of ward boundaries required by this section, the Mayor and Council shall review the boundaries of the wards after each annexation and may adjust the boundaries if it is deemed necessary by the Mayor and Council.

Pocomoke City
Worcester County, Maryland

Councilmembers: 5 total from 5 districts
Population: 4,295

§ C-35 Election of Mayor and Councilmembers.[13]

B. The City shall be divided by law into five (5) legislative districts for the election of members of the City Council. Each legislative district shall contain one Councilmember who shall be elected by the registered voters of that legislative district only. The terms of Council members elected after 2021 will be 4 years.

> (1) Each legislative district shall consist of adjoining territory, be relatively compact in form, and include substantially the same population as other districts. Due regard shall be given to all constitutional standards in creating the legislative districts.

[11] https://library.municode.com/md/mount_rainier/codes/code_of_ordinances?nodeId=CHTR_THECIMORA_ARTIIIORMACO_S301COCOTEOF
[12] https://library.municode.com/md/mount_rainier/codes/code_of_ordinances?nodeId=CHTR_THECIMORA_ARTVRENOELPR_S506ESWAWABO
[13] https://ecode360.com/33625854#33625854

(2) From time to time as based on the latest U.S. Census Bureau data and after public hearing, the Council may reestablish boundaries of the legislative districts for elections of the members of the Council.

Princess Anne
County Seat of Somerset County, Maryland

Commissioners: 5 total - 4 from 2 districts and 1 at-large council member
Population: 3,513

Section 305 Election of Commissioners.[14]

A. Creation of district. There shall be two districts created within the Town of Princess Anne each of which shall be entitled to elect two Commissioners to the Town Commission.
B. At-large candidate. In addition to the four Commissioners elected from the two districts, a fifth Commissioner shall be elected at large.

Riverdale Park
Prince George's County, Maryland

Councilmembers: 6 total from 6 districts
Population: 7,351

§ 501: Qualifications of Voters[15]

(b) The Town of Riverdale Park shall be divided into six (6) wards for municipal voting purposes. The ward boundaries shall be established by ordinance and shall be reviewed in the fall of the year following the decennial year in which the federal census is taken to ensure substantial equality of representation as nearly as practicable. The boundary descriptions of the wards shall be filed at all times in the town office for public inspection.

Salisbury
County Seat of Wicomico County, Maryland

[14] https://ecode360.com/14917469#14917469
[15] https://files4.1.revize.com/riverdalemd/Town%20Charter%20Chapter%20V.pdf

Councilmembers: 5 total from 5 districts
Population: 33,050

§ SC1-20. - Districts.[16]

The City shall be divided into District 1, District 2, District 3, District 4, and District 5 for electing the members of the City Council. The voters in each District shall nominate and elect one (1) Councilmember on the first Tuesday of November, beginning on the first Tuesday of November 2015.
[...]
The boundaries of each District thereafter shall be fixed by the Council from time to time by ordinance and a description of the District boundaries shall be on file in the City offices, reasonably available for public inspection during normal business hours.

§ SC6-9. - Election of Mayor and Council. [17] (Implementation language for the addition of districts)

On the first Tuesday of April 2011, the registered voters elected three (3) Councilmembers from District 2, whose terms shall run until the general election of November 2015. Thereafter, the registered voters shall elect their successors on the first Tuesday of November, and they shall each serve for a term of four (4) years.

On the first Tuesday of April 2013, the registered voters shall elect a Mayor and two (2) Councilmembers, one (1) from District 1 and one (1) from District 2, whose terms shall run until the first Tuesday of November 2015. Thereafter, the registered voters shall elect their successors on the first Tuesday of November, and they shall each serve for a term of four (4) years.

Takoma Park
Montgomery County, Maryland

Councilmembers: 6 total from 6 districts
Population: 17,629

Section 301 Number, Selection, Term, Wards[18]

[16] https://library.municode.com/md/salisbury/codes/municipal_code?nodeId=SACH_ARTIINGEGO_SSC1-20DI
[17] https://library.municode.com/md/salisbury/codes/municipal_code?nodeId=SACH_ARTVIEL_SSC6-9ELMACO
[18] https://www.codepublishing.com/MD/TakomaPark/#!/TakomaParkCH/TakomaParkCH03.html#CH_301

(a) All legislative powers of the City are vested in a body designated as the Council of the City of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward and are called Councilmembers, and one (1) is elected at large and is called the Mayor. [...]

(c) The City of Takoma Park shall be divided into six (6) wards for municipal voting purposes. Each ward shall be compact in form, composed of adjoining territory, and have substantially equal population. The ward boundaries shall be established by ordinance and shall be reviewed after each decennial census. The boundary descriptions of the six (6) wards shall be kept on file for public view at all times in the office of the City Clerk.

Appendix F

Board of Supervisors of Elections (BSE) Working Group Report

- Attachment 1
    1. Legislative Authorities
    2. Analysis of BSE Member Appointments and Terms
    3. Analysis of BSE Experience Available to Support Elections – Theoretical versus Actual Experience
    4. Detail of Actual BSE Member Experience Available to Support Elections
    5. Comparing Characteristics of Maryland Jurisdictions
    6. Summary Analysis of BSE Member Appointments by Type of Appointment and Mayor
    7. Compliance of BSE Member terms with Charter Requirements – Details
    8. Compliance of BSE Terms with Charter Requirements Summary Results
    9. BSE Member Experience by End of Term

10. Detail Analysis of Actual BSE Member Appointments by Type of Appointment
11. Summary of BSE Activities

- Attachment 2 – Analysis of Responses to Interview Questions

- Attachment 3 – Analysis: Legal Perspective on Rockville Board of Supervisors of Elections

Appendix F: Board of Supervisors of Elections (BSE)

The BSE Working Group

The Charter Review Commission created the BSE Working Group to examine four election related topics and to develop issue papers for the full Commission to consider in developing its recommendations to the Mayor and Council. The Commission approved the appointment of Jack Kelly, John Becker, and Sally Kram to the BSE Working Group, with Robert Kurnick joining as an ex-officio advisor. The Working Group drafted issue papers on the four topics below:

- Issue J – Increasing the number of members of the Board of Supervisors of Elections
- Issue K – Lengthening the terms for members of the Board of Supervisors of Elections.
- Issue L – The appointment process for the members of the Board of Supervisors of Elections.
- Issue M – The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings with the Mayor and Council and timely responding to information requests.

The questions considered by the Working Group were:

- Issue J – How many members should be appointed to the Board of Supervisors of Elections (BSE) and should the BSE include alternate members?
- Issue K – Should the terms of members of the Board of Supervisors of Elections (BSE) be lengthened?
- Issue L – Should the Charter be changed regarding how new BSE members are appointed, existing BSE members are reappointed, and BSE vacancies are filled?
- Issue M – Should the Charter or City Code be amended to require the Board of Supervisors of Elections (BSE) to meet with the Mayor and Council whenever summoned, or to provide information to them whenever requested?

The Working Group's recommendations on these issues are:

- Issue J – The BSE Working Group recommends increasing the number of BSE members to seven (Option 3).
- Issue K – The BSE Working Group recommends retaining BSE terms at four years (Option 1).
- Issue L – The BSE Working Group recommends modifying the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Council. (Option 2).
- Issue M – The BSE Working Group recommends against adding language to the Charter or City Code that would require the BSE to meet with the Mayor and Council or respond to requests for information. (Option 1)

Methodology

To support its work, the BSE Working Group first reviewed the sections of the Charter and the City Code that affected the BSE. A copy of the 1954 Charter was not available, but the Resolutions that amended the Charter and impacted the BSE were. Table 1 summarizes those Resolutions and is the first of several numbered tables in Attachment 1 that support specific findings. The Working Group then reviewed Mayor and Council meeting agendas and minutes going back to 1987 as well as various other publicly available data sources. Table 2 shows the detailed results of this review. The BSE Working Group also contributed questions to the interviews and surveys distributed by the Commission to various individuals and groups as well as topics to be raised at a Town Hall meeting. Responses to these questions informed the Working Group's issue papers and are presented in Attachment 2.

Discussion

The 2020 Presidential Election was a wake-up call about the potential fragility of democracy in the United States and the critical role of state and local election officials in safeguarding that democracy. At the municipal level in Maryland, particularly in Rockville, municipal elections are conducted by a Board of Supervisors of Elections. To achieve and maintain the credibility of Rockville's elections, it is imperative that Rockville's Board of Supervisors of Elections be formed from competent, dedicated people familiar with Rockville's Election Code who reflect the diversity of the City's population with respect to age, gender, race, ethnicity, and geography. The Board must be able to be independent from political influence and its operations to maintain its credibility. Attachment 3 provides a legal perspective on Rockville's Board of Supervisors of Elections within the context of the election laws of the State of Maryland and of Montgomery County.

The Board of Supervisors of Elections (BSE) differs from most Rockville boards and commissions in several important ways.

- Its responsibilities are largely administrative, not simply advisory.
- It develops and oversees many processes that support Rockville's municipal elections, including:
    - designing and revising forms used to submit candidate nominations and financial reports,
    - selecting and training election judges,
    - overseeing the elections themselves,
    - reporting and assessing election results,
    - and more.
- It also has the authority to issue fines.

These processes are all influenced by State, County, and local laws, and it's rare that new members on the Board have any prior experience with them. The experience that BSE members gain while serving on the Board is the main factor in the Board's ability to function

effectively. All types of experience are valuable, but experience with the conduct of prior elections is considered the most valuable.

Background on the BSE Issues Identified by the Mayor and Council

As mentioned previously in this report, four of the sixteen "election related topics" assigned to the Charter Review Commission were related to the Board of Supervisors of Elections (BSE). Previous Charter Review Commissions had considered several of the election related topics involving the Mayor and Council and expanding the voting franchise, but this is the first time a Charter Review Commission has considered topics affecting the BSE.

Three of the four BSE topics were proposed by a three-term Councilmember who had previously served on the BSE and who wanted the Commission to consider:

- Increasing the number of BSE members from five to some other number.
- Clarifying the Charter language on who appoints BSE members, i.e., whether this authority is given to the Mayor or to the Mayor and Council;
- Creating a new section in the Charter that describes the BSE's responsibilities to respond to requests from the Mayor and Council for information and participation in meetings.

A first-term Councilmember proposed another topic on whether the terms of BSE members should be increased from four years to six or eight years "to provide some continuity" now that the Mayor and Council have four-year terms. He noted that the BSE's four-year terms began when the Mayor and Council had two-year terms.

Analysis of Election Related Issues

The following issue papers represent a consensus of the BSE Working Group on the findings and the recommendations it asked the full Commission to consider. After the Commission reviewed this document and similar documents prepared by the other two working groups, it summarized the findings of all three working groups into a more condensed format for transmission to the Mayor and Council. This is the report to which this document is appended.

The recommendations in this Appendix are consistent with the recommendations in the Commission report. However, the full Commission's report includes "Minority Statements" that reflect opinions of Commissioners who weren't part of this Working Group and with whom we may not agree. While we respect the right of other Commissioners to disagree with our opinions, we want the Mayor and Council and the public to have the benefit of the research we've done, the analyses we've performed, and the recommendations we believe they support.

Issue J – Increasing the number of members of the Board of Supervisors of Elections

Questions Presented

How many members should be appointed to the Board of Supervisors of Elections (BSE) and should the BSE include alternate members?

Recommendation

The BSE Working Group recommends increasing the number of BSE members to seven (Option 3).

History

The original Charter from 1954 set the number of members of the Board of Supervisors of Elections (BSE) at three. In 1987, at the recommendation of the 1986 Election Task Force, the number of members was increased to five. That number has not changed since.

The most recent discussion about the size of the BSE and how members are appointed and reappointed to it, took place at a meeting of the Mayor and Council on August 3, 2020. During the lengthy discussion, some members argued in favor of replacing two long-serving BSE members, including the Chair, with new appointments that would increase the diversity of the Board. Others made a counter proposal to increase the size of the BSE to increase its diversity, while also retaining its experienced members. The Mayor and Council resolved the issue at a November 9, 2020, meeting when two new members were appointed to the BSE replacing two incumbent members who had many years of experience, including experience supporting at least two previous elections.

Considerations

Maryland municipalities are not required to follow State or county rules regarding the sizes of their Boards of Election or other election-related characteristics. Nonetheless, Rockville has chosen to follow both the State's requirements and the county's rules regarding the size of the board that oversees its elections. Therefore, the Rockville Board of Supervisors of Elections (BSE) consists of five members.

The BSE Working Group surveyed several Maryland jurisdictions to determine how many members served on their Boards of Elections, which play the same roles as the BSE. (Please see Table A for results of that research.)

Table A: Comparison between Rockville and Other Maryland jurisdictions and their BSE's

Jurisdiction	Population[1]	BSE Size	Rules on Alternates
Rockville	68,155	5	No alternates
Gaithersburg	67,878	5	1 alternate
Frederick	71,843	3	No alternates
Bowie	58,158	9	4 alternates
College Park	32,221	6	No alternates
Greenbelt	23,253	5	No alternates
Takoma Park	17,703	7	No alternates

The survey results do not show a consistent relationship between population size, BSE membership and the appointment of alternates.

The Charter Review Commission also sent interview questions prepared by the BSE Working Group to selected current and former Rockville officials. Of the 14 respondents, 4 felt that the Board is the proper size, 4 felt that the Board is too small for its workload but didn't propose a specific increase in members, 3 felt that the size of the BSE should be increased to seven, 2 had no comment, and one felt that the BSE was in the best position to answer this question. Therefore, almost twice as many respondents, including the Current BSE, felt that the BSE needed to be increased in size.

Analysis of Options

Based on its research and citizen input, the BSE Working Group considered the following options:

Option 1 – Retain current BSE membership at five members.

Pros:

- Though the City is not required to emulate other Maryland jurisdictions, this number is consistent with the number of members of the State Board of Elections and most of the Maryland county boards of elections.
- The current membership has been deemed adequate to handle the administrative workload required of the Board most of the time.
- BSE membership represents the diversity of Rockville as well as possible given the applicant pool.

Cons:

- Restricting the number of BSE members to five may limit opportunities to increase the diversity of the BSE to reflect more accurately the racial, ethnic, age, and geographic diversity of Rockville.

[1] Population data were drawn from the 2020 American Community Survey.

- The BSE has suggested that it would be helpful to have seven members to handle its workload on Election Day.

Option 2 – Retain BSE membership at five members but provide for two alternates who may, depending on the rules of their appointments, fill in when a member is unable to attend a meeting and/or provide a pool of members to serve when a regular BSE member resigns or leaves for any reason.

Pros:

- This practice is consistent with practices followed by Montgomery County as well as other Maryland municipalities.
- This practice creates a pool of additional people who will, as alternates, become familiar with the responsibilities of the BSE and, if needed, assist with the administrative workload required of the BSE. This would include providing extra support in conducting elections.
- This practice would allow for more efficient training of prospective BSE members through simultaneous rather than sequential training.
- This practice would provide an opportunity to expand the diversity of the BSE.
- Depending on how the alternatives are used, this practice may make it easier to assure a quorum at BSE meetings.

Cons:

- Unless alternates are given specific responsibilities, they might have a negative experience with the BSE, which could potentially negatively impact their general view of Rockville volunteer opportunities.
- It may be difficult to recruit volunteers to serve as alternates.
- Training alternates as well as BSE members could overtax BSE resources.

Option 3 – Increase the number of BSE members to seven.

Pros:

- Expanding the BSE would provide an opportunity to increase the diversity of the Board to reflect the racial, ethnic, age, economic, and geographic diversity of Rockville.
- Expanding the size could better reflect the growing size of Rockville.
- The BSE has suggested that it would be helpful to have seven members to handle the workload on Election Day.

Cons:

- It may be difficult to attract sufficient qualified applicants for the additional Board positions.
- Expanding the BSE could increase the Council's workload as it will be required to appoint additional BSE members.

Discussion

When the BSE Working Group began its review of this issue, it believed that the current size of the BSE was sufficient for it to carry out its responsibilities and didn't require the City to expand the pool of qualified candidates beyond the number of candidates historically available. However, as the review progressed, the Working Group was presented with a different perspective from the responses to the Commission's interview questions, including the response from the current BSE members.

The Working Group recognizes that a seven member Board provides an opportunity for, but does not guarantee, greater diversity than a five member board. Therefore, the Working Group also recommends that, to the extent possible as vacancies become available, only qualified candidates who would enhance the racial, ethnic, age, geographic, and economic diversity of the BSE be considered for appointment. The Working Group recognizes that this will require the City to increase, and be more successful in, its efforts to increase the diversity in the pool of applicants for various boards and commissions. The Working Group applauds the City for creating the new position of Assistant to the City Manager (Diversity, Equity and Inclusion). The Working Group is hopeful that this new position will result in the increased diversity of citizen participation in voting and volunteer activities long sought by the City government. As with all Rockville Boards and Commissions, the Working Group also recommends that the appointments be as apolitical and nonpartisan as possible.

The Working Group does not recommend the addition of alternate members due to the potential difficulty in recruiting candidates for positions that would not routinely have active roles.

Issue K – Lengthening the terms for members of the Board of Supervisors of Elections.

Question Presented

Should the terms of members of the Board of Supervisors of Elections (BSE) be lengthened?

Recommendation

The BSE Working Group recommends retaining BSE terms at four years (Option 1).

History

The original Charter from 1954 established concurrent terms for the three members of the Board of Supervisors of Elections (BSE) at two years beginning on the first Monday of March in every odd numbered year. Subsequent changes to the Charter were:

- In 1971, the Charter was amended to extend the terms of the three BSE members from two to four years, stagger the members' terms to begin and end on successive years,

and change the beginning of the terms to the first Monday in June in the years appointed.

- In 1987, the size of the Board was increased from three to five members.
- In 1991, the Charter was amended to stagger the terms of the five members so that the terms of two members would end on the first Monday in June 1992 when their successors were appointed and every four years thereafter and the terms of the other three members would end on the first Monday in June 1994 when their successors were appointed and every four years thereafter. These requirements were in effect when the 2020 Charter Review Commission conducted its work.

Considerations

This issue was proposed out of an apparent concern that a four-year BSE term might no longer provide the Board sufficient experience in conducting elections after Mayor and Council terms were increased from two years to four years. Term length clearly has an impact on the overall experience that members acquire regarding Rockville's election procedures, but it is only one of several factors that do this. Like term lengths, other factors are also determined by the Charter, e.g., relationship of BSE terms to election cycles, concurrent terms versus staggered terms, fixed term schedules versus random terms, and automatic term extensions. Actions of the Mayor and Council also impact the experience available on the BSE, e.g., minimizing delays in filling vacancies and reappointing BSE members. All types of experience are valuable, but experience conducting and assessing prior elections is considered the most valuable.

Table 3 summarizes the theoretical level of experience that five new BSE members would have to support each election from 1993 to 2019. When municipal elections were in early November of every odd year, new BSE members elected beginning in 1991 would have around a year and five months (1.42 years) of general BSE experience before they supported their first election if their terms followed the Charter. They would have another two years of general BSE experience as well as experience supporting a prior election when they conducted their second election. Because BSE terms were staggered by two years, either two or three BSE members would have prior election experience when supporting each election between the years 1993 and 2013.

Once the Mayor and Council terms were increased to four years in 2015, this theoretical situation changed significantly. Beginning with the 2019 election and continuing thereafter, none of the new BSE members would be able to acquire any prior election experience. This confirms the concern that caused this issue to be raised. Fortunately, as also shown in Table 3, many Rockville elections before 2013 were actually supported by Boards with significant years of BSE experience that included supporting prior elections. [Note: One of the footnotes in Table 3 explains why none of the BSE members had prior election experience to support the 2013 election.] Table 4 displays the actual terms of BSE members beginning in 1991 and projected through the 2023 elections. It supports the actual experience totals in Table 3 and shows the positive impact of frequent reappointments of experienced BSE members.

Analysis of Options

Option 1 – Maintain the current four-year terms.

Pros:

- Requires no change to the Charter.
- Makes it easier for the Mayor and Council to change the composition of the BSE should they wish to do so.

Cons:

- Assures that no new BSE appointees will be able to support more than one election, and gain election experience to support subsequent elections, unless they are reappointed.
- Any significant prior election experience to support an election will require the reappointment of several BSE members with such experience.

Option 2 – Extend the BSE terms to five years.

Pros:

- Creates the possibility that a new BSE member could support two elections and acquire election experience for supporting the second election.
- Would be consistent with the terms of Planning Commission members, another commission where member experience is highly valued.

Cons:

- Although this creates the possibility of a new BSE member supporting two elections, this outcome depends on their appointment coming in June of an election year, an odd-numbered year. In this case, incumbents would experience their first election with five months of experience and have that experience to support a second election only if they remained on the BSE through the rest of their terms. BSE appointments with five-year terms coming after an election would generate no prior election experience.
- Requires a change to the Charter.
- Also requires BSE appointments to alternate between odd years and even years and will create oddly staggered terms that might prove difficult to keep straight for making new appointments.

Option 3 – Extend BSE terms to at least eight years.

Pros:

- Assuming that new BSE members serve their entire terms, this would assure that they would support at least two elections and have experience with one prior election when they support their second elections.

Cons:

- Requires a change to the Charter.
- It might be difficult to find BSE candidates willing to commit eight years at the outset of a volunteer role in which they haven't served.
- Would exceed the terms of any other Rockville boards and commission members and be inconsistent with the terms of other State and County boards and commissions.
- Would make it harder for the Council to change the composition of the BSE, should they wish to do so.

Discussion

There was general consensus among the interview responses shown in Attachment 2 that having prior election experience was the most important experience a BSE member could have and that lack of such experience on the Board could result in serious problems. In addition:

- The current BSE felt strongly that:
    - new appointments to the Board, including to fill vacancies, should not occur between May 1 and December 31 of an election year; and
    - such appointments would hinder, rather than help, it in performing its functions during that time.
- Responses favored continuing staggered terms but showed a lack of detailed understanding of how staggered terms actually worked in relation to the municipal election cycle.
- It was surprising that several interview responses favored limited reappointments to only one additional term and no more than three consecutive election cycles.
- Most interview responses favored retaining a four-year BSE term. Only one response favored increasing term to five years but didn't consider how that would work in practice.

Issue L – The appointment process for the members of the Board of Supervisors of Elections.

Questions Presented

Should the Charter be changed regarding how new BSE members are appointed, existing BSE members are reappointed, and BSE vacancies are filled?

Recommendations

The BSE Working Group recommends modifying the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Council. (Option 2)

History

The 1960 amendment to the City Charter required the members of the Board of Supervisors of Elections to be "appointed by the Council." Vacancies to the Board were to be filled by the Mayor with the approval of the Council for the remainder of unexpired terms. The Charter also required the Board Chair to be appointed by the BSE members.

Table 5 summarizes the key aspects of how other Maryland jurisdictions appoint their Boards of Supervisors of Elections (BSE).

Considerations

Of all Rockville's boards and commissions, the BSE is the only one created by the Charter and whose membership and appointment requirements are provided there. All new appointments, whether nominated by the Mayor or another Councilmember, must be approved by the full Council. The Charter is silent on the authority to reappoint BSE members and there has been some confusion as to whether it is appropriate for the Mayor to act as a member of the Council when nominating new BSE members. Table 6 shows that Councilmembers made 38 of the 40 nominations for new or reappointed BSE members and eight of the nine vacancy appointments made since the 1991 Charter amendments. Table 2 shows nine appointments or reappointments of BSE Chairs by the Mayor and Council from 1998 to 2010, but they are not summarized in their own separate table. The Mayor is considered a member of the Council when nominating new BSE members, but the Council's nominations to fill vacancies and to appoint or reappoint BSE Chairs are clear violations of the Charter.

Anaysis of Options

Option 1 – Retain current Charter requirement of having the Council appoint new BSE members and having the Mayor fill BSE vacancies with the approval of the Council.

Pros:

- Requires no change to the Charter.
- Is consistent with how some Maryland jurisdictions handle BSE appointments.

Cons:

- Allowing the Mayor to make vacancy appointments to the BSE is inconsistent with, and contrary to, the Charter's intent to eliminate the appearance of undue political influence by a single elected official in appointing other BSE members.
- Creates an incentive for any Mayor to claim that a normal appointment is a vacancy appointment in order to control that appointment. This could create an "optics" problem seemingly giving undue political influence to a single elected official that the Charter sought to avoid for normal BSE appointments.

- Retains the current ambiguity about who has the authority to make reappointments and whether it is appropriate for the Mayor to act as a member of the Council when nominating new BSE members.
- Maintains the inconsistency in the authorities to appoint new BSE members and to fill vacancies.

Option 2 – Modify the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Council.

Pros:

- Would give all Councilmembers an equal chance to nominate BSE members, thereby applying the intentionally apolitical nomination philosophy in the current Charter to all BSE appointments, including appointments to fill vacancies.
- Eliminates the inconsistency in the authorities to appoint new BSE members and to fill vacancies.
- Eliminates incentives for any questionable vacancy appointments that might cause "optics" problems.
- Is consistent with how most vacancy appointments have been made in practice.
- Eliminates any ambiguity about the authority to reappoint BSE members.

Cons:

- Requires a change to the Charter.

Option 3 – Modify the Charter so that all members of the BSE, whether newly appointed, reappointed to a subsequent term, or appointed to fill a vacancy are appointed by the Mayor and confirmed by the Council.

Pros:

- Gives the Mayor the same appointment authority that exists for most other boards and commissions.
- Eliminates any ambiguity or inconsistency in the authorities to appoint new BSE members and to fill vacancies.
- Eliminates any ambiguity about the authority to reappoint BSE members.

Cons:

- Requires a change to the Charter.
- Eliminates the intentionally apolitical nomination philosophy that the Charter currently provides for new BSE members.
- Ignores the fact that almost all nominations to all Rockville boards and commissions are actually made by Councilmembers, despite what the Charter requires regarding vacancy appointments.

Discussion

This option reflects that the BSE, unlike all other Rockville Boards and Commissions, has strong influence over the rules and procedures under which the Mayor and Council are elected. Therefore, the Working Group agrees with the importance of having the appointment of all BSE members, including vacancy appointments, be as free of undue political influence by individual elected officials as possible.

In addition, making the process more open to nominations by any interested Councilmembers before votes on any nominations are taken would appear to be a more inclusive administrative process. Guidelines should be strengthened in any case to remind everyone involved in the BSE appointment process of the Charter and Open Meetings Act (OMA) requirements that need to be met.

Issue M – The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings with the Mayor and Council and timely responding to information requests.

Question Presented

Should the Charter or City Code be amended to require the Board of Supervisors of Elections (BSE) to meet with the Mayor and Council whenever summoned, or to provide information to them whenever requested?

Recommendation

The BSE Working Group recommends against adding language to the Charter or City Code that would require the BSE to meet with the Mayor and Council or respond to requests for information.

History

Neither the Charter nor the City Code requires the BSE to meet with the Mayor and Council or to respond to their information requests. Nevertheless. the BSE has appeared before the Mayor and Council on occasion to answer questions about election planning or to recommend changes in election procedures. Councilmembers have attended BSE meetings, although only rarely. The BSE has also routinely responded in writing to written requests from the Mayor and Council for information. No private meetings between the BSE and the Mayor or the Mayor and Council have occurred, at least not in recent years.

Considerations

Shortly before the 2019 election – after the date in September on which candidates were certified by the BSE – the Mayor and Council asked the BSE to appear before them to answer questions about election procedures. At that time, the Mayor and every member of the Council were incumbents and candidates for City office. The BSE felt that answering questions for some candidates and not others would undermine its appearance of impartiality by providing incumbent candidates with what might be viewed as an unfair advantage over non-incumbent candidates. Consequently, the BSE declined to appear, and instead, responded to the Mayor and Council in writing with the reasons for its decision and posted its response on the BSE's website.

Analysis of Options

Option 1 – Maintain the current state of affairs, in which neither the Charter nor the City Code specifically obligates the BSE to meet with the Mayor and Council or to provide the Mayor and Council with requested information.

Pros:

- Preserves the independence of the BSE from the demands of incumbent officeholders who frequently are also current or future candidates.
- Avoids providing incumbent officeholders/candidates with an unfair advantage over nonincumbents, who do not have an opportunity to demand meetings with, or information from, the BSE.
- Allows the BSE to make its own judgments on what conduct would or would not undermine its independence and credibility as an impartial election body.
- Avoids unfairly imposing on the BSE an obligation not imposed on any other Board or Commission.

Cons:

- May prevent the Mayor and Council from posing questions (and follow-up questions) to the BSE and obtaining needed information from the BSE.

Option 2 – Insert language into the Charter or City Code requiring the BSE to meet on request with the Mayor and Council and to provide, in a timely manner, requested information.

Pros:

- Would permit the Mayor and Council to pose questions (and follow-up questions) to the BSE and obtain needed information from the BSE about preparations for the election and election procedures.

Cons:

- Would undermine the BSE's appearance of impartiality and independence.

- Would provide incumbent officers/candidates with an unfair advantage over nonincumbents.
- Might undermine public confidence in the fairness of the electoral process.
- Would unfairly impose on the BSE an obligation not imposed on any other board or commission.
- That obligation, if imposed, would be difficult or even impossible to enforce.

Option 3 – Insert into the Charter or City Code language requiring the BSE to meet on request with the Mayor and Council and to provide, in a timely manner, requested information, but create an exemption to that requirement for the period between certification of candidates and certification of election results.

Pros:

- Would permit the Mayor and Council to pose questions (and follow-up questions) to the BSE and obtain needed information from the BSE about preparations for the election and election procedures, but only during the period preceding certification of candidates.
- Would avoid undermining the BSE's appearance of independence and impartiality at least during the critical period immediately preceding the election.

Cons:

- During all other periods, would undermine the BSE's appearance of impartiality and independence.
- Would provide incumbents/future candidates with an unfair advantage over nonincumbents.
- Might undermine public confidence in the fairness of the electoral process.
- Would appear to solve a problem that doesn't exist, since the BSE has no problem responding to requests from the Mayor and Council prior to the certification of candidates.
- Would unfairly impose on the BSE an obligation not imposed on any other board or commission.
- That obligation, if imposed, would be difficult or even impossible to enforce.

<u>Discussion</u>

During a period in which many are questioning, or even attempting to undermine, the integrity of the election process, few goals are more important than maintaining the independence of election administrators and the public's confidence in the integrity of the election process. Requiring the BSE to meet with the Mayor and Council when summoned might suggest that the BSE lacked the independence to run a fair election and might undermine public confidence in the impartiality of the Rockville's elections. The authority provided by such an amendment could be used by incumbents to obtain information relevant to their reelection campaigns, a right not readily available to nonincumbents. The exercise of that authority might also

communicate to the public that the BSE was not a genuinely independent body. The BSE Working Group concluded that the better option would be to maintain the BSE's independence and rely on the BSE to provide needed and relevant information to the Mayor and Council, as it has done in the past, without undermining its independence.

Additional Issues with the Charter or City Code Affecting the Board Supervisors of Elections

In addition to the sixteen "election related topics" identified in the Resolution that created this Commission are nine "additional topics" which include topic h. This topic provides the Commission the authority to "Review and evaluate any additional provisions of the City Charter and Rockville City Code related to all the topics herein as well as any additional topics that the Commission believes are appropriate." Although the full Commission decided to focus its initial attention on the "election related" topics, the BSE Working Group decided to invoke this authority to examine issues it deemed equally or more critical to the proper functioning of the BSE.

The BSE Working Group's review revealed several weaknesses in the Charter and City Code that it considered as, or more, critical to the proper functioning of the BSE than the election related issues assigned by the Mayor and Council. These weaknesses include:

- No expectation that the Mayor and Council will comply with the Charter or City Code on issues that affect the BSE, as well as other City activities.
- No assignment of responsibility or authority, independent of the Mayor and Council, to enforce compliance with the Charter, City Code, or applicable State laws.
- Lack of due process requirements concerning the reappointment of qualified BSE members; whose reappointments are critical to the Board's ability to support municipal elections effectively.

The BSE Working Group determined these issues to be sufficiently important for the Commission to bring them to the attention of the Mayor and Council for consideration in changing the Charter or the City Code. These issues are listed below in order of their perceived importance and analyzed in greater detail in the issue discussions that follow.

Issue h.1 – Improving the City's enforcement of Charter, City Code, and Open Meetings Act requirements regarding the BSE.

Issue h.2 – Improving the procedures for reappointing qualified BSE members.

Issue h.3 – Improving the City's compliance with the Charter requirements on BSE terms.

Issue h.1 – Improving the City's enforcement of the Charter, City Code, and Open Meetings Act requirements regarding the BSE.

Questions Presented

What City official or officials should be responsible for enforcing the provisions of the Charter, City Code and Open Meetings Act pertaining to the BSE and are there changes to the Charter or City Code needed to authorize or enhance their enforcement activities?

Recommendations – Amend the City Code to provide the City Attorney with the responsibility and authority to hold the Mayor and Council accountable for complying with the Charter and City Code and other legal requirements in their official actions (Option 2); and amend the Charter to include the Charter and City Code among the laws that the Mayor and Council pledge to faithfully execute in their Oath of Office (Option 3).

Background

Table 7 shows in detail a pattern of the City's non-compliance with BSE terms going back to September 11, 2000. It also shows that eleven of the twelve preceding appointments violated the Open Meetings Act. Some interviewees felt that the City Clerk was responsible for assuring the City's compliance with the dates of BSE terms provided in the Charter. However, there is no language in either the Charter or the City Code that assigns the City Clerk this responsibility or the authority to carry it out. The only language in the Charter that assigns responsibility for carrying out the City's business is in Article II, Section 2.d which states "the Council shall determine its own order of business." Furthermore, given their respective roles under the Charter and City Code, one can reasonably conclude that the City Attorney, by both function and credentials, is a more appropriate person to oversee the City's compliance with legal requirements than the City Clerk.

It was also surprising to note that the Charter's requirement in Article XIV – General Provisions, Section 1 regarding the Oath of Office taken by the Mayor and each Councilmember only promises compliance with the "Constitution and Laws of this State." Because the Oath of Office includes the "Laws of this State," it also includes compliance with the Open Meetings Act. However, the Oath does not include a pledge to faithfully execute the provisions of the Charter or City Code.

Option 1 – Retain the current language in the Charter and City Code.

Pros:

- Requires no change to the Charter or City Code.

Cons:

- Continues a situation in which there is no City official with the responsibility or authority to hold the City accountable for complying with the Charter or City Code.

- the Mayor and Council have no legal obligation to feel accountable for complying with the requirements in the Charter or City Code.
- The City's long-standing disregard for complying with Charter requirements regarding BSE appointments and terms is likely to continue.

Option 2 – Amend the City Code, as needed, to provide the City Attorney with the responsibility and authority to review for compliance with the Charter, City Code, and other legal requirements all actions proposed and/or taken by the Mayor and Council in their public meetings. These amendments would also authorize the City Attorney to object publicly to actions deemed non-compliant and to only be removed for cause.

Pros:

- Provides a legal mechanism for holding the Mayor and Council accountable for their performance in carrying out the laws of the City as well as State laws such as the Open Meetings Act.
- For the first time, assigns a senior City official the responsibility and authority to review actions of the Mayor and Council for compliance with the laws of the City as well as with the US Constitution and Laws of Maryland, and to hold them publicly accountable for any compliance failures.

Cons:

- May be opposed by the Mayor and Council as infringing on their flexibility to interpret the laws of the City and having negative, unintended consequences.
- This would require that the Charter be amended to require that the City Attorney only be removed for cause.
- The Mayor and Council have a history of taking issue with legal opinions that differ from their own.
- This will be a politically sensitive recommendation.

Option 3 – Amend Article XIV – General Provisions, Section 1 in the Charter regarding the Oath of Office taken by the Mayor and each Councilmember to add the following language at the end of subsection a: "and the Charter and Code of this City."

Pros:

- Requires, for the first time, that the Mayor and Council formally acknowledge their obligations to faithfully execute the laws of the City, not just the US Constitution and Laws of Maryland.
- Provides a legal basis for holding the Mayor and Council accountable for their performance in carrying out the laws of the City as well as State laws such as the Open Meetings Act.

Cons:

- May be opposed by the Mayor and Council as infringing on their flexibility to interpret the laws of the City and having unintended, negative consequences.

Issue h.2 – Improving the procedures for reappointing qualified BSE members.

Question Presented

How can the City be assured of reappointing competent and experienced BSE members to assure that sufficient experience in conducting elections is always available on the Board?

Recommendation

Amend the Charter to require the Mayor and Council to provide BSE members whose reappointments were rejected the same due process as serving BSE members who are removed for cause (Option 2). It is generally recognized by people familiar with the conduct of elections that prior election experience is the most valuable experience to have on the BSE and that lack of such experience can result in many negative consequences. Reappointing competent and experienced BSE members is the only way to assure that each of Rockville's municipal election is supported by a sufficient number of BSE members who have prior experience in conducting such elections.

Background

As long as BSE terms remain the same length as Mayor and Council terms, it will be impossible for new BSE members to acquire election experience to support their next elections. Therefore, the only way to assure that some BSE members have such prior election experience is for the Mayor and Council to reappoint experienced BSE members. This had been standard practice for almost 30 years until August 8, 2020, when the Mayor and Council chose not to approve the reappointment of the two most experienced BSE members. No reason was given for this action, but its consequences are that only two BSE members with one year of prior election experience each will be available to support the next election in 2023.

Table 9 provides detailed information on the appointments and reappointments of all BSE members following the 1991 Charter amendments and the total experience they acquired during their terms. The following table summarizes the experience by BSE member from Table 9 and lists BSE members from the most experienced to the least. It also shows experience available to the BSE members who will be supporting the 2023 election.

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
BSE Member Experience in Order of Most Experienced

		Experience		
	BSE Member	Years	Elections	Reappt.
		Former Members		
1	Celeste	19.98	10	3
2	Aksamit	17.19	8	3
3	Tutson	15.24	8	3
4	Gottlieb	12.39	6	2
5	Eskildson	9.53	5	1
6	Ward	9.32	5	2
7	Neuman	8.43	3	1
8	Ecelberger	7.32	4	1
9	Weiner	7.28	2	1
10	Johnson	7.00	3	2
11	Feinberg	6.43	3	1
12	Impara	4.33	3	0
13	Millman	3.89	2	1
14	Loevinger	2.61	1	1
15	Jakowski	2.26	1	0
16	Mullican	1.81	1	0
17	Steel	1.79	1	0
18	Belay*	1.71	0	0
19	Dawson	0.94	0	0
20	Keefe	0.92	1	1
		Serving Members (as of 5/10/22)		
		Experience Projected to 2023 Elections		
21	Kurnick	4.97	1	1
22	Orlosky	4.60	1	1**
23	Simon	2.99	0	0
24	Fischer	2.99	0	0
25	Vacancy	0.00	0	NA

*Note: Danniel Belay resigned on 4/21/22.

**Note: It is assumed that Orlosky will be reappointed and available to support the 2023 election.

Option 1 – Retain the current language in the Charter.

Pros:

- Requires no change to the Charter.
- Provides the Mayor and Council maximum discretion in deciding whether or not to reappoint members of the BSE.

Cons:

- Continues a situation where an experienced BSE member can be rejected for reappointment by the Mayor and Council without any cause being given. This is inconsistent with the requirement that BSE members can only be removed for cause after being given due process to defend themselves.
- Makes it too easy for the Mayor and Council to avoid having to reappoint experienced BSE members for arbitrary reasons rather than reasons they're willing to explain.

Option 2 – Amend the Charter to require the Mayor and Council to provide BSE members whose reappointments were rejected the same due process as serving BSE members who are removed for cause.

Pros:

- Provides the Mayor and Council the authority to decline to renominate BSE members they deem to be incompetent as long as they give them the same due process protections given to BSE members removed for cause.
- Corrects the current situation where an experienced BSE member presumed to be competent can be rejected for reappointment by the Mayor and Council without any cause being given.

Cons:

- Requires a change to the Charter.
- The Mayor and Council might feel that this option unnecessarily constrains their decision not to reappoint an experienced BSE member for reasons important to them.

Issue h.3 – Improving the City's compliance with the Charter requirements on the timing of BSE terms.

Question Presented

Should the Mayor and Council be mandated to comply with the Charter requirements regarding the timing of BSE terms, or should the Charter be revised to reflect actual historic practice?

Recommendation

The recommendation depends on the actions the City is willing to take to assure compliance with the Charter requirements. If the City is willing to amend the Charter and City Code to

create a credible way of enforcing the Charter requirements regarding the timing of BSE terms (Issue h.1), then we recommend retaining the current language in the Charter regarding the timing of those terms (Option 1). If the City is unwilling to do this, we recommend amending the Charter to eliminate fixed schedules for BSE terms (Option 2) because this would fit the reality of the City's historic appointment practices and improve the diversity of experience levels among the BSE membership.

Background

As discussed previously under Issue K, the Charter contains explicit requirements for the timing of BSE terms. The first 12 appointments made after the 1991 Charter amendments occurred before 1999. The minutes for eleven of those 12 appointments did not provide any termination dates for the appointments (clear OMA violations), but it can be reasonably assumed that the term ending years were even and correct although the term ending months are unknown. The minutes for the 12th appointment provide a term ending date of 6/1/1996. The month and year are correct, but not the exact date which should have been 6/3/1996. However, the Working Group judges the correct month to be close enough to be considered compliant with the Charter.

Beginning with an appointment to the BSE on 9/11/2000, the City began a pattern of deviating from the Charter with a term ending 9/1/2004. Although the year this term ended was correct, the month was not. Over the next 22 years, there were a total of 7 BSE appointments with terms ending in months other than June and another 22 appointments with terms ending in odd years, not in even years as required by the Charter. Table 7 details these Charter deviations, and they are summarized in the table that follows:

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Compliance of BSE Terms with Charter Requirements -- Summary Results

Compliance with Charter	Comment	Nominations	
		Count	Not Approved
Maybe	Although term ending month is not provided (OMA violation), ending year is even.	11	
Y	Term ending month and year are good.	7	2
N	Term ending year is odd, not even.	22	1
N	Term ending year is even, but month is wrong.	9	
Total Nominations		49	3

Option 1 – Maintain the current fixed term schedule requirement in the Charter.

Pros:

- Requires no change to the current Charter.
- If the Charter requirements are followed, there would be a predictable level of experience available to support City elections.
- Maintains the conformity between the City's fixed BSE term requirements and the State and County requirements, although conformity is not required.

Cons:

- Maintaining conformance with the current Charter requirements would require actions by the City to restore the current BSE terms to the dates prescribed by the Charter and then maintain that pattern in the future. However, the City has shown no interest in maintaining the Charter-required BSE term pattern in the past, or an ability to do so. It is almost certain to remain out of compliance with the Charter unless special steps are taken to enforce such compliance. [These steps are discussed in the Recommendation for Issue h.1.]
- Unless BSE terms are lengthened beyond the four-year election cycle, this option assures that no new BSE members will experience more than one election, unless they are reappointed. However, some new members supporting an election would have been mentored by previous BSE members who had prior election experience.

- If the Council wants to assure that the BSE has some prior election experience when it supports an election, it will have to have reappointed at least one BSE member who has supported a previous Rockville election. [NOTE: This was a common practice for many years until 2020 when the Mayor and Council chose not to approve two nominations to reappoint the most experienced BSE members.]

Option 2 – Change the Charter to replace the fixed term schedule with a variable term schedule that begins each BSE term on the date of the initial appointment and ends the term on the same date four years later.

Pros:

- Reflects the City's historical appointment practices and would be a much easier requirement for the City to meet than the Charter requirement.
- Results in a much more varied experience pattern among the BSE members than the more rigid experience pattern that would result from strict compliance with the Charter term schedule.
- Because of the automatic term extension authority, vacancies wouldn't necessarily be created when BSE terms ended unless the incumbent member chose to leave his or her position.
- Would reduce the pressure on the Mayor and Council to make timely reappointments.

Cons:

- Requires a change to the Charter.
- Results in an unpredictable level of experience available on the Board to support elections.
- Would reduce the pressure on the Mayor and Council to make timely reappointments. [This is the classic double-edged sword.]
- Is inconsistent with the requirements for State and County Boards of Elections, but those requirements are not binding on the City.

Attachments

There are three Attachments to this report:

Attachment 1 is an Excel workbook containing eleven tables that support the findings and recommendations in the report.

Attachment 2 is an Excel workbook that presents the results of the interviews and surveys conducted by the Commission that impact the issues for which the BSE Working Group was responsible. Sets of BSE-related questions organized by issue were sent to 5 different organizations (e.g., the current BSE and the Mayor and Council) or groups of individuals (e.g., former BSE members, other members of the community, and Mayoral and Council candidates). Sets of questions related to the other two working groups were also sent to those and other organizations. The responses to those questions are provided in Appendices A and C. The responses in this Attachment are organized by question and the conclusions drawn by the BSE Working Group to each set of responses is provided near the bottom of each spreadsheet. These conclusions were used to support the issue papers developed by the BSE Working Group as presented in this Appendix F.

Attachment 3 provides a legal perspective on Rockville's Board of Supervisors of Elections within the context of the election laws of the State of Maryland and of Montgomery County.

Attachment 1

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Table of Contents

Table No.	Title	Description/Purpose
1	Legislative Authorities	Summarizes all the Resolutions that amended the Charter and impacted the BSE.
2	Analysis of BSE Member Appointments and Terms	The is the basic information about BSE appointments collected from the agendas and minutes of Mayor and Council
3	Analysis of BSE Experience Available to Support Elections -- Theoretical versus Actual Experience	Summarizes the theoretical experience availble to the two groups of new BSE members appointed to staggered terms according to the Charter and compares that experience to the actual experience available on the Board. This shows the dramatic drop in prior election experience available to new BSE members once the municipal election cycle was increased from two to four years.
4	Detail of Actual BSE Member Experience Available to Support Elections	Shows the actual terms served by BSE members from 1993 projected through the 2023 election. The terms follow the succession patterns established by the 1991 amendments to the Charter.
5	Comparing Characteristics of Maryland Jurisdictions	Compares characteristics of the Mayor and Council and Boards of Elections for Rockville and various Maryland municipalities.
6	Summary Analysis of BSE Member Appointments by Type of Appointment and Mayor	Summarizes the new appointments, reappointments, and vacancy appointments nominated by the Mayor or a Councilmember during each Mayor's term following the 1991 Charter amendments that created the current BSE terms.

7	Compliance of BSE Member Terms with Charter Requirements -- Details	Shows the extent to which each BSE appointment complied with the Charter with respect to the appointment terms. It also happens to show several years in which the appointments failed to meet the Open Meetings Act requirement to show the termination dates of those appointments.
8	Compliance of BSE Terms with Charter Requirements -- Summary Results	Summarizes the compliance information in Table 7 according to the reasons that appointments either complied or didn't comply with the Charter. [Note: An unlabeled version of this table is presented in the discussion of Issue h.3 in this Appendix.]
9	BSE Member Experience by End of Term	Shows the cumulative experience acquired by all BSE members appointed since the 1991 Charter amendments. At the bottom of the main table is a list of BSE members in order from those with the most experience to those with the least. This list is replicated in the report discussion under Issue h.2 in this Appendix.
10	Detail Analysis of Actual BSE Member Appointments by Type of Appointment	Shows the type of appointment associated with each BSE appointment just prior to the 1991 Charter amendments and since those amendments.
11	Summary of BSE Activities	This table is not referenced in the Appendix. However, the information it presents on BSE membership was critical in determining the order of succession for BSE members. The order and timing of BSE member succession was the basis for determining the actual experience accumulated by BSE members to support elections. This information was gathered over time from several sources, principally minutes of Mayor and Council meetings with the BSE and minutes of BSE meetings.

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary of Legislative Authorities

Year	Citation	Substance
	Amendments to Charter	
1954	Charter	Charter was reviewed in 1971, 1983, 2002, 2012, and 2020. (on-going). Election aspects of Charter were reviewed in 1986 by a special task force.
1960	Res. No. 24-60	Reorganized the Rockville Charter into the section structure that it still has today. At this point in time, the Board of Supervisors of Elections had three members appointed by the Council serving concurrent two year terms beginning on the first Monday of March of in every odd numbered year thereafter. The Board shall appoint one of its members as Chairman. Vacancies on the Board were to be filled by the Mayor with the approval of the Council for the remainder of the unexpired terms. Resolution was adopted on April 11, 1960 and effective May 31, 1960.
1971	Res. No. 17-71	Extended the term of the Board members from two to four years and changed the beginning of the terms from the first Monday in March to the first Monday in June in the year appointed and thereafter. Also implemented staggered terms by extending the terms of two of the three members by one and two years, respectively. Unclear whether this action was the result of a recommendation of the Charter review conducted in 1971. Resolution was adopted on April 6, 1971 and effective May 26, 1971.
1978	Res. No. 8-78	Made grammatical changes throughout the Charter to eliminate exclusive use of the masculine gender, including a minor change in the language on the Board of Supervisors of Elections. Although City staff believe that this resolution retained the staggered terms required by Res. 17-71, we read it to restore concurrent four year terms, i.e., "consisting of three members who shall be appointed by the Council [on the date this section becomes effective (6/6/78).] The terms of members of the Board shall begin on the first Monday in June and shall run for four years and until their successors are appointed and qualified." This language does not continue the staggered terms but rather restored concurrent 4-year terms. Resolution was adopted on April 17, 1978 and effective June 6, 1978.

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary of Legislative Authorities

Year	Citation	Substance
1987	Res. No. 11-87	Increased the size of the Board from three members to five members, pursuant to a recommendation by the 1986 Election Task Force. The terms of the members of the Board will begin on the first Monday in June and shall run for four years and until their successors are appointed and qualified. Resolution was adopted on May 11, 1987 and effective June 30, 1997.
1991	Res. No. 9-91	Amended the Charter to stagger the terms of the five members so that the terms of two members would end on the first Monday in June 1992 when their successors were appointed and every four years thereafter and the terms of the other three members would end on the first Monday in June 1994 when their successors were appointed and every four years thereafter. Resolution was adopted on May 13, 1991 and effective July 2, 1991.
2014	Res. No. 08-14	Changed the terms of the Mayor and Council from two years to four years and the dates of the municipal elections from the last Monday in April of every even numbered year to the next Tuesday after the first Monday in November in every fourth year beginning in 2015. Resolution was adopted on July 14, 2014 and effective September 2, 2014.

Amendments to Code

1987	Laws of Rockville were rewritten and re-issued as the Rockville City Code. Chapter 4 was the section on Elections, now Chapter 8 in the City Code.
1987	Ord. No. 7-87, § 2, 5-11-87
1987	Ord. No. 18-87, 9-14-87
1989	Ord. No. 16-89, 5-22-89
1991	Ord. No. 15-91, § 1, 6-10-91
1991	Ord. No. 26-91, § 1, 9-23-91

Table 1

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary of Legislative Authorities

Year	Citation	Substance
1995	Ord. No. 3-95, § 1, 5-22-95	
1995	Ord. No. 3-95, § 2, 5-22-95	
1995	Ord. No. 3-95, § 3, 5-22-95	
1995	Ord. No. 3-95, § 4, 5-22-95	
1995	Ord. No. 3-95, § 6, 5-22-95	
1995	Ord. No. 3-95, § 9, 5-22-95	
1995	Ord. No. 3-95, § 13, 5-22-95	
1995	Ord. No. 3-95, § 14, 5-22-95	
1995	Ord. No. 3-95, § 17, 5-22-95	
1995	Ord. No. 7-95, 6-26-95	
2001	Ord. No. 7-01, 2-27-01	
2003	Ord. No. 11-03, 5-12-03	
2009	Ord. No. 11-09, § 1, 3-23-09	
2009	Ord. No. 11-09, § 2, 3-23-09	
2009	Ord. No. 11-09, § 3, 3-23-09	
2009	Ord. No. 11-09, § 5, 3-23-09	
2013	Ord. No. 10-13, § 2, 3-18-13	
2015	Ord. No. 14-15, 7-13-15	
2018	Ord. No. 6-18, 4-9-18	
2019	Ord. No. 1-19, § 1, 1-7-19	
2019	Ord. No. 1-19, § 2, 1-7-19	
2019	Ord. No. 1-19, § 3, 1-7-19	
2019	Ord. No. 1-19, § 5, 1-7-19	
2019	Ord. No. 1-19, § 6, 1-7-19	
2019	Ord. No. 5-19, 1-28-19	

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Analysis of BSE Member Appointments and Terms

	Agenda Item					Minutes				Length of Appointment		
BSE Member Name	Date	Posting	Resigned	Actual Termination Date	Termination Date in Agenda Item	Moved By	Vote	Posting	Termination Date in Minutes	Years	Months	Predecessor
Alice Lyons	5/26/1987	None shown				M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms				Rauch
Ray Sherbill	5/26/1987	None shown				M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms				New member position
Maurice Ward	5/26/1987	None shown				M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms				Fleming
Paula Porpilia	5/26/1987	None shown				M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms				Covey
Alexander Donaldson	8/10/1987	None shown				M-Van Grack	U	Appointment to Board of Supervisors of Elections for 4-year term				New member position
Alice Lyons	8/24/1987	None shown				M-Van Grack	U	All terms extended to 6/91				Lyons
Ray Sherbill	8/24/1987	None shown				M-Van Grack	U	All terms extended to 6/91				Sherbill
Maurice Ward	8/24/1987	None shown				M-Van Grack	U	All terms extended to 6/91				Fleming
Paula Porpilia	8/24/1987	None shown				M-Van Grack	U	All terms extended to 6/91				Porpilia
Ruth Loevinger	3/11/1991	None shown				C-Marrinan	U	Appointed to fill the vancancy on the Board of Supervisors of Elections for the remainder of the unexpired term.	Not given (presumed 6/91)	?		Sherbill
Audrey Impara	7/8/1991	None shown				C-Hovsepian	U	Appointed to a three-year term on the Board of Supervisors of Elections	Not given (presumed 7/8/94)	3		Lyon
Maurice Ward	8/5/1991	None shown				C-Robbins	U	Reappointed to three-year terms on the Board of Supervisors of Elections	Not given (presumed 8/5/94)	3		Ward
Ruth Loevinger	8/5/1991	None shown				C-Robbins	U	Reapoointed to three-year terms on the Board of Supervisors of Elections	Not given (presumed 6/1/94)	3		Loevinger
John Keefe	8/5/1991	None shown				C-Robbins	U	Appointed to one-year terms on the Board of Supervisors of Elections	Not given (presumed 8/5/92)	1		Donaldson
Margaretta Tutson	8/5/1991	None shown				C-Robbins	U	Appointed to one-year terms on the Board of Supervisors of Elections	Not given (presumed 8/5/92)	1		Porpilia
John Keefe	5/11/1992	None shown	7/6/1992 D			C-Marrinan	U	Reappointed to four-year terms on the Board of Supervisors of Elections	Not given (presumed 5/11/96)	4		Keefe
Margaretta Tutson	5/11/1992	None shown				C-Marrinan	U	Reappointed to four-year terms on the Board of Supervisors of Elections	Not given (presumed 5/11/96)	4		Tutson
David Celeste	2/1/1993	None shown				C-Marrinan	U	Appointed to fill the unexpired term on the Board of Supervisors of Elections	6/1/1996			Keefe
Elizabeth Steel	5/9/1994	None shown				C-Krasnow	U	Appointed to the Board of Supervisors of Elections	Not given (presumed ?/1998)			Loevinger
Howard Eskildson	2/26/1996	None shown				C-Harrison	U	Appointed to serve on the Board of Supervisors of Elections	Not given (presumed ?/2000)			Steel
Linda Aksamit	4/22/1996	None shown				C-Harrison	U	Appointed to serve on the Board of Supervisors of Elections	Not given (presumed ?/2000)			Impara
Margaretta Tutson	12/14/1998	None shown				C-Marrinan	U	Reappointed as a member of the Board of Supervisors of Elections	Not given (presumed ?/2002)			Tutson
David Celeste, Chair	12/14/1998	None shown				C-Marrinan	U	Reappointed as Chair of the Board of Supervisors of Elections	Not given (presumed ?/2002)			Unknown
Sid Gottlieb	9/11/2000	None shown				C-Dorsey	U	Appointed as a member of the Board of Supervisors of Elections	9/1/2004	3	0	Eskildson
Linda Aksamit	4/9/2001	None shown				C-Dorsey	U	Reappointed as a member of the Board of Supervisors of Elections	**4/1/2005**	4	0	Aksamit
Doris Ecelberger, Chair	5/14/2001	None shown				C-Harrison	U	Reappointed as Chair of the Board of Supervisors of Elections	(5/1/02) **	1	0	Ecelberger

Table 2

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Analysis of BSE Member Appointments and Terms

	Agenda Item					Minutes				Length of Appointment		
BSE Member Name	Date	Posting	Resigned	Actual Termination Date	Termination Date in Agenda Item	Moved By	Vote	Posting	Termination Date in Minutes	Years	Months	Predecessor
Doris Ecelberger, Member	3/10/2003	None shown	6/12/2006			C-Hall	U	Reappointment as a member until June 1, 2007	6/1/2007	4	3	Ecelberger
Doris Ecelberger, Chair	3/10/2003	None shown				C-Hall	U	Reappointment as Chair until March 1, 2004	(3/1/04)	1	0	Ecelberger
Margaretta Tutson	3/10/2003	None shown	10/31/2006			C-Hall	U	Reappointment as a member	6/1/2007	4	3	Tutson
David Celeste	5/12/2003	None shown				C-Hall	U	Reappointment as a member	6/1/2007	4	1	Celeste
Sid Gottlieb	2/7/2005	Reappointment term as member			2/1/2008	C-Hall	U	Reappointed as a member of the Board of Supervisors of Elections	2/1/2008	3	1	Gottlieb
Doris Ecelberger, Chair	4/4/2005	Reappointment as Chair			4/1/2006	C-Hall	U	Reappointment as Chair	(4/1/06)	1	0	Ecelberger
Linda Aksamit	4/5/2005	Reappointment as a member			4/1/2009	C-Hall	U	Reappointed as a member of the Board of Supervisors of Elections	4/1/2009	4	0	Aksamit
Dave Celeste, Chair	6/12/2006	None shown				C-Robbins	U	Appointed as Chair of the Board of Supervisors of Elections	(6/1/07)	1	0	Ecelberger
Dave Celeste, Chair	7/24/2006	None shown				C-Robbins	U	Appointed as (new) Chair of the Board of Supervisors of Elections	(7/1/07)			Ecelberger
Beryl Feinberg	9/18/2006	Appointment as a member			9/1/2010	C-Robbins	U	Appointed as a member of the Board of Elections	9/1/2010	4	0	Ecelberger
Howard Eskildson	3/5/2007	Appointment as a member			3/1/2011	C-Robbins	U	Appointed as a member of the Board of Supervisors of Elections	3/1/2011	**4**	**0**	Tutson
Dave Celeste, Member	7/16/2007	None shown	1/25/2013			C-Robbins	NA	Reappointed as a member until July 1, 1011	7/1/2011	4	0	Celeste
Dave Celeste, Chair	7/16/2007	None shown				C-Robbins	NA	Reappointed as Chair until July 1, 2008	(7/1/08)			Celeste
Sid Gottlieb	3/17/2008	Reappointment to the Board of Supervisors of Elections			3/1/2012	C-Robbins	U	Reappointed to the Board of Supervisors of Elections	3/1/2012	**4**	**0**	Gottlieb
Dave Celeste, Chair	8/4/2008	Reappointment as Chair of the City's Board of Supervisors of Elections			None given	C-Britton	U	To approve reappointment as Chair of the City's Board of Supervisors of Elections	None given			Celeste
Linda Aksamit	7/13/2009	Reappointment as a member			7/1/2013	C-Britton	U	Reappointment as a member	7/1/2013	**4**	**0**	Aksamit
Beryl Feinberg	9/13/2010	Reappointment as member	2/21/2013		9/1/2014	C-Pierzchala	U	To appoint as a member of the Board of Supervisors of Elections	9/1/2014	**4**	**0**	Feinberg
Dave Celeste, Chair	12/6/2010	Reappointment as Chair			12/1/2011	C-Pierzchala	U	To reappoint as Chair of the Board of Supervisors of Elections	12/1/2011			Celeste
Howard Eskildson	6/6/2011	Reappointment as member	6/6/2012 D		6/1/2015	C-Newton	U	Reappointment to the Board of Supervisors of Elections	6/1/2015	**4**	**0**	Eskildson
Dave Celeste, Chair	10/24/2011	Reappointment as member	1/25/2013		10/1/2015	C-Pierzchala	4-1A	To reappointment as Chair of the Board of Supervisors of Elections	10/1/2015	4	0	Celeste
Lois Neuman*******	6/4/2012	Appointment as member			6/1/2016	C-Moore	U	To appoint to the Board of Supervisors of Elections as a member	6/1/2016	**4**	**0**	Eskildson
Sid Gottlieb	7/9/2012	Appointment as member to serve unexpired term	1/31/2013		7/1/2015	C-Hall*	U	To approve the appointment to the Board of Supervisors of Elections as a member to serve out an unexpired term	7/1/2015	**3**	**0**	Gottlieb
David Berthiaume	2/25/2013	Appointment to fill an unexpired term	Before 3/21/13		10/1/2015	C-Moore	4-1A	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term	10/1/2015	2	8	Celeste
Andrew Powell (Not approved)	2/25/2013	Appointment to fill an unexpired term			7/1/2015	C-Newton	F	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term (Failed due to lack of second)	7/1/2015	2	5	Gottlieb
Carol Millman	3/4/2013	Appointment to fill an unexpired term			7/1/2015	C-Newton	U	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term	7/1/2015	2	4	Gottlieb
Graham Johnson	3/11/2013	Appointment as member to fill an unexpired term			9/1/2014	C-Moore	U	To appoint to the Board of Supervisors of Elections as a member to fill an unexpired term until 9/1/14**.	9/1/2014	1	6	Feinberg
Brigitta Mullican	4/8/2013	Appointment as member to fill an unexpired term	1/29/2015		10/1/2015	C-Hall	U	To approve the appointment to the Board of Supervisors of Elections as a member to fill out an unexpired term	10/1/2015	**2**	**6**	Berthiaume
Stephen Weiner	7/29/2013	Appointment as member			7/1/2016	C-Pierzchala	U	To appoint as a member to the Board of Supervisors of Elections	7/1/2016	3	0	Aksamit
Graham Johnson	9/29/2014	Reappointments as a member to serve a four year term			9/1/2018	C-Feinberg	U	To reappoint as a member to the Board of Supervisors of Elections	9/1/2018	4	0	Johnson
Carol Millman	9/21/2015	Reappointments as a member to serve a four year term	1/24/2017		6/1/2019	C-Onley	U	To move the appointments as read.***	Not provided in minutes (but 6/1/19 in agenda)	**3**	**9**	Millman
Melissa Jakowski	6/20/2016	New appointment as a member to serve a four year term	Before 9/25/18		10/1/2019	C-Onley	U	To appoint to the Board of Supervisors of Elections	10/1/2019	**3**	**4**	Mullican
Dr.Lois Neuman	7/18/2016	Reappointment		11/9/2020	6/1/2020	C-Feinberg	U	To appoint to the Board of Supervisors of Elections	6/1/2020	3	11	Neuman
Stephen Weiner	9/26/2016	Reappointment as a member		11/9/2020	7/1/2020	C-Feinberg	U	To appoint to the Board of Supervisors of Elections****	7/1/2020	3	10	Weiner
Sabrina Dawson	2/5/2018	Appointmenrt to complete an unexpired term and serve as a Member	Before 1/15/19		6/1/2019	C-Onley	U	To appoint to the Board of Supervisors of Elections and serve as a Member	6/1/2019	**1**	**4**	Millman
Graham Johnson	8/1/2018	Reappoint to serve as a member	3/11/2020		6/5/2022	C-Feinberg	U	To reappoint to the Board of Supervisors of Elections as a member*****	6/5/2022	3	10	Johnson

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Analysis of BSE Member Appointments and Terms

	Agenda Item					Minutes				Length of Appointment		
BSE Member Name	Date	Posting	Resigned	Actual Termination Date	Termination Date in Agenda Item	Moved By	Vote	Posting	Termination Date in Minutes	Years	Months	Predecessor
Robert Kurnick	11/19/2018	New appointment to fill an unexpired term			10/1/2019	C-Feinberg	U	To appoint to serve an unexpired term on the Board of Supervisors of Elections	10/1/2019	0	11	Jakowski
Sofya Orlosky	4/1/2019	NEW appointment to serve a four year term			6/3/2023	C-Feinberg	U	Appointment to the Board of Supervisors of Elections to serve a four-yeare term	6/3/2023	4	2	Dawson
Robert Kurnick	12/16/2019	Reappointments to serve a 4-year term			12/1/2023	C-Pierzchala	U	The reappointment to the Board of Supervisors of Elections to serve a four-year term	12/1/2023	4	0	Kurnick
Danniel Belay	8/3/2020	None shown	4/21/2022			M-Newton	U	To appoint to the Board of Supervisors of Elections (actually to fill Johnson vacancy)	6/1/2022			Johnson
Dr.Lois Neuman	8/3/2020	Reappointment to serve a 3-year term			8/1/2023	C-Pierzchala	2-2-1	To reappoint to a four-year term (Ashton abstained; motion failed)	6/1/2024			
Stephen Weiner	8/3/2020	Reappointment to serve a 3-year term			8/1/2023	C-Pierzchala	2-2-1	To reappoint to a four-year term (Ashton abstained; motion failed)	6/1/2024			
William Simon	11/9/2020	New appointment to fill an unexpired term of 3 years and 7 months			6/5/2023	M-Newton	3-2	To appoint to the Board of Supervisors of Elections to serve a four-year term******	6/5/2023	3	7	Neuman
Stephen Fischer	11/9/2020	New appointment to fill an unexpired term of 3 years and 7 months			6/5/2023	M-Newton	3-2	To appoint to the Board of Supervisors of Elections to serve a four-year term******	6/5/2023	3	7	Wiener

NOTES: * Appointing Sid Gottlieb to fill a vacancy seems odd since he is a long-time BSE member; so why isn't this a reappointment?
** The actual motion as reported in the minutes was until 9/1/04; inconsistent with the agenda and the other term mentioned in the minutes.
*** The actual motion did not provide any of the information provided in the agenda item.
**** Unclear why the motion was for an appointment rather than a reappointment as correctly shown on the agenda.
***** The Termination Date in the motion is for a year later than the date in the agenda. According the video, the date in the agenda is correct. The minutes are wrong.
****** The term and Termination Date on the agenda were a year shorter than the comparable term and Termination Date in the motion. According to the video of the meeting, the year in the agenda is correct. The minutes are wrong.
******* Dr. Neuman was elected Chair by the BSE to a one-year term ending 1/1/2014

Legend:
D -- deceased
U -- unanimously approved
F -- vote failed
2-2-1 -- the vote was 2 in favor, 2 against, and 1 abstention
NA -- information not available

Table 3

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Analysis of BSE Experience Available to Support Elections
Theoretical versus Actual Experience
From 1993 to 2023 (estimated)

BSE Appointment Rules*				Theoretical Experience						Actual Experience	
				Two BSE Members		Three BSE Members		Five BSE Members			
Year	First Monday in June	No. of BSE Members Appointed	M&C Election Date	BSE Experience (yrs)	Prior Elections	BSE Experience (yrs)	Prior Elections	BSE Experience (yrs)	Prior Elections	Years	Prior Elections
1992	6/1/92	2									
			11/2/1993	1.42	0	0.42	0	4.10	0	11.76	5
1994	6/6/94	3									
			11/7/1995	3.43	1	1.42	0	11.13	2	21.32	9
1996	6/3/96	2									
			11/4/1997	1.42	0	3.41	1	13.08	3	14.24	5
1998	6/1/98	3									
			11/2/1999	3.41	1	1.42	0	11.09	2	22.93	9
2000	6/5/00	2									
			11/6/2001	1.42	0	3.43	1	13.14	3	28.45	12
2002	6/3/02	3									
			11/4/2003	3.41	1	1.42	0	11.09	2	38.42	17
2004	6/7/04	2									
			11/8/2005	1.42	0	3.43	1	13.14	3	48.49	22
2006	6/5/06	3									
			11/6/2007	3.41	1	1.42	0	11.09	2	39.56	17
2008	6/2/08	2									
			11/3/2009	1.42	0	3.41	1	13.08	3	49.43	22
2010	6/7/10	3									
			11/8/2011	3.43	1	1.42	0	11.13	2	59.60	27
2012	6/4/12	2									
			11/5/2013 **	1.42	0	3.41	1	13.08	3	3.60	0
2014	6/2/14	3									
			11/3/2015	3.41	1	1.42	0	11.09	2	11.00	4
2016	6/6/16	2									
2018	6/4/18	3									
			11/5/2019	3.41	0	1.42	0	11.09	0	21.92	6
2020	6/1/20	2									

Table 3

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Analysis of BSE Experience Available to Support Elections
Theoretical versus Actual Experience
From 1993 to 2023 (estimated)

BSE Appointment Rules*				Theoretical Experience						Actual Experience	
				Two BSE Members		Three BSE Members		Five BSE Members			
Year	First Monday in June	No. of BSE Members Appointed	M&C Election Date	BSE Experience (yrs)	Prior Elections	BSE Experience (yrs)	Prior Elections	BSE Experience (yrs)	Prior Elections	Years	Prior Elections
2022	6/6/22	3									
			11/7/2023 ***	3.43	0	1.42	0	11.13	0	15.56	2

*Note 1: Resolution No. 9-91: "The terms of members of the board shall begin on the first Monday in June and shall run for four years and until their successors are appointed and qualified."

** Note 2: 2013 was an unusual year for BSE appointments and reappointments. Four members whose terms were scheduled to end after 2013 (Eskildson, Celeste, Feinberg, and Gottlieb) left prior to the 2013 elections. One of their replacements was appointed on June 4, 2014 and the other three were appointed in early 2013. Consequently the new appointees were mostly vacancy appointments who only served a few months before the November elections and none had prior election experience.

Charter Review Commission

Board of Supervisors of Elections (BSE) Working Group

Detail of Actual BSE Member Experience Available to Support Elections

	Member Group 1-A					Member Group 1-B			
Election Date*	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date
	5/26/1987 A	Porpilia		1989					
	8/24/1987 R	Porpilia		6/1/1991		8/10/1987 A	Donaldson		1991
11/7/1989	896	2.454794521				820	2.246575342		
	8/5/1991 A	Tutson		1992		8/5/1991 A	Keefe		1992
11/5/1991	92	0.252054795			0	92	0.252054795		
						5/11/1992 R	Keefe	7/6/1992 D	
	5/11/1992 R	Tutson		1996		2/1/1993 V	Celeste		6/1/1996
11/2/1993	820	2.246575342			1	274	0.750684932		
11/7/1995	1555	4.260273973			2	1009	2.764383562		
11/4/1997	2283	6.254794521			3	1737	4.75890411		
	######### R	Tutson		2002?					
11/2/1999	3011	8.249315068			4	2465	6.753424658		
		Tutson							
11/6/2001	3746	10.2630137			5	3200	8.767123288		
	3/10/2003 R	Tutson		6/1/2007		5/12/2003 R	Celeste		6/1/2007
11/4/2003	4474	12.25753425			6	3928	10.76164384		
11/8/2005	5209	14.27123288			7	4663	12.77534247		
		Tutson	#########						

Charter Review Commission

Board of Supervisors of Elections (BSE) Working Group

Detail of Actual BSE Member Experience Available to Support Elections

	Member Group 1-A					Member Group 1-B			
Election Date*	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date
	3/5/2007 A	Eskildson		3/1/2011		7/16/2007 R	Celeste		7/1/2011
11/6/2007	246	0.673972603			2	5391	14.76986301		
11/3/2009	974	2.668493151			3	6119	16.76438356		
	6/6/2011 R	Eskildson	6/6/2012	6/1/2015		######### R	Celeste	1/25/2013	10/1/2015
11/8/2011	1,709	4.682191781			4	6854	18.77808219		
	6/4/2012 A	Neuman		6/1/2016		2/25/2013 V	Berthiaume	Before 3/21/13	10/1/2015
						4/8/2013 V	Mullican	1/29/2015	10/1/2015
11/5/2013	519	1.421917808			0	211	0.578082192		
11/3/2015	1247	3.416438356			1		Vacant		
	7/18/2016 R	Neuman		6/1/2020		6/20/2016 A	Jakowski	Before 9/25/18	10/1/2019
						######### V	Kurnick		10/1/2019
11/5/2019	2710	7.424657534			2	351	0.961643836		
			11/9/2020			######### R	Kurnick		12/1/2023
	11/9/2020 A	Simon		6/5/2023					
11/7/2023	1093	2.994520548			0	1814	4.969863014		
Theoretical Next Termination Dates				2024					2024

Legend:

A -- appointment date

Charter Review Commission

Board of Supervisors of Elections (BSE) Working Group

Detail of Actual BSE Member Experience Available to Support Elections

	Member Group 1-A					Member Group 1-B			
Election Date*	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date

R -- reappointment date

V -- date of vacancy appointment

D -- deceased

Table 4

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Detail of Actual BSE Member Experience Available to Support Elections

		Member Group 2-A					Member Group 2-B		
Election Date*	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date
		5/26/1987 A	Lyon		1989		5/26/1987 A	Ward	
		8/24/1987 R	Lyon		6/1/1991		8/24/1987 R	Ward	
11/7/1989		896	2.454794521				896	2.454794521	
		7/8/1991 A	Impara		1994		8/5/1991 R	Ward	
11/5/1991	0	120	0.328767123			0	1624	4.449315068	
11/2/1993	0	848	2.323287671			1	2352	6.443835616	
11/7/1995	1	1583	4.336986301	11/7/1995		2	3087	8.457534247	
		4/22/1996 A	Aksamit		?			Ward	9/18/1996
11/4/1997	2	561	1.536986301			0		Vacant	
							2/16/1999 A	Ecelberger	
11/2/1999	3	1289	3.531506849			1	259	0.709589041	
		4/9/2001 R	Aksamit		4/1/2005				
11/6/2001	4	2024	5.545205479			2	994	2.723287671	
							3/10/2003 R	Ecelberger	6/12/2006
11/4/2003	5	2752	7.539726027			3	1722	4.717808219	
		4/5/2005 R	Aksamit		4/1/2009				
11/8/2005	6	3487	9.553424658			4	2457	6.731506849	

Table 4

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Detail of Actual BSE Member Experience Available to Support Elections

		Member Group 2-A					Member Group 2-B		
Election Date*	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date
11/6/2007	7	4215	11.54794521			5	9/18/2006 A 414	Feinberg 1.134246575	
11/3/2009	8	7/13/2009 R 4943	Aksamit 13.54246575		7/1/2013	6	1142	3.128767123	
11/8/2011	9	5678	15.55616438			7	9/13/2010 R 1877	Feinberg 5.142465753	2/21/2013
11/5/2013	0	7/29/2013 A 99	Weiner 0.271232877		7/1/2016	0	3/11/2013 V 239	Johnson 0.654794521	
11/3/2015		827	2.265753425			1	9/29/2014 R 967	Johnson 2.649315068	
11/5/2019	0	9/26/2016 R 2290	Weiner 6.273972603		7/1/2020	2	8/1/2018 R 2430	Johnson 6.657534247	3/11/2020
11/7/2023	1	11/9/2020 A 1093	Fischer 2.994520548		6/5/2023	0	8/3/2020 V	Belay Belay 0	4/21/2022
Theoretical Next T					2022				

Legend:
A -- appointment

Table 4

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Detail of Actual BSE Member Experience Available to Support Elections

		Member Group 2-A					Member Group 2-B		
Election Date*	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date

R -- reappointmei
V -- date of vacan
D -- deceased

Table 4 Table 4

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Detail of Actual BSE Member Experience Available to Support Elections

			Member Group 2-C					Available Experience		
Election Date*	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Days	Years	Prior Elect.
	1989		5/26/1987 A	Sherbill		1989				
	6/1/1991		8/24/1987 R	Sherbill		6/1/1991				
11/7/1989		1	896	2.454794521			1	4,404	12.07	2
			3/11/1991 V	Loevinger		*6/4/1991*				
	1994		8/5/1991 R	Loevinger		1994				
11/5/1991		2	239	0.654794521			0	2,167	5.94	2
				Loevinger	#########					
11/2/1993		3		Vacant				4,294	11.76	5
			5/9/1994 A	Steel		1998				
11/7/1995		4	547	1.498630137			0	7,781	21.32	9
				Steel	2/21/1996					
			2/26/1996 A	Eskildson		6/5/2000				
11/4/1997			617	1.690410959			0	5,198	14.24	5
	?		1,561	4.273785079						
11/2/1999		0	1345	3.684931507			1	8,369	22.93	9
			9/11/2000 A	Gottlieb		9/1/2004				
11/6/2001		1	421	1.153424658			0	10,385	28.45	12
	6/1/2007									
11/4/2003		2	1149	3.147945205			1	14,025	38.42	17
			2/7/2005 R	Gottlieb		2/1/2008				
11/8/2005		3	1884	5.161643836			2	17,700	48.49	22

Table 4 Table 4

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Detail of Actual BSE Member Experience Available to Support Elections

			Member Group 2-C					Available Experience		
Election Date*	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Days	Years	Prior Elect.
	9/1/2010									
11/6/2007		0	2612	7.156164384			3	12,878	35.28	17
			3/17/2008 R	Gottlieb		3/1/2012				
11/3/2009		1	3340	9.150684932			4	16,518	45.25	22
	9/1/2014									
11/8/2011		2	4075	11.16438356			5	20,193	55.32	27
			7/9/2012 V	Gottlieb	1/31/2013	7/1/2015				
	9/1/2014		3/4/2013 V	Millman		7/1/2015				
11/5/2013		0	246	0.673972603			0	1,314	3.60	0
	9/1/2018									
			9/21/2015 R	Millman	1/24/2017	6/1/2019				
11/3/2015		1	974	2.668493151			1	4,015	11.00	4
			2/5/2018 V	Dawson	1/15/2019	6/1/2019				
	6/5/2022		4/1/2019 A	Orlosky		6/3/2023				
11/5/2019		2	218	0.597260274			0	7,999	21.92	6
	6/1/2022									
11/7/2023		0	1681	4.605479452			1	5,681	15.56	2
Theoretical Next T	2022					2022				

Legend:
A -- appointment

Table 4

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Detail of Actual BSE Member Experience Available to Support Elections

			Member Group 2-C					Available Experience		
Election Date*	Term Date	Prior Elect.	Appt. Date	Last name	Stop Date	Term Date	Prior Elect.	Days	Years	Prior Elect.

R -- reappointmei
V -- date of vacan
D -- deceased

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Comparing Characteristics of Maryland Jurisdictions

			Characteristics of Mayor and Council/Board of Aldermen				Characteristics of Boards of Elections					
Jurisdiction	Type	Population*	Term of Mayor (yrs.)	No. of Councilmembers/ Aldermen	Term of Councilmembers/ Aldermen (yrs.)	Timing of Elections	No. of Members	Term (yrs.)	Timing of Appointments	Members Appointed By	Duties and Meetings with Electeds	Board Chair Appointed By
Rockville	**City**	**68,155**	**4**	**4**	**4**	**1st Mon. of Nov. in odd years beginning with 2019**	**5**	**4**	**All members appointed 1st. Mon. in June of even years with staggered terms of two members beginning in 1992 and 3 members beginning in 1994.**	**Council, vacancies by Mayor w/Council approval**	**Can make recommendations prior to budget review, no other beyond election duties**	**Board**
Bowie	City	58,158	4	6	4	First Tuesday after the first Monday in November every fourth odd year beginning in 2015.	9 plus 4 alternates	2	Third Monday in November or as soon thereafter as practicable, of every even numbered year.	Council	Report to electeds on election	Board
College Park	City	32,221	2	8	2	Mayor and Council may by motion set the date in November for the general election on a date that is not a City, state, county, or federal election day or holiday. If the Mayor and Council fail to set the election date by March 31, the general election shall be held on the first Tuesday following the first Monday in November (in odd years).	6	2	Terms shall begin on July 1 of even years and end on June 30 of those years.	Mayor & Council		Mayor & Council
Frederick	City	71,843	4	5	4	First Tuesday after the first Monday in November every fourth odd year beginning in 2013.	3	4	On or before the first day of June every four even years, beginning in 2014, ending on May 31 in the fourth year.	Mayor with advice & consent of Board of Aldermen	Report on possible changes to charter/code relating to elections, polling place locations, early voting days are brought before Alderman by staff for approval. No formal reports to Aldermen.	Board elects a President and Vice President
Gaithersburg	City	67,878	4	5	4, but terms are staggered two years apart for two members elected with the Mayor and the other 3 members, respectively.	First Tuesday after the first Monday in November every fourth odd year beginning in 2001.	5 plus 1 alternate	4	When appointed by the Mayor and approved by the council.	Mayor with approval by the council.	M&C meet with BSE in joint work session/debrief post election, changes to Charter/code as relates to elections, election regs reviewed each election cycle	Board

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Comparing Characteristics of Maryland Jurisdictions

			Characteristics of Mayor and Council/Board of Aldermen				Characteristics of Boards of Elections					
Jurisdiction	Type	Population*	Term of Mayor (yrs.)	No. of Councilmembers/ Aldermen	Term of Councilmembers/ Aldermen (yrs.)	Timing of Elections	No. of Members	Term (yrs.)	Timing of Appointments	Members Appointed By	Duties and Meetings with Electeds	Board Chair Appointed By
Greenbelt	City	23,253	2	7***	2	First Tuesday after the first Monday in November every odd-numbered year.	5	4	Terms end on the third Monday of January in even numbered years, but terms are staggered such that two terms expire two years before the next three terms expire.	Council	No established meetings or reports on elections	Board
Hyattsville	City	18,267	4	10	4	Second Tuesday in May every fourth odd-numbered year beginning in 2011.	5	4	Terms begin on or before the second Monday in January in odd-numbered years, but terms are staggered such that two terms expire two years before the next three terms expire.	Mayor with approval of the Council.		Mayor with approval of the Council.
Laurel	City	25,734	4	5	2	First Tuesday of the month of November 2019 and on the same date every two years thereafter (odd years).	3	4**	On or before the second Monday of March 2019 and on the same day every four years thereafter (odd years).	Mayor with advice and consent of city council		Mayor with advice and consent of city council
New Carrollton	City	12,925	2	5	2	Commencing with the 2023 City election, the Mayor and five Councilmembers shall be elected to two-year terms on the first Monday in May 2023 and in every odd-numbered year thereafter.	5	2	Terms are staggered and begin on the 15th day of June with the terms of three members ending in every odd-numbered year and the terms of two members ending in every even-numbered year.	Mayor with approval of the Council.		Board
Poolesville	Village	5,288	4****	5	4, but terms are staggered two years apart for three members in the Presidential election year and the other 2 members in the following Congressional election year.	The same date as the Presidential or Congressional election in November of every even-numbered year.	5 to 8	2	First day of April in every even-numbered year.	City Commissioners	Report on matters as stated in city code/charter, only meet with M&C to report after election	Board

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Comparing Characteristics of Maryland Jurisdictions

			Characteristics of Mayor and Council/Board of Aldermen				Characteristics of Boards of Elections					
Jurisdiction	Type	Population*	Term of Mayor (yrs.)	No. of Councilmembers/ Aldermen	Term of Councilmembers/ Aldermen (yrs.)	Timing of Elections	No. of Members	Term (yrs.)	Timing of Appointments	Members Appointed By	Duties and Meetings with Electeds	Board Chair Appointed By
Takoma Park	City	17,703	2	6	2	The first Tuesday after the first Monday in November of every even-numbered year.	Up to 7	3	Staggered terms begin on July 1 and end on June 30 every other year.	Council	No specific reporting requirement but does appear before M&C when changes to Election code occur, pre-election reports via Clerk/written, after election reports	Board elects Chairperson and Vice Chairperson
Cumberland	City	19,495	4	4	4, but terms are staggered two years apart for two members elected with the Mayor and the other 3 members, respectively.	The first Tuesday after the first Monday in November of every even-numbered year.	5	4	Terms are staggered and expire on the first Monday of August in alternating even years, with the terms of two members ending two years apart from the terms of the other three members.	Mayor and City Council		Board
Hagerstown	City	40,027	4	5	4	Every four years on General Election Day in November to coincide with the Presidential Election and other Federal offices.	Elections are handled by Washington County Board of Elections					
Salisbury	City	32,850	4	5	4, but terms are staggered two years apart for two members elected with the Mayor and the other 3 members, respectively.	First Tuesday of the month of November 2015 and on the same date every two years thereafter (odd years).	3	6	Terms generally begin and end around the beginning of the year and are staggered so that each of the three members comes up for reappointment every other year.	Mayor with advice & consent of Council	Reports to M&C when there are inquiries from that body, provides a report certifying elections	Board

*Note: The population data were drawn from the 2020 American Community Survey.
**Note: There is a conflict between the Charter which states 4 year terms (shown in this table) and the BSE webpage which states 2 year BSE terms.
*** Note: The Council elects one of its members as Mayor.
****Note: The Commissioners elect one of their members as President and another member as Vice President.

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary Analysis of BSE Member Appointments by Type of Appointment and Mayor

Mayor	Years Served	Type of Nominations and Who Made Them: New Appointments – Mayor	New Appointments – Council	Reppointments – Mayor	Reppointments – Council		Vacancy Appointments – Mayor	Vacancy Appointments – Council		Total Nominations	Nominations Not Approved		Total Appointments
Preparation for 1991 Charter Amendments													
Van Grack		5		4						9			9
Duncan								1		1			1
Actions Following 1991 Charter Amendments (effective 7/2/1991)													
Duncan	2		3		4			1		8			8
Coyle	2		1							1			1
Krasnow	6 6		3		2			0		5			5
Giammo	6		2		6			0		8			8
Hoffman	2		0		2			0		2			2
Marcuccio	4		3		1			6	*	10	-1	*	9
Newton	9	2	5		6	**	1	1		15	-2	**	13
Sub-total approved	31	2	17	0	21		1	8		49	-3		46
Sub-total not approved					-2	**		-1	*				
Total Nominations Approved		2	17	0	19		1	7		49	-3		46

* Note - One nomination to fill a vacancy during Mayor Marcuccio's term was not approved.
** Note - Two reappointment nominations during Mayor Newton's term were not approved.

Summary Statement

From the 1991 Charter amendment until 2022, there were 49 nominations for new appointments, reappointments, or vacancy appointments to the BSE. In 2013, one of then-Councilmember Newton's nominations to fill a vacancy wasn't approved by the full Council. Until 2020, no nominations for reappointments had ever been disapproved by the Council, but that year the nominations for the two most experienced BSE members were not approved by the Council. Opposition mainly came from the Mayor and Councilmember Feinberg, both of whom were upset by the BSE's unwillingness to meet with them in a formal M&C meeting.

Mayor

Preparation for 1991 Charter Amen
Van Grack
Duncan

Actions Following 1991 Charter Am
Duncan
Coyle
Krasnow 6
Giammo
Hoffman
Marcuccio
Newton

Sub-total approved
Sub-total not approved

Total Nominations Approved

* Note - One nomination to fill a va
** Note - Two reappointment nomi

Summary Statement
From the 1991 Charter amendment
nominations to fill a vacancy wasn'
most experienced BSE members we
with them in a formal M&C meetin

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Compliance of BSE Member Terms with Charter Requirements -- Details

				Agenda Item	Minutes					
BSE Member Name	Mayor	City Clerk	City Attorney	Date	Moved By	Vote	Posting	Termination Date in Minutes	Compliance with Charter	Comments
Preparation for 1991 Charter Amendments										
Alice Lyons	Steven van Grack	Carol Kachadoorian	Paul Glasgow	5/26/1987	M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms		Pre-Charter	
Ray Sherbill	Steven van Grack	Carol Kachadoorian	Paul Glasgow	5/26/1987	M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms		Pre-Charter	
Maurice Ward	Steven van Grack	Carol Kachadoorian	Paul Glasgow	5/26/1987	M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms		Pre-Charter	
Paula Porpilia	Steven van Grack	Carol Kachadoorian	Paul Glasgow	5/26/1987	M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms		Pre-Charter	
Alexander Donaldson	Steven van Grack	Helen Heneghan	Paul Glasgow	8/10/1987	M-Van Grack	U	Appointment to Board of Supervisors of Elections for 4-year term		Pre-Charter	
Alice Lyons	Steven van Grack	Helen Heneghan	Paul Glasgow	8/24/1987	M-Van Grack	U	All terms extended to 6/91		Pre-Charter	
Ray Sherbill	Steven van Grack	Helen Heneghan	Paul Glasgow	8/24/1987	M-Van Grack	U	All terms extended to 6/91		Pre-Charter	
Maurice Ward	Steven van Grack	Helen Heneghan	Paul Glasgow	8/24/1987	M-Van Grack	U	All terms extended to 6/91		Pre-Charter	
Paula Porpilia	Steven van Grack	Helen Heneghan	Paul Glasgow	8/24/1987	M-Van Grack	U	All terms extended to 6/91		Pre-Charter	
Ruth Loevinger	Douglas Duncan	Sharon Gran	Paul Glasgow	3/11/1991	C-Marrinan	U	Appointed to fill the vancancy on the Board of Supervisors of Elections for the remainder of the unexpired term.	Not given (presumed 6/91)	Pre-Charter	
Actions Following 1991 Charter Amendments (effective 7/2/1991)										
Audrey Impara	Douglas Duncan	Sharon Gran	Paul Glasgow	7/8/1991	C-Hovsepian	U	Appointed to a three-year term on the Board of Supervisors of Elections	Not given (presumed 7/8/94)	Maybe	Although term ending month is not provided, ending year is even.
Maurice Ward	Douglas Duncan	Sharon Gran	Paul Glasgow	8/5/1991	C-Robbins	U	Reappointed to three-year terms on the Board of Supervisors of Elections	Not given (presumed 8/5/94)	Maybe	Although term ending month is not provided, ending year is even.
Ruth Loevinger	Douglas Duncan	Sharon Gran	Paul Glasgow	8/5/1991	C-Robbins	U	Reapoointed to three-year terms on the Board of Supervisors of Elections	Not given (presumed 8/5/94)	Maybe	Although term ending month is not provided, ending year is even.
John Keefe	Douglas Duncan	Sharon Gran	Paul Glasgow	8/5/1991	C-Robbins	U	Appointed to one-year terms on the Board of Supervisors of Elections	Not given (presumed 8/5/92)	Maybe	Although term ending month is not provided, ending year is even.
Margaretta Tutson	Douglas Duncan	Sharon Gran	Paul Glasgow	8/5/1991	C-Robbins	U	Appointed to one-year terms on the Board of Supervisors of Elections	Not given (presumed 8/5/92)	Maybe	Although term ending month is not provided, ending year is even.
John Keefe	Rose Krasnow (Mayor Pro Tem)	Sharon Gran	Paul Glasgow	5/11/1992	C-Marrinan	U	Reappointed to four-year terms on the Board of Supervisors of Elections	Not given (presumed 5/11/96)	Maybe	Although term ending month is not provided, ending year is even.
Margaretta Tutson	Rose Krasnow (Mayor Pro Tem)	Sharon Gran	Paul Glasgow	5/11/1992	C-Marrinan	U	Reappointed to four-year terms on the Board of Supervisors of Elections	Not given (presumed 5/11/96)	Maybe	Although term ending month is not provided, ending year is even.
David Celeste	Douglas Duncan	Sharon Gran	Paul Glasgow	2/1/1993	C-Marrinan	U	Appointed to fill the unexpired term on the Board of Supervisors of Elections	6/1/1996	Y	Term ending month and year are good.
Elizabeth Steel	James Coyle	Paula Jewell	Paul Glasgow	5/9/1994	C-Krasnow	U	Appointed to the Board of Supervisors of Elections	Not given (presumed ?/1998)	Maybe	Although term ending month is not provided, ending year is even.
Howard Eskildson	Rose Krasnow	Paula Jewell	Paul Glasgow	2/26/1996	C-Harrison	U	Appointed to serve on the Board of Supervisors of Elections	Not given (presumed ?/2000)	Maybe	Although term ending month is not provided, ending year is even.
Linda Aksamit	Rose Krasnow	Paula Jewell	Paul Glasgow	4/22/1996	C-Harrison	U	Appointed to serve on the Board of Supervisors of Elections	Not given (presumed ?/2000)	Maybe	Although term ending month is not provided, ending year is even.
Margaretta Tutson	Rose Krasnow	Claire Funkhouser	Paul Glasgow	12/14/1998	C-Marrinan	U	Reappointed as a member of the Board of Supervisors of Elections	Not given (presumed ?/2002)	Maybe	Although term ending month is not provided, ending year is even.
Sid Gottlieb	Glennon Harrison (Mayor Pro Tem)	Claire Funkhouser	Paul Glasgow	9/11/2000	C-Dorsey	U	Appointed as a member of the Board of Supervisors of Elections	9/1/2004	N	Term ending year is even, but month is wrong.

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Compliance of BSE Member Terms with Charter Requirements -- Details

				Agenda Item	Minutes					
BSE Member Name	Mayor	City Clerk	City Attorney	Date	Moved By	Vote	Posting	Termination Date in Minutes	Compliance with Charter	Comments
Linda Aksamit	Rose Krasnow	Claire Funkhouser	Paul Glasgow	4/9/2001	C-Dorsey	U	Reappointed as a member of the Board of Supervisors of Elections	4/1/2005	N	Term ending year is odd, not even.
Doris Ecelberger, Member	Larry Giammo	Claire Funkhouser	Paul Glasgow	3/10/2003	C-Hall	U	Reappointment as a member until June 1, 2007	6/1/2007	N	Term ending year is odd, not even.
Margaretta Tutson	Larry Giammo	Claire Funkhouser	Paul Glasgow	3/10/2003	C-Hall	U	Reappointment as a member	6/1/2007	N	Term ending year is odd, not even.
David Celeste	Larry Giammo	Claire Funkhouser	Paul Glasgow	5/12/2003	C-Hall	U	Reappointment as a member	6/1/2007	N	Term ending year is odd, not even.
Sid Gottlieb	Larry Giammo	Claire Funkhouser	Paul Glasgow	2/7/2005	C-Hall	U	Reappointed as a member of the Board of Supervisors of Elections	2/1/2008	N	Term ending year is even, but month is wrong.
Linda Aksamit	Larry Giammo	Claire Funkhouser	Paul Glasgow	4/5/2005	C-Hall	U	Reappointed as a member of the Board of Supervisors of Elections	4/1/2009	N	Term ending year is odd, not even.
Beryl Feinberg	Larry Giammo	Claire Funkhouser	Paul Glasgow	9/18/2006	C-Robbins	U	Appointed as a member of the Board of Elections	9/1/2010	N	Term ending year is even, but month is wrong.
Howard Eskildson	Larry Giammo	Claire Funkhouser	Paul Glasgow	3/5/2007	C-Robbins	U	Appointed as a member of the Board of Supervisors of Elections	3/1/2011	N	Term ending year is odd, not even.
Dave Celeste, Member	Larry Giammo	Claire Funkhouser	Paul Glasgow	7/16/2007	C-Robbins	?	Reappointed as a member until July 1, 1011	7/1/2011	N	Term ending year is odd, not even.
Sid Gottlieb	Susan Hoffman	Claire Funkhouser	Paul Glasgow	3/17/2008	C-Robbins	U	Reappointed to the Board of Supervisors of Elections	3/1/2012	N	Term ending year is even, but month is wrong.
Linda Aksamit	Susan Hoffman	Claire Funkhouser	Debra Daniel	7/13/2009	C-Britton	U	Reappointment as a member	7/1/2013	N	Term ending year is odd, not even.
Beryl Feinberg	Phyllis Marcuccio	Glenda Evans	Debra Daniel	9/13/2010	C-Pierzchala	U	To appoint as a member of the Board of Supervisors of Elections	9/1/2014	N	Term ending year is even, but month is wrong.
Howard Eskildson	Phyllis Marcuccio	Glenda Evans	Debra Daniel	6/6/2011	C-Newton	U	Reappointment to the Board of Supervisors of Elections	6/1/2015	N	Term ending year is odd, not even.
Lois Neuman*******	Phyllis Marcuccio	Doug Barber	Debra Daniel	6/4/2012	C-Moore	U	To appoint to the Board of Supervisors of Elections as a member	6/1/2016	Y	Term ending month and year are good.
Sid Gottlieb	Phyllis Marcuccio	Doug Barber	Debra Daniel	7/9/2012	C-Hall*	U	To approve the appointment to the Board of Supervisors of Elections as a member to serve out an unexpired term	7/1/2015	N	Term ending year is odd, not even.
David Berthiaume	Phyllis Marcuccio	Doug Barber	Debra Daniel	2/25/2013	C-Moore	4-1A	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term	10/1/2015	N	Term ending year is odd, not even.
Andrew Powell (Not approved)	Phyllis Marcuccio	Doug Barber	Debra Daniel	2/25/2013	C-Newton	F	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term (Failed due to lack of second)	7/1/2015	N (N/A)	Term ending year is odd, not even, but doesn't count because this nomination was not approved.
Carol Millman	Phyllis Marcuccio	Doug Barber	Debra Daniel	3/4/2013	C-Newton	U	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term	7/1/2015	N	Term ending year is odd, not even.
Graham Johnson	Phyllis Marcuccio	Doug Barber	Debra Daniel	3/11/2013	C-Moore	U	To appoint to the Board of Supervisors of Elections as a member to fill an unexpired term until 9/1/14**.	9/1/2014	N	Term ending year is even, but month is wrong.
Brigitta Mullican	Phyllis Marcuccio	Doug Barber	Debra Daniel	4/8/2013	C-Hall	U	To approve the appointment to the Board of Supervisors of Elections as a member to fill out an unexpired term	10/1/2015	N	Term ending year is odd, not even.
Stephen Weiner	Phyllis Marcuccio	Doug Barber	Debra Daniel	7/29/2013	C-Pierzchala	U	To appoint as a member to the Board of Supervisors of Elections	7/1/2016	N	Term ending year is even, but month is wrong.
Graham Johnson	Brigitte Newton	Sara Ferrell (Acting)	Debra Daniel	9/29/2014	C-Feinberg	U	To reappoint as a member to the Board of Supervisors of Elections	9/1/2018	N	Term ending year is even, but month is wrong.
Carol Millman	Brigitte Newton	Sara Ferrell (Acting)	Debra Daniel	9/21/2015	C-Onley	U	To move the appointments as read.***	Not provided in minutes (but 6/1/19 in agenda)	N	Term ending year is odd, not even.
Melissa Jakowski	Brigitte Newton	Kathleen Conway	Debra Daniel	6/20/2016	C-Onley	U	To appoint to the Board of Supervisors of Elections	10/1/2019	N	Term ending year is odd, not even.
Dr.Lois Neuman	Brigitte Newton	Kathleen Conway	Debra Daniel	7/18/2016	C-Feinberg	U	To appoint to the Board of Supervisors of Elections	6/1/2020	Y	Term ending month and year are good.
Stephen Weiner	Brigitte Newton	Kathleen Conway	Debra Daniel	9/26/2016	C-Feinberg	U	To appoint to the Board of Supervisors of Elections****	7/1/2020	N	Term ending year is even, but month is wrong.
Sabrina Dawson	Brigitte Newton	Kathleen Conway	Debra Daniel	2/5/2018	C-Onley	U	To appoint to the Board of Supervisors of Elections and serve as a Member	6/1/2019	N	Term ending year is odd, not even.
Graham Johnson	Brigitte Newton	Kathleen Conway	Debra Daniel	8/1/2018	C-Feinberg	U	To reappoint to the Board of Supervisors of Elections as a member*****	6/5/2022	Y	Term ending month and year are good.

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Compliance of BSE Member Terms with Charter Requirements -- Details

				Agenda Item	Minutes					
BSE Member Name	Mayor	City Clerk	City Attorney	Date	Moved By	Vote	Posting	Termination Date in Minutes	Compliance with Charter	Comments
Robert Kurnick	Brigitte Newton	Sara Ferrell	Debra Daniel	11/19/2018	C-Feinberg	U	To appoint to serve an unexpired term on the Board of Supervisors of Elections	10/1/2019	N	Term ending year is odd, not even.
Sofya Orlosky	Brigitte Newton	Sara Ferrell	Debra Daniel	4/1/2019	C-Feinberg	U	Appointment to the Board of Supervisors of Elections to serve a four-yeare term	6/3/2023	N	Term ending year is odd, not even.
Robert Kurnick	Brigitte Newton	Sara Ferrell	Debra Daniel	12/16/2019	C-Pierzchala	U	The reappointment to the Board of Supervisors of Elections to serve a four-year term	12/1/2023	N	Term ending year is odd, not even.
Danniel Belay	Brigitte Newton	Sara Ferrell	Debra Daniel	8/3/2020	M-Newton	U	To appoint to the Board of Supervisors of Elections	6/1/2022	Y	Term ending month and year are good.
Dr.Lois Neuman	Brigitte Newton	Sara Ferrell	Debra Daniel	8/3/2020	C-Pierzchala	2-2-1	To reappoint to a four-year term (Ashton abstained; motion failed)	6/1/2024	Y (N/A)	
Stephen Weiner	Brigitte Newton	Sara Ferrell	Debra Daniel	8/3/2020	C-Pierzchala	2-2-1	To reappoint to a four-year term (Ashton abstained; motion failed)	6/1/2024	Y (N/A)	
William Simon	Brigitte Newton	Sara Ferrell	Cindy Walters (Acting)	11/9/2020	M-Newton	3-2	To appoint to the Board of Supervisors of Elections to serve a four-year term******	6/5/2023	N	Term ending year is odd, not even.
Stephen Fischer	Brigitte Newton	Sara Ferrell	Cindy Walters (Acting)	11/9/2020	M-Newton	3-2	To appoint to the Board of Supervisors of Elections to serve a four-year term******	6/5/2023	N	Term ending year is odd, not even.

Summary Comments

The first 12 appointments made after the 1991 Charter amendments became effective occurred before 1999. The minutes for eleven of those 12 appointments did not provide any termination dates for the appointments (clear OMA violations), but it can be reasonably assumed that the term ending years were even although the term ending months are unknown. The minutes for the 12th appointment provide a term ending date of 6/1/1996, which is the correct month, but not the exact date of 6/3/1996. We judge this to be close enough to be considered compliant. Total score: 11 maybe and 1 yes.

Beginning with the first appointment in 2000, the City's performance in complying with the Charter became clearly non-compliant. The first example of non-compliance was Sid Gottlieb's appointment on 9/11/2000 as a member of the BSE with a term ending 9/1/2004. Although the year was correct, the month was not. Over the next 22 years, there were a total of 9 appointments with terms ending in months other than June. During that period of time, the most common deficiency (22 examples) were terms ending in odd years, not even years as required by the Charter. Table 8 summarizes all the compliance results since the current Charter (Res. No. 9-91) went into effect on July 2, 1991.

Table 8

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Compliance of BSE Terms with Charter Requirements -- Summary Results

		Nominations	
Compliance with Charter	Comment	Count	Not Approved
Maybe	Although term ending month is not provided (OMA violation), ending year is even.	11	
Y	Term ending month and year are good.	7	2
N	Term ending year is odd, not even.	22	1
N	Term ending year is even, but month is wrong.	9	
Total Nominations		49	3

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
BSE Member Experience by End of Term

		BSE Member Groups															
		Group 1-A			Group 1-B			Group 2-A			Group 2-B			Group 2-C			
CY Ending Year	Mayor	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.
r 1991 Charter Amendments																
1987	van Grack/Duncan	Porpilla			Donaldson			Lyons			Ward	A 5/26/1987		Sherbill		
1988	Duncan	Porpilla			Donaldson			Lyons			Ward			Sherbill		
1989	Duncan	Porpilla			Donaldson			Lyons			Ward			Sherbill		
1990	Duncan	Porpilla			Donaldson			Lyons			Ward			Sherbill		
1991	Duncan	Tutson			Keefe			Lyons/ Impara			Ward			Sherbill/ Loevinger		
Actions Following 1991 Charter Amendments (effective 7/2/1991)																
1991	Duncan	Tutson	A 8/5/1991		Keefe	A 8/5/1991		Impara	A 7/8/1991		Ward			Loevinger	A 3/11/1991	
1992	Duncan	Tutson			Keefe	S 7/6/1992	.92 yrs. 1 election 1 reappt.	Impara			Ward			Loevinger		
1993	Duncan/Coyle	Tutson			Celeste	A 2/1/1993		Impara			Ward			Loevinger	S 10/21/1993	2.61 yrs. 1 election 1 reappt.
1994	Coyle	Tutson			Celeste			Impara			Ward			Steel	A 5/9/1994	
1995	Coyle/ Krasnow	Tutson			Celeste			Impara	S 11/7/1995	4.33 yrs. 3 election 0 reappt.	Ward			Steel	S 2/21/1996	1.79 yrs. 1 election 0 reappt.
1996	Krasnow	Tutson			Celeste			Aksamit	A 4/22/1996		Ward	S 9/18/1996	9.32 yrs. 5 elections 2 reappt.	Steel/ Eskildson	A 2/26/1996	
1997	Krasnow	Tutson			Celeste			Aksamit			Vacant			Eskildson		
1998	Krasnow	Tutson			Celeste			Aksamit			Vacant			Eskildson		
1999	Krasnow	Tutson			Celeste			Aksamit			Ecelberger	A 2/16/1999		Eskildson	S 6/5/2000	4.27 yrs. 2 elections 0 reappt.
2000	Krasnow	Tutson			Celeste			Aksamit			Ecelberger			Eskildson/ Gottlieb	A 9/11/2000	
2001	Krasnow/Giammo	Tutson			Celeste			Aksamit			Ecelberger			Gottlieb		
2002	Giammo	Tutson			Celeste			Aksamit			Ecelberger			Gottlieb		
2003	Giammo	Tutson			Celeste			Aksamit			Ecelberger			Gottlieb		
2004	Giammo	Tutson			Celeste			Aksamit			Ecelberger			Gottlieb		
2005	Giammo	Tutson			Celeste			Aksamit			Ecelberger	S 6/12/2006	7.32 yrs. 4 elections 1 reappt.	Gottlieb		
2006	Giammo	Tutson	S #########	15.24 yrs. 8 elections 3 reappt.	Celeste			Aksamit			Ecelberger/ Feinberg	A 9/18/2006		Gottlieb		
2007	Giammo/Hoffmann	Tutson/ Eskildson	A 3/5/2007		Celeste			Aksamit			Feinberg			Gottlieb		
2008	Hoffmann	Eskildson			Celeste			Aksamit			Feinberg			Gottlieb		
2009	Hoffmann/Marcuccio	Eskildson			Celeste			Aksamit			Feinberg			Gottlieb		
2010	Marcuccio	Eskildson			Celeste			Aksamit			Feinberg			Gottlieb		
2011	Marcuccio	Eskildson*	S 6/6/2012	9.53 yrs. 5 elections 1 reappt.	Celeste			Aksamit			Feinberg			Gottlieb		

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
BSE Member Experience by End of Term

		BSE Member Groups															
		Group 1-A			Group 1-B			Group 2-A			Group 2-B			Group 2-C			
CY Ending Year	Mayor	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.
2012	Marcuccio	Eskildson/ Neuman	A 6/4/2012		Celeste	S 1/25/2013	19.98 yrs. 10 elections 3 reappt.	Aksamit	S 7/1/2013	17.19 yrs. 8 elections 3 reappt.	Feinberg	S 2/21/2013	6.43 yrs. 3 elections 1 reappt.	Gottlieb	S 1/31/2013	12.39 yrs. 6 elections 2 reappt.
2013	Marcuccio/Newton	Neuman			Celeste/ Mullican	A 4/8/2013		Aksamit/ Weiner	A 7/29/2013		Feinberg/ Johnson	A 3/11/2013		Gottlieb/ Millman	A 3/4/2013	
2014	Newton	Neuman			Mullican			Weiner			Johnson			Millman		
2015	Newton	Neuman			Mullican	S 1/29/2015	1.81 yrs. 1 election 0 reappt.	Weiner			Johnson			Millman		
2016	Newton	Neuman			Jakowski	A 6/20/2016		Weiner			Johnson			Millman		
2017	Newton	Neuman			Jakowski	S 9/25/2018	2.26 yrs. 1 election 0 reappt.	Weiner			Johnson			Millman	S 1/24/2017	3.89 yrs. 2 elections 1 reappt.
2018	Newton	Neuman			Kurnick	A #########		Weiner			Johnson			Dawson	A 2/5/2018	
2019	Newton	Neuman	S 11/9/2020	8.43 yrs. 3 elections 1 reappt.	Kurnick			Weiner	S 11/9/2020	7.28 yrs. 2 elections 1 reappt.	Johnson	S 3/11/2020	7.00 yrs. 2 elections 2 reappt.	Dawson/ Orlosky	S 1/15/19 A 4/1/19	0.94 yrs. 0 elections 0 reappt.
2020	Newton	Neuman/ Simon	A 11/9/2020		Kurnick			Weiner/ Fischer	A 11/9/2020		Johnson/ Belay	A 8/3/2020		Orlosky		
2021	Newton	Simon			Kurnick			Fischer			Belay			Orlosky		
2022	Newton	Simon			Kurnick			Fischer			Belay	S 4/21/2022	1.71 yrs. 0 elections 0 reappt.	Orlosky		
2023	Newton	Simon	E 11/7/2023	2.99 yrs. 0 elections 0 reappt.	Kurnick	E 11/7/2023	4.97 yrs. 1 election 1 reappt.	Fischer	E 11/7/2023	2.99 yrs. 0 elections 0 reappt.	Vacant as of 5/10/2022		?	Orlosky	E 11/7/2023	4.60 yrs. 1 election ? reappt.

Legend:
- A Appointment date
- S Stop date (end of term)
- E Election date (**bolded** years are election years)

*Note: Howard Eskildson served two separate terms, the first of which is recorded from 2/26/96 to 6/5/00 under Group 2-C. The totals shown here are the sum of both terms.

BSE Member Experience in Order of Most Experienced

	BSE Member	Experience Years	Elections	Reappt.
	Former Members			
1	Celeste	19.98	10	3
2	Aksamit	17.19	8	3
3	Tutson	15.24	8	3
4	Gottlieb	12.39	6	2
5	Eskildson	9.53	5	1
6	Ward	9.32	5	2

Table 9

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
BSE Member Experience by End of Term

		BSE Member Groups															
		Group 1-A			Group 1-B			Group 2-A			Group 2-B			Group 2-C			
CY Ending Year	Mayor	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.	BSE Member Name	Dates	Experience Years, Elections, Reappt.
7	Neuman	8.43	3	1												
8	Ecelberger	7.32	4	1												
9	Weiner	7.28	2	1												
10	Johnson	7.00	3	2												
11	Feinberg	6.43	3	1												
12	Impara	4.33	3	0												
13	Millman	3.89	2	1												
14	Loevinger	2.61	1	1												
15	Jakowski	2.26	1	0												
16	Mullican	1.81	1	0												
17	Steel	1.79	1	0												
18	Belay	1.71	0	0												
19	Dawson	0.94	0	0												
20	Keefe	0.92	1	1												
	Serving Members (as of 5/10/22)															
	Experience Projected to 2023 Elections															
21	Kurnick	4.97	1	1												
22	Orlosky	4.60	1	?												
23	Simon	2.99	0	0												
24	Fischer	2.99	0	0												

Table 10

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Detail Analysis of BSE Member Appointments by Type of Appointment

BSE Member Name	Mayor	Agenda Item Date	Minutes Moved By	Vote	Posting	Type of Appointment New	Reappt.	Vacancy Appt.	Not Approved
Preparation for 1991 Charter Amendments									
Alice Lyons	Steven van Grack	5/26/1987	M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms	1			
Ray Sherbill	Steven van Grack	5/26/1987	M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms	1			
Maurice Ward	Steven van Grack	5/26/1987	M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms	1			
Paula Porpilia	Steven van Grack	5/26/1987	M-Van Grack	U	Appointments to Board of Supervisors of Elections for 2-year terms	1			
Alexander Donaldson	Steven van Grack	8/10/1987	M-Van Grack	U	Appointment to Board of Supervisors of Elections for 4-year term	1			
Alice Lyons	Steven van Grack	8/24/1987	M-Van Grack	U	All terms extended to 6/91		1		
Ray Sherbill	Steven van Grack	8/24/1987	M-Van Grack	U	All terms extended to 6/91		1		
Maurice Ward	Steven van Grack	8/24/1987	M-Van Grack	U	All terms extended to 6/91		1		
Paula Porpilia	Steven van Grack	8/24/1987	M-Van Grack	U	All terms extended to 6/91		1		
Ruth Loevinger	Douglas Duncan	3/11/1991	C-Marrinan	U	Appointed to fill the vancancy on the Board of Supervisors of Elections for the remainder of the unexpired term.			1	
Sub-total Pre-Charter						5	4	1	
Actions Following 1991 Charter Amendments (effective 7/2/1991)									
Audrey Impara	Douglas Duncan	7/8/1991	C-Hovsepian	U	Appointed to a three-year term on the Board of Supervisors of Elections	1			
Maurice Ward	Douglas Duncan	8/5/1991	C-Robbins	U	Reappointed to three-year terms on the Board of Supervisors of Elections		1		
Ruth Loevinger	Douglas Duncan	8/5/1991	C-Robbins	U	Reapointed to three-year terms on the Board of Supervisors of Elections		1		
John Keefe	Douglas Duncan	8/5/1991	C-Robbins	U	Appointed to one-year terms on the Board of Supervisors of Elections	1			
Margaretta Tutson	Douglas Duncan	8/5/1991	C-Robbins	U	Appointed to one-year terms on the Board of Supervisors of Elections	1			
John Keefe	Rose Krasnow (Mayor Pro Tem)	5/11/1992	C-Marrinan	U	Reappointed to four-year terms on the Board of Supervisors of Elections		1		
Margaretta Tutson	Rose Krasnow (Mayor Pro Tem)	5/11/1992	C-Marrinan	U	Reappointed to four-year terms on the Board of Supervisors of Elections		1		
David Celeste	Douglas Duncan	2/1/1993	C-Marrinan	U	Appointed to fill the unexpired term on the Board of Supervisors of Elections			1	
Sub-total by Mayor						3	4	1	
Elizabeth Steel	James Coyle	5/9/1994	C-Krasnow	U	Appointed to the Board of Supervisors of Elections	1			
Sub-total by Mayor						1			
Howard Eskildson	Rose Krasnow	2/26/1996	C-Harrison	U	Appointed to serve on the Board of Supervisors of Elections	1			
Linda Aksamit	Rose Krasnow	4/22/1996	C-Harrison	U	Appointed to serve on the Board of Supervisors of Elections	1			
Margaretta Tutson	Rose Krasnow	12/14/1998	C-Marrinan	U	Reappointed as a member of the Board of Supervisors of Elections		1		
Sid Gottlieb	Glennon Harrison (Mayor Pro Tem)	9/11/2000	C-Dorsey	U	Appointed as a member of the Board of Supervisors of Elections	1			
Linda Aksamit	Rose Krasnow	4/9/2001	C-Dorsey	U	Reappointed as a member of the Board of Supervisors of Elections		1		
Sub-total by Mayor						3	2	0	
Doris Ecelberger, Member	Larry Giammo	3/10/2003	C-Hall	U	Reappointment as a member until June 1, 2007		1		
Margaretta Tutson	Larry Giammo	3/10/2003	C-Hall	U	Reappointment as a member		1		
David Celeste	Larry Giammo	5/12/2003	C-Hall	U	Reappointment as a member		1		
Sid Gottlieb	Larry Giammo	2/7/2005	C-Hall	U	Reappointed as a member of the Board of Supervisors of Elections		1		
Linda Aksamit	Larry Giammo	4/5/2005	C-Hall	U	Reappointed as a member of the Board of Supervisors of Elections		1		
Beryl Feinberg	Larry Giammo	9/18/2006	C-Robbins	U	Appointed as a member of the Board of Elections	1			
Howard Eskildson	Larry Giammo	3/5/2007	C-Robbins	U	Appointed as a member of the Board of Supervisors of Elections	**1**			
Dave Celeste, Member	Larry Giammo	7/16/2007	C-Robbins	?	Reappointed as a member until July 1, 1011		1		
Sub-total by Mayor						2	6	0	
Sid Gottlieb	Susan Hoffman	3/17/2008	C-Robbins	U	Reappointed to the Board of Supervisors of Elections		**1**		

Table 10

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Detail Analysis of BSE Member Appointments by Type of Appointment

		Agenda Item	Minutes			Type of Appointment			
BSE Member Name	Mayor	Date	Moved By	Vote	Posting	New	Reappt.	Vacancy Appt.	Not Approved
Linda Aksamit	Susan Hoffman	7/13/2009	C-Britton	U	Reappointment as a member		**1**		
Sub-total by Mayor						0	2	0	
Beryl Feinberg	Phyllis Marcuccio	9/13/2010	C-Pierzchala	U	To appoint as a member of the Board of Supervisors of Elections	**1**			
Howard Eskildson	Phyllis Marcuccio	6/6/2011	C-Newton	U	Reappointment to the Board of Supervisors of Elections		**1**		
Lois Neuman*******	Phyllis Marcuccio	6/4/2012	C-Moore	U	To appoint to the Board of Supervisors of Elections as a member	**1**			
Sid Gottlieb	Phyllis Marcuccio	7/9/2012	C-Hall*	U	To approve the appointment to the Board of Supervisors of Elections as a member to serve out an unexpired term			1	
Andrew Powell (Not approved)	Phyllis Marcuccio	2/25/2013	C-Newton	F	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term			1	1
David Berthiaume	Phyllis Marcuccio	2/25/2013	C-Moore	4-1A	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term			1	
Carol Millman	Phyllis Marcuccio	3/4/2013	C-Newton	U	To appoint as a member of the Board of Supervisors of Elections to fill an unexpired term			1	
Graham Johnson	Phyllis Marcuccio	3/11/2013	C-Moore	U	To appoint to the Board of Supervisors of Elections as a member to fill an unexpired term until 9/1/14**.			1	
Brigitta Mullican	Phyllis Marcuccio	4/8/2013	C-Hall	U	To approve the appointment to the Board of Supervisors of Elections as a member to fill out an unexpired term			1	
Stephen Weiner	Phyllis Marcuccio	7/29/2013	C-Pierzchala	U	To appoint as a member to the Board of Supervisors of Elections	1			
Sub-total by Mayor						3	1	6	1
Graham Johnson	Brigitte Newton	9/29/2014	C-Feinberg	U	To reappoint as a member to the Board of Supervisors of Elections		1		
Carol Millman	Brigitte Newton	9/21/2015	C-Onley	U	To move the appointments as read.***		**1**		
Melissa Jakowski	Brigitte Newton	6/20/2016	C-Onley	U	To appoint to the Board of Supervisors of Elections	**1**			
Dr.Lois Neuman	Brigitte Newton	7/18/2016	C-Feinberg	U	To appoint to the Board of Supervisors of Elections	1			
Stephen Weiner	Brigitte Newton	9/26/2016	C-Feinberg	U	To appoint to the Board of Supervisors of Elections****	1			
Sabrina Dawson	Brigitte Newton	2/5/2018	C-Onley	U	To appoint to the Board of Supervisors of Elections and serve as a Member	**1**			
Graham Johnson	Brigitte Newton	8/1/2018	C-Feinberg	U	To reappoint to the Board of Supervisors of Elections as a member*****		1		
Robert Kurnick	Brigitte Newton	11/19/2018	C-Feinberg	U	To appoint to serve an unexpired term on the Board of Supervisors of Elections			1	
Sofya Orlosky	Brigitte Newton	4/1/2019	C-Feinberg	U	Appointment to the Board of Supervisors of Elections to serve a four-year term	1			
Robert Kurnick	Brigitte Newton	12/16/2019	C-Pierzchala	U	The reappointment to the Board of Supervisors of Elections to serve a four-year term		1		
Danniel Belay	Brigitte Newton	8/3/2020	M-Newton	U	To appoint to the Board of Supervisors of Elections (actually to fill Johnson vacancy)			1	
Dr.Lois Neuman	Brigitte Newton	8/3/2020	C-Pierzchala	2-2-1	To reappoint to a four-year term (Ashton abstained; motion failed)		1		1
Stephen Weiner	Brigitte Newton	8/3/2020	C-Pierzchala	2-2-1	To reappoint to a four-year term (Ashton abstained; motion failed)		1		1
William Simon	Brigitte Newton	11/9/2020	M-Newton	3-2	To appoint to the Board of Supervisors of Elections to serve a four-year term******	1			
Stephen Fischer	Brigitte Newton	11/9/2020	M-Newton	3-2	To appoint to the Board of Supervisors of Elections to serve a four-year term******	1			
Sub-total by Mayor						7	6	2	2
Sub-total by Type of Appointment						19	21	9	49

Table 11

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary of BSE Activities

Date	Meeting	Mayor	Member 1	Member 2	Member 3	Member 4	Member 5	Notes
3/7/1988	M&C WS	Duncan	Ward - Chair	Porpilia	Donaldson	Lyon	Sherbill	
4/11/1988	M&C WS	Duncan	Ward - Chair	Porpilia	Donaldson	Lyon	Missing	
11/20/1989	BSE Election Report to M&C	Duncan	Ward - Chair	Porpilia	Donaldson	Lyon	Sherbill	
2/28/1990	BSE Election Report to M&C	Duncan	Ward - Chair	Porpilia	Silent/Missing	Silent/Missing	Sherbill	
11/18/1991	BSE Election Report to M&C	Duncan	Ward - Chair	Tutson	Impara	Keefe	Loevinger	Loevinger appointed to fill a vacancy with unspecified termination date on 3/11/91. On 8/5/91, Tutson and Keefe were appointed to 1-year terms, Ward and Loevinger were reppointed to 3-year terms, and Impara was appointed to a 3-year term. No specific term ending dates were given in the minutes.
4/21/1992	M&C WS	Duncan	Ward - Chair	Tutson	Impara	Keefe	Loevinger	Keefe died around 7/6/92
4/15/1993	M&C WS	Duncan	Ward - Chair	Tutson	Impara	Celeste	Loevinger	Celeste appointed 2/1/93
		Coyle					Steel	Steel appointed 5/9/94; doesn't know who she followed. [We believe it was Loevinger.] Left after one year.
4/29/1996	M&C WS	Krasnow	Ward - Chair	Tutson - V Chair	Aksamit	Celeste	Eskildson	Eskildson appointed 2/26/96; Aksamit appointed 4/22/96.
5/5/1997	M&C WS	Krasnow	Vacant	Tutson - V Chair	Aksamit	Celeste	Eskildson	

Table 11

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary of BSE Activities

Date	Meeting	Mayor	Member 1	Member 2	Member 3	Member 4	Member 5	Notes
2/16/1999	M&C WS	Krasnow	Ecelberger	Tutson	Aksamit	Celeste - Chair	Eskildson	No appt for Ecelberger found in minutes, but most likely in early 1999, or earlier. There are several M&C meetings late in 1997 for which appointments were shown on agenda, but no minutes were produced describing them.
4/25/2000	M&C WS	Krasnow	Ecelberger	Tutson	Aksamit	Celeste - Chair	Eskildson	Eskildson term ended 6/5/00 without reappointment.
10/2/2000	M&C WS	Krasnow	Ecelberger - Chair	Tutson	Aksamit - absent	Celeste	Gottlieb	Tutson served until around 10/31/06 and died 12/30/2020
10/31/2006	Certificate of Appreciation							City presented a Certificate of Appreciation to Margaretta Tutson for 15 years of service to the BSE.
1/24/2007	BSE Meeting	Giammo	Feinberg	Vacant	Aksamit - absent	Celeste - Chair	Gottlieb	Ecelberger died 6/12/06
4/11/2007	BSE Meeting	Giammo	Feinberg	Eskildson	Aksamit	Celeste - Chair	Gottlieb	Eskildson appointed to new term on 3/5/07 to replace Tutson whose term had expired after her death.
2/14/2008	BSE Meeting	Hoffmann	Feinberg	Eskildson	Aksamit	Celeste - Chair	Gottlieb	
10/6/2008	M&C WS	Hoffmann	Feinberg	Eskildson	Aksamit	Celeste - Chair	Gottlieb - absent	
2/11/2009	BSE Meeting	Hoffmann	Feinberg	Eskildson	Aksamit	Celeste - Chair	Gottlieb	
2/14/2010	BSE Meeting	Marcuccio	Feinberg	Eskildson	Aksamit	Celeste - Chair	Gottlieb	
1/6/2011	BSE Meeting	Marcuccio	Feinberg - absent	Eskildson - absent	Aksamit	Celeste - Chair	Gottlieb	
1/18/2011	M&C WS	Marcuccio	Feinberg	Eskildson	Aksamit	Celeste - Chair	Gottlieb	
1/5/2012	BSE Meeting	Marcuccio	Feinberg	Eskildson - absent	Aksamit	Celeste - Chair	Gottlieb	Gottlieb term ended 3/1/12, but he continued to serve the expired term until sometme before 6/21/12 BSE meeeting.

Table 11

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary of BSE Activities

Date	Meeting	Mayor	Member 1	Member 2	Member 3	Member 4	Member 5	Notes
6/21/2012	BSE Meeting	Marcuccio	Feinberg	Neuman	Aksamit	Celeste - Chair	Vacant	Eskildson died on 6/6/12. Neuman was appointed on 6/4/12.
8/30/2012	BSE Meeting	Marcuccio	Feinberg	Neuman	Aksamit	Celeste - Chair	Gottlieb	Gottlieb was reappointed to his then vacant positon on 7/9/12.
1/31/2013	BSE Meeting	Marcuccio	Feinberg	Neuman	Aksamit	Vacant	Gottlieb	Celeste resigned on 1/25/13. Gottlieb resigned on 1/31/13
2/11/2013	M&C WS	Marcuccio	Feinberg	Neuman	Aksamit	Vacant	Vacant	
2/21/2013	BSE Meeting	Marcuccio	Feinberg	Neuman	Aksamit	Vacant	Vacant	Feinberg resigned on 2/21/13
3/4/2013	M&C WS	Marcuccio	Vacant	Neuman	Aksamit	Berthiaume	Millman	Berthiaume appointed to BSE on 2/25/13. Millman was appointed to BSE on 3/4/13.
3/7/2013	BSE Meeting	Marcuccio	Vacant	Neuman	Aksamit	Berthiaume	Millman	Berthiaume left before BSE meeting on 3/21/13.
3/21/2013	BSE Meeting	Marcuccio	Johnson - absent	Neuman	Aksamit	Vacant	Millman	
4/3/2013	BSE Meeting	Marcuccio	Johnson	Neuman	Aksamit	Vacant	Millman	
4/18/2013	BSE Meeting	Marcuccio	Johnson	Neuman	Aksamit	Mullican	Millman	Mullican appointed to BSE on 4/8/13. Askamit's term ended on 7/1/13 and she decided not to seek reappointment to BSE
1/9/2014	BSE Meeting	Newton	Johnson	Neuman	Weiner	Mullican	Millman	Weiner appointed to BSE on 7/29/13
1/15/2015	BSE Meeting	Newton	Johnson	Neuman	Weiner	Mullican	Millman	Mullican resigned at 1/29/15 meeting
1/21/2016	BSE Meeting	Newton	Johnson	Neuman	Weiner	Vacant	Millman	
7/14/2016	BSE Meeting	Newton	Johnson	Neuman	Weiner	Jackowski	Millman	Jakowski appointed to BSE on 6/20/16
1/24/2017	BSE Meeting	Newton	Johnson	Neuman	Weiner	Jackowski - absent	Millman	Millman resigned at 1/24/17 meeting

Table 11

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary of BSE Activities

Date	Meeting	Mayor	Member 1	Member 2	Member 3	Member 4	Member 5	Notes
1/23/2018	BSE Meeting	Newton	Johnson	Neuman	Weiner	Jackowski	Vacant	
2/27/2018	BSE Meeting	Newton	Johnson	Neuman	Weiner	Jackowski	Dawson	
7/24/2018	BSE Meeting	Newton	Johnson	Neuman	Weiner	Jackowski	Dawson	Jakowski and Dawson voted against Neuman for Chair
8/9/2018	BSE Meeting	Newton	Johnson	Neuman	Weiner	Jackowski - absent	Dawson - Absent	
9/25/2018	BSE Meeting	Newton	Johnson	Neuman	Weiner	Vacant	Dawson	Jackowski resigned before this meeting
12/13/2018	BSE Meeting	Newton	Johnson	Neuman	Weiner	Kurnick	Dawson	Kurnick appointed to BSE on 11/19/18
1/15/2019	BSE Meeting	Newton	Johnson	Neuman	Weiner	Kurnick	Vacant	Dawson left BSE before this meeting
4/2/2019	BSE Meeting	Newton	Johnson	Neuman	Weiner	Kurnick	Orlosky	Orlosky appointed to BSE on 4/1/19
1/16/2020	BSE Meeting	Newton	Johnson	Neuman	Weiner - absent	Kurnick	Orlosky	
3/11/2020	BSE Meeting	Newton	Johnson	Neuman	Weiner	Kurnick	Orlosky	This is the last meeting at which Johnson is listed as a BSE member
6/10/2020	BSE Meeting	Newton	Vacant	Neuman	Weiner	Kurnick	Orlosky	Neuman began serving an extended term on 6/1/20
7/27/2020	BSE Meeting	Newton	Vacant	Neuman	Weiner	Kurnick	Orlosky	Weiner began serving an extended term on 7/1/20
8/6/2020	BSE Meeting	Newton	Belay	Neuman	Weiner	Kurnick	Orlosky	Belay appointed to BSE on 8/3/20
11/12/2020	BSE Meeting	Newton	Belay	Simon	Fischer	Kurnick	Orlosky	Simon and Fischer appointed to replace Neuman and Weiner, whose terms had expired in June and July, respectively.
1/21/2021	BSE Meeting	Newton	Belay	Simon	Fischer	Kurnick	Orlosky	

Table 11

Charter Review Commission
Board of Supervisors of Elections (BSE) Working Group
Summary of BSE Activities

Date	Meeting	Mayor	Member 1	Member 2	Member 3	Member 4	Member 5	Notes
2/18/2021	BSE Meeting	Newton	Belay	Simon	Fischer	Kurnick	Orlosky - absent	

Attachment 2

Rockville Charter Review Commission
Analysis of Interview Responses
To Questions from the BSE Working Group

Question Number	Question	Respondents: Current BSE	Former BSE	M&C	Other Members of Community	Mayoral and Council Candidates	Public Survey due Feb. 11	Public Survey due Mar. 25	Town Hall Meeting Mar. 15
	General Questions								
2.1	Do you feel that the Charter and Code adequately describe the BSE's role as you see it?	X	X	X	X	X	X	N/A	
2.2	How do you judge the performance of the BSE overall? Please explain.	X	X	X	X	X	X	N/A	
2.3	If you could, what changes would you make in the BSE to improve its performance?	X	X	X	X	X	X	N/A	
2.4	Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?	X	X	X	X	X	X	N/A	
2.5	In what ways could the BSE influence the outcome of an election, if it chose to do so?	N/A	X	N/A	N/A	X	N/A	N/A	
	Issue j -- Increasing the number of members of the Board of Supervisors of Elections (BSE)								
2.6	Is the current BSE the proper size for its workload? Please explain.	X	X	X	X	X	X	N/A	
2.7	Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.	X	N/A	X	X	N/A	X	N/A	
2.8	Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.	X	X	X	X	X	X	N/A	
	Issue k -- Lengthening the term for members of the BSE								
2.9	Should the terms of BSE members be lengthened? If so, how long?	X	X	X	X	X	X	N/A	
	Preface	Missing	Missing	N/A	X	X	X	N/A	
2.10	Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.	X	X	N/A	X	N/A	X	N/A	
2.11	What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?	X	X	N/A	X	Format problem	X	N/A	
	Preface	Missing	Missing	Missing	X	X	X	N/A	
2.12	How should the Mayor and Council address this situation? ○ Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment? Or ○ Change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?	X	X	X	X	X	X	N/A	
	Issue l -- The appointment process for the members of the BSE								
	Preface	Missing	Missing	Missing	X	X	X	N/A	
2.13	How would you address the issue? Please explain. ○ Be more diligent about assuring that only the Mayor nominates people to fill vacancies on the BSE to comply with the Charter. ○ Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.	X	X	X	X	X	X	N/A	
2.14	The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.	X	X	X	X	X	X	N/A	

Attachment 2

Rockville Charter Review Commission
Analysis of Interview Responses
To Questions from the BSE Working Group

Question Number	Question	Respondents: Current BSE	Former BSE	M&C	Other Members of Community	Mayoral and Council Candidates	Public Survey due Feb. 11	Public Survey due Mar. 25	Town Hall Meeting Mar. 15
	Issue m -- The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests								
	Preface	Missing	Missing	Missing	X	X	X	N/A	
2.15	Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics	X	X	X	X	X	X	N/A	
2.16	Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.	X	X	X	X	X	X	N/A	
2.17	Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?	X	X	X	X	X	X	N/A	
2.18	Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?	X	X?	X	X	X	X	N/A	
	Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group								
2.19	How well are Rockville's elections conducted?	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.20	How easy is it to vote in Rockville's elections?	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.21	Does Rockville take adequate steps to prevent election fraud?	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.22	If "No," please suggest ways the city could do better.	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.23	Do you vote regularly in Rockville elections?	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.24	What are the main reasons that some people don't vote regularly in Rockville elections? Please rank the following choices in order of importance, beginning with 1 as most important and continuing from there. - Voting location is not convenient - Voting day is not convenient - Voting time is not convenient - They don't care about any of the candidates - They aren't interested in Rockville government matters - They don't think their votes count - They don't trust the local election process	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.25	Have you ever been a candidate for an elected position in Rockville?	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.26	If "Yes," which ones?	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.27	How often have you run?	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.28	Do you feel that the election process was well run from a candidate's perspective?	N/A	N/A	N/A	N/A	N/A	N/A	X	
2.29	If "No," why not? Give examples.	N/A	N/A	N/A	N/A	N/A	N/A	X	

NOTE: N/A means not asked to those respondents.

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: General Questions

Question 2.1 -- Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	* At the time M&C had two-year terms, the BSE had four year terms in the Charter. Now that M&C have four-year terms, then BSE terms should perhaps be extended.
- Pierzchala	
Current BSE - as group	* The Charter and Code do adequately describe the BSE's role. Section 8-4 of the Code states broadly that the BSE "shall supervise elections" and that the BSE "shall make recommendations to the Mayor and Council." Those sections and others provide the BSE with the authority and flexibility it needs to perform its job.
Former BSE:	
- Neuman	Yes. I do not recommend excessive detail or definition. Since election processes and procedures change, the description should be fluid and flexible, such the BSE administers, oversees, supervises; the staff conducts, interacts with agencies/departments, provides outreach, safeguards safety.

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: General Questions

Question 2.1 -- Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?

Responses Requested From	Responses Received
- Wiener	* Basically, yes. The Charter charges the BSE to ensure elections are fair and open and to maximize/encourage voter participation. Those charges are, on the one hand, specific enough to limit the scope of the BSE and, on the other hand, broad enough to give the BSE sufficient latitude to respond to new challenges and changes to the environment and take advantage of, for example, new technologies. More subtle, but extremely significant, is structure of the Charter. First, as is to be expected, the Charter establishes and defines Rockville. Second, the Charter creates a Mayor & Council form of government. The, rather than addressing important issues such as finance, land use, or public health and safety, the Charter establishes the BSE and addresses elections. Such prominent placement in the Charter speaks to the importance of the BSE and elections. (If I remember correctly, the BSE is the only board established in the Charter, again speaking to its importance.) The Code, however, is another matter. Elements of the Code addressing elections and the Board's role are poorly organized, imprecisely worded, and sometimes contradictory. Section 8 needs a complete rewrite and a very good edit.
- Feinberg	
- Mullican	The City Charter and Code should more clearly describe the role of the BSE. It is important to have a city attorney work closely with the BSE. The Chair should be responsible for setting the agenda with the agreement of the BSE members and the city representative to make sure legal election laws are followed. If there is a conflict the city attorney needs to provide advice.
- Johnson	BSE's role reflected fairly well. If it has not been done in past two years, the Code should be reviewed in a comprehensive manner to assure that it is internally consistent. Two years ago, it was obvious that changes had been made in some sections without realizing that appropriate changes should have been made in other sections.

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: General Questions

Question 2.1 -- Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?

Responses Requested From		Responses Received
- Celeste		No opinion.
Mayoral and Council Candidates		
- Reed	*	As I understand it, charters make decisions about election procedures, ethical codes, legislative methods and administrative structures. The items listed in the scope – 'election related topics' and 'additional topics' – all relate to what charters are intended to change such as increasing the number of elected representatives or adding the options available to elected officials such as authority to establish quarantine regulations. I believe it adequately describes the BSE's role as I see it.
- Unnamed		Why are candidates being surveyed about the body holding elections. The BSE is not to serve the candidates, it is to serve the residents of Rockville.
Other Members of Community (email request from Clerk's Office)		
- Dutka		Yes I think the charter and code adequately describes the BSE's role.
- Russo	*	Generally, yes. Section 8.4 establishing the BSE is simple and direct: follow the law and make recommendations annually. I cannot suggest a way to improve upon that.
- Fulton (Chair, RPAC)		I am not well versed enough in this topic to provide a meaningful response.
Public Questionnaire due Feb. 11		
- Stigile (rec'd Jan. 30, 2021)		Yes. It's broadly defined to encompass the general duties of the Board.
- Hedrick, R. (rec'd Feb. 2, 2022)		I will admit, I have not read the city code nor charter.
Public Questionnaire due Mar. 25		

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: General Questions

Question 2.1 -- Do you feel that the Charter and Code adequately describe the BSE's role as you see it? Why or why not?

Responses Requested From	Responses Received
These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: General Questions

Question 2.2 -- How do you judge the performance of the BSE overall? Please explain.

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	I think they did a great job, particularly so during the 2019 election when vote by mail was first implemented.
- Pierzchala	
Current BSE - as group	The mission of the BSE is "to conduct fair and open elections that are safe and secure, provide access to the election process, protect the integrity of the vote, and maintain a transparent, accurate, and efficient process." The BSE judges its own performance by its success or failure in fulfilling that mission. [Note: The question was improperly stated in the question sent to the BSE but the BSE answered the correct question.]
Former BSE:	
- Neuman	Overall, the performance rating for the BSE is excellent. Regular meetings, agendas, minutes, reference materials/videos, and speakers kept the BSE focused on identified items of business for discussion. Guests attended the open meetings and bought issues and opinions to the attention of the entire BSE. All BSE members brought topics for consideration and operated impartially. Final BSE positions and decisions occurred only after thorough discussion and vote by the entire body. As a performance outcome, most recently the BSE oversaw the first VBM election and an increase in voter turnout (from 16% to 32%).

- Wiener	The performance of the BSE since 2013 has been exceptional. It ran three successful elections (2013, 2015, and 2019). The only major issue I remember, the presentation of candidate names on the touchscreen voting machines in 2015, was something the BSE had no control over. In 2019 election, at the suggestion of the BSE and with the necessary legislative action of the M&C, the election was a Vote by Mail process that significantly increased voter turn-out (one of the responsibilities given to the BSE by the Charter). The BSE also automated reporting of campaign finances, which made it much easier for candidates to file accurate campaign finance reports and for the BSE to review them.
- Feinberg	
- Mullican	Having served on the BSE, I felt that it was run very well by the Chair. The Board members respected her leadership. Getting a response in a timely manner from the BSE is a way to judge the performance. In most cases, requests were answered in a timely manner. Obviously, complicated matters take more research time.
- Johnson	For the seven years I served on the BSE (2013 to early 2020), I felt that members were very committed and worked very well together – in introducing Vote by Mail to the City. One of the strengths of the BSE was that its members brought diverse backgrounds to the workings of the BSE and were able to effectively integrate these backgrounds.
- Celeste	No opinion.
Mayoral and Council Candidates	
- Reed	I haven't been following the BSE in a level of detail sufficient to judge its performance so I will not comment.
- Unnamed	Candidates should not be asked this question. The BSE must be an independent body and should not be taking direction from candidates.
Other Members of Community (email request from Clerk's Office)	

- Dutka	I think it's ok, although I think the BSE could do more to advertise elections and increase voter turnout, maybe a social media presence and more physical signs around Rockville notifying people how to vote.
- Russo	Some metrics I would consider: •Are city elections conducted fairly, in fact and in perception? •Are elections outcomes accurate, unambiguous and accepted? •Is voter participation on par with comparable jurisdictions with off-year municipal elections? •Does the BSE operate with transparency and integrity? •Do candidate packets and campaign finance guidance enable candidates to comply with city code? •Does the BSE strive to reach all residents eligible to vote, with a particular emphasis on historically marginalized groups?
- Fulton (Chair, RPAC)	I am not well versed enough in this topic to provide a meaningful response.

Public Questionnaire due Feb. 11

- Stigile (rec'd Jan. 30, 2021)	No complaints.
- Hedrick, R. (rec'd Feb. 2, 2022)	The Board of Supervisors of Elections did a masterful job implementing vote-by-mail during the 2019 election, increasing turnout substantially across the city. It was exciting to see more people involved, and it was very disappointing when the mayor did not reappoint the head of the board following such a successful increase in participation.

Public Questionnaire due Mar. 25
These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.

BSE WG Conclusions

CRC Conclusions

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: General Questions

Question 2.3 -- If you could, what changes would you make in the BSE to improve its performance?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	Making sure that they have enough time and funding to perform their job optimally. Potentially extending the terms. Ensuring that those appointed have some background or training in running elections.
- Pierzchala	
Current BSE - as group	In one important respect, the BSE is unlike other Boards and Commissions. It does more than prepare reports and make recommendations. It oversees an important city function – the conduct of elections. Particularly in election years, the BSE workload is significant. Those members with full-time jobs are frequently required to use their available vacation or unpaid leave to fulfill their obligations to the BSE. Article III, Section 2(a) of the City Charter states that "[t]he compensation of the members of the Board shall be as determined by the Council." That section contemplates compensation for BSE members. The BSE would urge the Mayor and Counsel to exercise the authority granted by that section to provide reasonable compensation to BSE members.
Former BSE:	

- Neuman	Qualifications should vet potential appointees for their election experience and knowledge of election terminology, procedures, and practices. During the appointment process, applicants should commit to devoting the required time necessary to address the serious work of the BSE for their entire term not just the election year.
- Wiener	No response.
- Feinberg	
- Mullican	To improve performance, have a long-range goal on what is expected of the BSE. For example, list what Election Codes need to be updated by year. Propose a timeline to the Rockville Mayor and Council so they can schedule public hearings for any necessary changes. Major changes should not be made during an election year.
- Johnson	Mayor and Council should be aware of what is going on in the BSE. Controls should be strengthened to assure that Mayor and Council can not actually or be perceived as trying to influence the electorate in the upcoming election. INDEPENDENCE. This will be addressed further in response to later questions. Greater emphasis should be placed on assuring that whatever communication needs to be provided in Spanish gets done by someone who is a proficient translator.
- Celeste	No opinion.
Mayoral and Council Candidates	
- Reed	I haven't been following the BSE in a level of detail sufficient to judge its performance so I will not comment.
- Unnamed	Again, why is this question being asked? Why is this the subject of this survey?
Other Members of Community (email request from Clerk's Office)	
- Dutka	I think an expansion from 5 members might be a good idea so they could do more to facilitate more turnout
- Russo	I have no suggestions to improve the BSE performance.
- Fulton (Chair, RPAC)	I firmly believe that diversity in economic status, demographics, gender, and ability makes for stronger and more effective effort.
Public Questionnaire due Feb. 11	

	There needs to be a requirement for the Mayor to nominate new members, subject to Council approval, within a stated time period, and if the Mayor fails to do so within the allotted time, or the Mayor nominates but the Council fails to approve the nomination within the allotted time, then any member of the Council can nominate a new member.
- Stigile (rec'd Jan. 30, 2021) - Hedrick, R. (rec'd Feb. 2, 2022)	I was disappointed that the Board of Supervisors of Elections was made less diverse (replacing the female head of the organization with a white man) following the last election. I think the board could better reflect the city population.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: General Questions

Question 2.4 --Given recent public discussions on the roles of local boards of elections in assuring the non-partisan and unbiased nature of the election processes, do you think that the Rockville BSE is sufficiently insulated from politics? If not, what would you change?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	It does help that our elections are non-partisan. Every person has some bias and it is important that one consciously recognizes it and works to ensure it does not influence their decision-making to the extent possible. I had no concerns about partisanship nor bias in running of the 2019 election.
- Pierzchala	
Current BSE - as group	The BSE is satisfied that the BSE and its individual members are sufficiently insulated from City politics.
Former BSE:	
- Neuman	No, they are not sufficiently insulated from politics. The BSE must operate independently and impartially in accordance with established standards. If elected officials have input for BSE deliberations it should be considered at BSE meetings by the entire body.

- Wiener

Members of the BSE are appointed by the M&C so, there is no way to completely insulate the BSE from politics.
However, on its face, this is a strange question. Rockville boasts that its elections are "non-partisan" at least to the extent that no candidates are identified by party affiliation. But, given today's reality . . .

The Charter insulates the BSE from political pressure by establishing it as an entity that does not exist at the pleasure of the M&C. As long as the BSE remembers this, the BSE will be fine.

The BSE must also be perceived to be non-partisan and unbiased. To that end, the BSE operates in the open. All meetings are open to the public. Observers are allowed in all polling places. Canvassing and counting of the votes are open to the public.

Further, the BSE follows best practices of boards that oversee partisan elections. For example, any activity involving handling or processing of ballots is conducted by at least two people (either BSE members or a BSE member and member of the City Clerk's office).

Finally, to the best of my knowledge, no member of the BSE has ever endorsed (directly or indirectly) a candidate. Members who decide to run for office resign from the Board before doing so.

- Feinberg
- Mullican

Most people don't know what happens behind closed-door conversations. This is unacceptable.
Because of how the BSE appointment process has worked, I believe there has been a perception that there were conflicts with the City Council on how they handled appointments. It was obvious there were disagreements and some decisions lingered without a consensus. The City Attorney needs to make sure that there is no politics and personal preferences, but a consensus.

- Johnson	Also see response to question #3 (previous). I am concerned that BSE members could be appointed that are beholden to one or more members of the Mayor and Council. It is important that BSE members are not sharing sensitive information with the Mayor and Council. Could there be a requirement that if a BSE member wants to share (informally or formally) information with a member of Mayor and Council, the full BSE must first approve of such dissemination?
- Celeste	It used to be. However, recent Mayors and Councils have been complicit in manipulating appointments by stifling public comment. I have no solution for this problem at this time.
Mayoral and Council Candidates	
- Reed	I believe that the appointment process provides sufficient insulation from politics because all board members are selected by all members of the council and the board elects its own chair. There's enough checks and balances in the appointment process that prevents anyone on the council from wielding too much power and influence. I suspect the politics may be targeting the operations and termination of board members and would suggest the authority of the mayor in these matters be clarified in the charter.
- Unnamed	It is not. Bridget Newton and her political allies on the City Council gutted the leadership and experience of the BSE after the election. This was completely unacceptable and they should not have been able to remove the two experienced BSE Commissioners. This must be investigated and prevented in the future.
Other Members of Community (email request from Clerk's Office)	
- Dutka	I think so

- Russo	Under the leadership of Lois Neuman, Rockville's BSE did an excellent job conducting the 2019 election, which saw huge gains in turnout in Maryland's first vote-by-mail election. After such a groundbreaking success, it's baffling that her nomination for reappointment failed to gain support. In denying her nomination, the council majority cited a desire to "cast a wider net" to diversity the BSE membership, yet she was subsequently replaced by a white male. With the efforts around the country to undermine local boards of elections as a backdrop, Neuman's rejection was a jarring moment for Rockville that called into question whether she faced retribution for defending the BSE's independence. Expanding diversity obviously had nothing to do with it. It's unfortunate the Mayor and Council put the BSE in the position where its independence from political interference is questioned. I'm not sure what I would change because ultimately, the council majority—elected by voters—decides who is appointed. I do not support direct election of BSE members.
- Fulton (Chair, RPAC)	I am not well versed enough on this topic to provide a meaningful response.
Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	No response
- Hedrick, R. (rec'd Feb. 2, 2022)	Again, the replacement of the head of the board seemed to be political, given the success of the last election and there did not appear to be a clear rationale given by the mayor in replacing the board chair. I don't know how the board feels about the politicization of their role in other states/municipalities though.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: General Questions

Question 2.5 --In what ways could the BSE influence the outcome of an election, if it chose to do so?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	
- Pierzchala	
Current BSE - as group	
Former BSE:	
- Neuman	They cannot. There are numerous checks and balances throughout the entire system designed to prevent any interference. The election is not contaminated when the procedures and laws are followed. The BSE must maintain election integrity and function to maintain the trust of the public in elections and democracy.

- Wiener

Maybe I am not imaginative enough, but there really isn't a way the BSE could influence the outcome of an election. There are only two processes that the BSE is involved in that could potentially do so: certification of signatures on forms potential candidates submit and making decisions on whether to accept or reject questioned ballots.

For a variety of reasons, the BSE could not use any of these procedures to influence the outcome of an election.

Remember, running an election (designing, printing, and mailing ballots, determining the location of polling places and/or drop boxes, hiring election judges) is the purview of the City Clerk, not the BSE.

- Feinberg
- Mullican

If the BSE allowed the incumbent Mayor and Council to influence their agenda during an election year, it could give the Council an advantage. Decisions and information are power to the incumbents

- Johnson

BSE could disseminate misleading (not false) financial reporting information by a candidate or could fail to inform the public about true adverse information., e.g. failing to disclose contributions from an unacceptable contributor.

- Celeste

Any system can be manipulated if unethical people assume control. That is why it is so important for the Chair to attempt to be as fair as possible. Leadership matters.

Mayoral and Council Candidates

- Reed

Without context, I find this to be a highly unusual question by itself! But presuming no ill intent, I suppose the BSE may be able to influence the outcome of an election by influencing the number of voters by holding elections in Presidential or non-Presidential years. Either cycle would influence the number of voters who turn out for the local election. Other more overt ways to influence the election are probably prohibited by state or federal election laws but I am not an attorney so will forego mentioning those.

- Unnamed	If the BSE is filled with appointees dedicated to certain Mayoral and Councilmember candidates, they could make the BSE adopt election rules and procedures that provide more accessibility to the voters supporting those candidates. The BSE must not be beholden to the Mayor, Counciilmembers, or any other candidate. The BSE must be as independent and beholden to the people as possible.
Other Members of Community (email request from Clerk's Office) - Dutka - Russo - Fulton (Chair, RPAC)	
Public Questionnaire due Feb. 11 - Stigile (rec'd Jan. 30, 2021) - Hedrick, R. (rec'd Feb. 2, 2022)	
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	Text formatted with appropriate "wrap text" property

CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: j - Increasing the number of members of the BSE.

Question 2.6 -- Is the current BSE the proper size for its workload?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	I would defer to the BSE to assess their needs to determine if it is right-sized.
- Pierzchala	
Current BSE - as group	The membership of the BSE should be expanded from 5 to 7. Increasing membership to 7 would allow the BSE to have at least 3 members at the vote center and 3 members at the Montgomery County Board of Elections throughout the day on Election Day, which would be beneficial since there is a substantial amount of work to be done at both locations. Expanding the membership would also allow appointments that would increase diversity among BSE members
Former BSE:	
- Neuman	Yes, the current BSE is the proper size for its workload. The work is distributed to each member of the BSE to take the lead on topics determined by the entire BSE. The BSE places the timeline for topic presentation and discussion on the meeting agenda. The meeting agenda is placed on the city website to allow the public to remain informed.
- Wiener	No. Unless all BSE members are retirees who don't like to travel, there is too much work to do, especially in an election year. (And having only retirees on the BSE is a bad idea). Even in off-years, there is a lot to do.
- Feinberg	

- Mullican	I have worked with a board of 5 or 7 and it worked well if they are conscientious and experienced members. I find 7 to be a more acceptable size especially since these are volunteer positions and members are not always able to attend. There is plenty of evidence of times when a quorum was not possible because members were absent.
- Johnson	BSE is probably the proper size. It should be an odd number and should not be greater than seven. If it becomes too large, members are more likely to say " I do not need to do much as there are so many others on the BSE, there really isn't any need for me to do much." It may be necessary to bring in outside "experts" from time to time to make up for any lack of skills in the BSE members.
- Celeste	The current BSE is the proper size at this time. I have no faith in the current administration regarding adding members to the BSE. The current administration has already demonstrated a tendency to follow FDR's court packing scheme which was eventually rebuffed to maintain some semblance of decency. Hopefully, this precedent will be followed in Rockville.

Mayoral and Council Candidates

- Reed	I haven't been following the BSE in a level of detail sufficient to provide a comment.
- Unnamed	The BSE and City Staff working on elections would be best suited to respond to this question if you need the answer.

Other Members of Community
(email request from Clerk's Office)

- Dutka	It makes sense to increase the size of the BSE
- Russo	Expanding the size of the BSE would reduce the risk of loss of institutional memory and experience. With just five members, the loss of even one experienced member is significant. A larger BSE would allow for a wider range of tenures, expertise, and demographics, as well as promote continuity.
- Fulton (Chair, RPAC)	I do not know.

Public Questionnaire due Feb. 11

- Stigile (rec'd Jan. 30, 2021)	It seems large enough to me.

- Hedrick, R. (rec'd Feb. 2, 2022)	It seems like more people would make a lighter workload. Would love to see more women represented.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	Of the 14 respondents, 4 felt that the Board is the proper size, 4 felt that the Board is too small for its workload but didn't propose a specific increase in members, 3 felt that the size of the BSE should be increased to seven, 2 had no comment, and one felt that the BSE was in the best position to answer this question. Therefore, almost twice as many respondents, including the Current BSE, felt that the BSE needed to be increased in size.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: j - Increasing the number of members of the BSE.

Question 2.7 -- Does the manner in which BSE members are appointed result in a BSE that adequately reflects the diversity (as described in Resolution 9-20 to mean demographics and characteristics of the city as well as racial and other inequities and social justice) of Rockville? Please explain your answer and discuss any changes you would propose to address your concerns.

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	I think it is important to have diversity (age, ethnic, gender & geographic) on the BSE.
- Pierzchala	
Current BSE - as group	Members of the BSE are chosen by the Mayor and Council. The BSE has no influence or control over its own composition. The BSE expresses no view on whether those that the Mayor and Council have chosen adequately reflect the diversity of the City. We do note that those currently serving on the BSE include members of different ages, races, religions, national origins, and experiences, and those currently residing in different parts of the City of Rockville.
Former BSE:	
- Neuman	
- Wiener	
- Feinberg	
- Mullican	
- Johnson	
- Celeste	
Mayoral and Council Candidates	
- Reed	

- Unnamed	question is repeated

Other Members of Community (email request from Clerk's Office)

- Dutka	I'd say it's important to nominate a diverse board but I'm not sure what the best way to do that is.
- Russo	The process works about just as well as it does for any other Board or Commission.
- Fulton (Chair, RPAC)	I do not know.

Public Questionnaire due Feb. 11

- Stigile (rec'd Jan. 30, 2021)	I don't see the need to specify anything in the Charter about the demographic composition of the Board. We might be able to address this better by changing the Charter to allow any Councilmember to nominate new members of the Board and electing at least some councilmembers from representative districts.
- Hedrick, R. (rec'd Feb. 2, 2022)	It does not seem that the current process is resulting in a very diverse board. Perhaps the diversity of the board has not been prioritized in recruiting candidates in the past. Also, I believe this is a volunteer group with a pretty heavy workload. Perhaps paying the board would result in a broader group of interested parties (not sure if this is allowed).

Public Questionnaire due Mar. 25
These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.

BSE WG Conclusions	We agree with Dr. Myles observation that it is important to have diversity (age, ethnic, gender & geographic) on the BSE. We also believe that economic and racial diversity are important. However, BSE appointees are limited to people who to apply to be nominated to the BSE. This suggests that the City needs to do a better job in reaching out to diverse communities to encourage a more diverse pool of applicants.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: j - Increasing the number of members of the BSE.

Question 2.8 -- Would you support adding alternate members to the BSE? Please explain your answer, including the number of alternates you would propose if you support this option.

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	I'm unsure. I'd have to get a sense of when an alternate would be activated.
- Pierzchala	
Current BSE - as group	If the membership of the BSE were expanded to 7, the BSE would not need or benefit from the addition of alternate members.
Former BSE:	
- Neuman	No. Upon application, review, and appointment, applicants should accept that they will fulfill their obligations of participation, involvement, and commitment to serve on a team that has a specialized knowledge base and function. The team develops continuity and cohesiveness to develop, complete, and implement a workplan. Temporary members disrupt team cohesiveness and workplan completion.
- Wiener	No. Either you are on the BSE or you are not. I would support adding at least one or two more members. If only one is added, perhaps the Chair could only vote in case of a tie. Note, however, that even now, the meeting room is crowded. The table usually has 5 BSE members, the Clerk, usually the Election Specialist in the Clerk's office, and an attorney. In addition, accommodation must be made for any members of the public who wish to attend. So, if the size of the Board is increased, you'll need to find a bigger meeting room.

- Feinberg	
- Mullican	I support increasing the members to 7 with an alternative member. This person is expected to attend meetings periodically when a member is absent. My experience is that volunteers are usually appointed who have full-time jobs and conflicts arise. Rescheduling meeting makes it more difficult for city staff to accommodate meeting rooms.
- Johnson	I do not support adding alternate members. Would the alternate members be able to come up to speed quickly enough should an alternate have to step forward to serve? How would you keep the alternates fully informed and engaged? Increasing the number of BSE full-time members to seven would appear to be better than adding alternates.
- Celeste	No.
Mayoral and Council Candidates	
- Reed	I would support a system that had one group of five who were 'active' experienced members and a second group of five with no voting power who 'shadowed' the active members. Both groups would serve 5-year terms. 'Shadow members' would be appointed a year before the election to learn the ropes. They would gain voting power when the more experienced group completed their terms one year after the election. Appointing members in a staggered way gives all board members the experience of two elections before they complete their term.
- Unnamed	Again, the BSE and City Staff working on elections would be best suited to answer these types of questions.
Other Members of Community (email request from Clerk's Office)	
- Dutka	yes, 2-3 member might be good
- Russo	I do not support alternates. If we have qualified residents willing to serve, appoint them as full members. Add two seats to the BSE so that a vacancy or two presents less hardship than it does with a body of just five members.
- Fulton (Chair, RPAC)	I do not know.
Public Questionnaire due Feb. 11	

- Stigile (rec'd Jan. 30, 2021)	I don't understand the role of alternates.
- Hedrick, R. (rec'd Feb. 2, 2022)	n/a
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	There are over twice as many "no" responses as positive ones, including the recommendation by the Current BSE. The BSE WG doesn't believe that there is necessary support for alternates, particularly if the BSE is expanded to seven members.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue k -- Lengthening the term for members of the BSE

Question 2.9 -- Should the terms of BSE members be lengthened? If so, how long?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	I'd recommend staggered terms (as an alternative or in addition to lengthening), if they aren't staggered already.
- Pierzchala	
Current BSE - as group	Terms of BSE members should continue to be 4 years. But new appointments should not be made, or vacancies filled, during the critical period between May 1 and December 31 of an election year. Adding an inexperienced board member during that critical period would hinder, rather than help the BSE perform its job of conducting and certifying the election and reporting to the Mayor and Counsel on the success or failure of the election process.
Former BSE:	
- Neuman	No – knowledgeable, effective, impartial board members should be reappointed at the end of their existing term. Every effort should be made to retain their service for another term.
- Wiener	I suggest a 4-year term.
- Feinberg	
- Mullican	A four-year term is sufficient. Appointments should be staggered so there are always experienced members on the Board.

- Johnson	Lengthening the term of BSE members may make it more difficult to recruit new members; if I am somewhat new to election processes, I would be less likely to volunteer for a seven-year term than for a four-year term. I do not believe the term should be less than four years. I do believe the Charter could specify that a person could serve one term and could be reappointed for one further term at the discretion of the Mayor and Council.
- Celeste	No. It is hard enough to attract legitimate volunteers for these positions now. Lengthening the term would make this an even more difficult task.
Mayoral and Council Candidates	
- Reed	Current members serve 4-year terms but since our elections run on 4-year cycles, it seems reasonable to lengthen the term to 5-years. A 5-year term would give board members experience with two election cycles before they completed their term. I believe a term longer than 5-years would be detrimental to recruitment.
- Unnamed	No response
Other Members of Community (email request from Clerk's Office)	
- Dutka	I the term limit is ok now
- Russo	The BSE term should be at least four years so members can complete an election cycle.
- Fulton (Chair, RPAC)	I am not aware of the current terms, but feel they should last at least four years and one day (one election cycle), but not more than two election cycles and that no individual can serve on BSE for three consecutive election cycles.
Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	no
- Hedrick, R. (rec'd Feb. 2, 2022)	I do not know how long their terms are, but they should be at least as long as the four-year election cycle.
Public Questionnaire due Mar. 25	

These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.

BSE WG Conclusions	The consensus of responses is to retain the current 4-year terms. Only 1 person recommended a longer, 5-year term. Several responses mentioned the importance of staggered terms, which the Charter already requires.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue k -- Lengthening the term for members of the BSE

Question 2.10 Preface -- The timing an length of BSE terms established in the Charter would appear to provide adequate time for new BSE members to familiarize themselves with many of the processes leaing up to elections, but no prior experience in conducting or assessing elections.-- Is it important that at least one member of the BSE will have experienced a complete election cycle when the Board is preparing for a new election? Please discuss your answer.

Responses Requested From	Responses Received
Mayor and Council: - Newton - Ashton - Feinberg - Myles - Pierzchala	
Current BSE - as group	Conducting an election requires the BSE to perform numerous tasks and resolve several problems. Without prior experience and the institutional knowledge that comes with that experience, it would be difficult to perform these tasks efficiently. These tasks include, for example, the procedure for transporting voted ballots from the City's vote center to the County's Board of Elections, orienting and swearing in the City's paid canvassers, and duplicating ballots rejected by the County's scanners. If none of the BSE members had prior election experience, these tasks might be performed incorrectly, raising questions about the accuracy and validity of the vote.
Former BSE:	

- Neuman	Yes, it is critical that more than one member of the BSE have election experience preferably beyond one election cycle. Experience at a complete election cycle may not be sufficient. Board members should know the components of an election, policies, and procedures. Election integrity is essential. They must know how to oversee a fair, transparent, ethical, safe, and secure election.
- Wiener	Even assuming an experienced City Clerk (which the City is lucky to have) there are too many things that can wrong, too many moving parts. Besides, running and election is more than following a schedule. So at least on member of the BSE must have experience. But what happens if that person resigns, gets sick, or is otherwise unavailable. So, it is important for more than one member of the BSE to have gone through at least one election cycle. Also note that it was an experienced BSE member—not the Clerk's office—that suggested Vote by Mail. Board members look at elections from a difference perspective.
- Feinberg	
- Mullican	Yes, it is important to have one experienced BSE member. Board members should have some election qualifications. The member doesn't need to know everything, but it would help if the Board member worked as an election judge, was a candidate, or ran a campaign. Let the new members get more experience while other more experienced member serves on the Board.
- Johnson	See response to question 8 (previous). It is highly desirable for there to be at least one member of the BSE to have experienced a complete election cycle. Though I am not generally in favor of increasing the term much beyond four years, would it make sense to increase the term from four to five years to increase the likelihood that there will be at least one BSE members that will have gone through a complete election cycle, now that we have gone from a two-year election cycle to a four-year election cycle.
- Celeste	This is important but should not be legislated. Going through the first complete election cycle is difficult. Having at least one experienced Board member to serve as a guide through this process is very helpful.

Mayoral and Council Candidates

- Reed	Yes, it is absolutely important that at least one member of the board have prior experience with conducting an election because that experience will help ensure that the board has some minimum level of first-hand knowledge to anticipate problems or find solutions to ensure a smooth election.
- Unnamed	As many experienced people as possible should be on the BSE to use their expertise in running the elections. Competent, experienced people should not be removed. It is not okay that competent and respected BSE commissioners were removed even if one experienced person remained.
Other Members of Community (email request from Clerk's Office)	
- Dutka	I think it makes sense to mix veteran board members with new members so staggering appointments seems like a good idea
- Russo	Of course, having at least one member with experience makes sense, but I don't know how the charter can mandate this. What if the experienced members resign, or God forbid, die? The charter can't control which seats are vacated or when. In the end, Mayor and Council must exercise good judgment in evaluating the spectrum of experience on the BSE when considering appointments.
- Fulton (Chair, RPAC)	Yes. See above. (Previous answer)
Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	It's desirable and should be considered as part of the process of nominating and approving new members.
- Hedrick, R. (rec'd Feb. 2, 2022)	Yes, it is important to have continuity going into an election. Staggered terms should be sufficiently long, as as to ensure this is possible.
Public Questionnaire due Mar. 25	

These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.

BSE WG Conclusions	The broad consensus is that experience with prior elections is extremely important to have on the BSE. The only way to guarantee this experience is for the Mayor and Council to promptly reappoint experienced BSE members and to fill vacancies in a timely manner. There's an open question whether a reappointment requirement should be legislated. Also, the ability of the Mayor and Council to fill vacancies in a timely manner is dependent upon the availability of qualified candidates.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue k -- Lengthening the term for members of the BSE

Question 2.11 Preface -- The City has been out of compliance with the Charter with regard to the timing of the beginning and end of BSE member terms for the past twenty years. -- What problems would you expect in the BSE's conduct of an election if none of the BSE members had prior election experience?

Responses Requested From	Responses Received
Mayor and Council: - Newton - Ashton - Feinberg - Myles - Pierzchala	
Current BSE - as group	The BSE and the City of Rockville would be better served if several BSE members – rather than just one – had participated in a complete election cycle. [Note: Doesn't really answer the question.]
Former BSE: - Neuman	This is dangerous and irresponsible for the city. The risk of overseeing a questionable election is enormous and should be avoided, especially in the current national election environment. There are a huge number of moving parts to an election such as communication, timing, coordination, schedules, equipment, training, safety, and personnel. If none of the BSE members and staff knew anything about elections, how could they know what to do? How would they explain what went right or wrong? The risk of problems is huge. How can unprepared and uninformed people be held accountable? How can your voters have any faith and trust in the election if the overseers know nothing about elections they are to oversee? Why would the city consider such an alternative? The question is disturbing.

- Wiener	At the very least, too much responsibility would be placed on the Clerk's office. If the primary role of the BSE is to oversee the election (and it is), how will inexperienced members know what they are looking for. How will an inexperienced BSE member know whether all procedures are being properly followed at a polling site if the member has no idea of what those procedures are and what is supposed to be going on at the site?
- Feinberg	
- Mullican	The Board could make poor decisions and possibly create noncompliance issues. The burden is with the City Attorney to make sure that all election laws are followed. Additional staff can be temporarily be hired during an election year.
- Johnson	It will be very important to fully document every step in the election cycle. My biggest concern is that the BSE will have overlooked some key step and once skipped it would be very difficult to correct without having to call for a new election. Hopefully the current BSE could consult with former BSE members on an informal basis. I could read a procedures manual as to what you are supposed to do but if there is a breakdown the manual may not give me the guidance on what corrective actions should be taken.
- Celeste	I am concerned that, if all BSE members had no prior election experience, they would be at the mercy of the dictates of the administration in power, even if it is via pressure on City employees staffing the Board.
Mayoral and Council Candidates	
- Reed	Having never served on the BSE, I really don't have the background to answer this question properly. I will say that elections are absolutely critical to the functioning of our democracy and the city cannot have inexperienced people running them. We cannot afford to have a debacle in our elections, especially now given the fragile state of our democracy.
- Unnamed	Experience is key and must be maintained across elections. This is simply common sense.
Other Members of Community (email request from Clerk's Office)	
- Dutka	If a procedure is missed due to inexperience that could be a problem

- Russo	Let’s hope we don’t face this. This points to the importance of the City Clerk and her staff in this process to train and advise BSE members on the procedural conduct of our city elections.
- Fulton (Chair, RPAC)	There is value in institutional knowledge., and there is danger in homogeneous and monotony...balance is key.
Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	There's a lot of basic information about the technical and legal requirements that probably is best learned through hand-on experience. For example, we've seen some of the silliness in our national elections about supposed voter fraud coming from people who have a political ax to grind and who make fantastical misstatements about procedures that are in place to prevent fraud. The cyber ninja review in Arizona is a case in point.
- Hedrick, R. (rec'd Feb. 2, 2022)	Given the amount of preparation and communication that needs to go out to the city for vote-by-mail, it could be difficult for that to occur in a timely manner if none of the board members had experience with a vote-by-mail election.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	Respondents noted many problems that would likely occur if none of the BSE members have prior election experience.

CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue k -- Lengthening the term for members of the BSE

Question 2.12 -- How should the Mayor and Council address this situation?

o Begin adherence to the Charter in appointing BSE members as the current seats come up for appointment or reappointment, or

o Change the Charter to reflect the actual practice of making 4-year appointments that begin on the month and day of the appointment?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	I don't think that the Mayor should be the only person making nominations I do think that there should be improved discipline in the filling of BSE vacancies. [Note: this response was to an incorrect version of the question.]
- Pierzchala	
Current BSE - as group	The BSE expresses no opinion on how the Mayor and Council should resolve this issue.
Former BSE:	
- Neuman	Second choice, i.e., change the Charter to reflect the actual practice of making fixed 4-year appointments that begin and end on the month and day of the appointment?

- Wiener — Change the charter. Assume the January after an election is Year 0. Stagger appointments so that one member is appointed in April of Year 0. (I choose April because the report on the previous year's election should be pretty much done by then. To be safe, make the appointment in July rather than April). Appoint another BSE member 3 months later. Continue to appoint BSE members at 3-month intervals until the Board is full. Even if the BSE expands to 7 members, all will have served at least 2.5 years before the next election. Not quite the same thing as having election experience, but even if only two members are reappointed in each 4-year cycle, there will always be at least two experienced people on the BSE in all subsequent elections.

  Obviously, some current BSE members will need to have their terms lengthened or shortened to ensure the BSE is at full strength until the first batch of members is appointed under the new scheme
- Feinberg
- Mullican — It should be clear how Board members are appointed and when their term begins and ends. Reappointments need to be discussed with the entire Mayor and Council.
  Yes, have the Charter reflect the actual 4-year appointment with beginning and ending term dates.
- Johnson — I believe the Mayor and Council should adhere to what is in the Charter. As mentioned earlier, a BSE member should be allowed to be appointed to a four-year term and to reappointed to only one successive term. Appointing someone to a third term should not be done unless there is a compelling exception that should require unanimous approval by the Mayor and Council. I generally support the notion that the four-year appointment should begin and end on the month and day of the appointment.
- Celeste — Make this easy – do NOT lengthen the terms. [I don't understand this response.]

Mayoral and Council Candidates

- Reed — Change the Charter to reflect the actual practice of making fixed 5-year appointments that begin and end on the month and day of the appointment.
- Unnamed — No response

Other Members of Community (email request from Clerk's Office)

- Dutka	Change the charter
- Russo	Adherence to the Charter should be an imperative. I believe making the appointments for a fixed duration at the time of appointment is preferable. Eventually this is likely to result in a membership with overlapping terms and a blend of experience levels.
- Fulton (Chair, RPAC)	Choice 1: Begin adherence to Charter.

Public Questionnaire due Feb. 11

- Stigile (rec'd Jan. 30, 2021)	Begin adherence to the Charter in appointing Board of Supervisors of Elections members as the current seats come up for appointment or reappointment.
- Hedrick, R. (rec'd Feb. 2, 2022)	Begin adherence to the Charter in appointing Board of Supervisors of Elections members as the current seats come up for appointment or reappointment.

Public Questionnaire due Mar. 25
These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.

BSE WG Conclusions	Responses were evenly divided in favor of enforcing the Charter or changing it to reflect historical practices. However, the BSE WG believes that enforcing the Charter will require empowing the City Clerk or City Attorney to assure that term ending dates of new appointments and reappointments comply with the Charter requirements.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue l -- The appointment process for the members of the BSE

Question 2.13 Preface -- The City has been out of compliance with the Charter regarding the filling of vacancies to the Board of Supervisors of Elections since at least 987. The Charter requires the Mayor to fill vacancies, i.e., nominate the person to fill vacancies, but all ten nominations to fill vacancies during that period, except one in 2020, were made by a Councilmember, not by the Mayor. -- How would you address the issue? Please explain.

o Be more diligent about assuring that only the Mayor nonimates people to fill vacancies on the BSE to comply with the Charter.

o Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	Confusion over question because incorrect version of question was used.
- Pierzchala	
Current BSE - as group	The BSE expresses no opinion on who should or should not be able to fill vacancies on, or appoint new members to, the BSE. Nevertheless, the BSE believes that the actual practice and language of the Charter should be consistent with each other.
Former BSE:	
- Neuman	Second choice. It is confusing why elected councilmembers would be prevented from nominating and filling vacancies, giving them no voice to participate in the very government in which they were elected to serve.
- Wiener	Change the Charter to allow Councilmembers, not just the Mayor, nominate people to fill vacancies.
- Feinberg	

- Mullican	Make sure the Charter is clear that any Council members may nominate to fill a vacancy and the entire City Council votes on the nominee. Maybe this would work better if we had 7 City Council Members. It has been an embarrassment how appointments have been so contentious.
- Johnson	Is it not the Mayor and Council who appoint people to the BSE? Similarly, should it not be the Mayor or a Council member who could nominate someone? The Mayor or any Council member should be able to nominate an individual to the BSE but the entire Mayor and Council must act to appoint. The statements in the question do not appear to be consistent with the language in Article III, Section 2.a. of the Charter,
- Celeste	Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies.
Mayoral and Council Candidates	
- Reed	Change the Charter to reflect the long-standing practice of having any Councilmember, not just the Mayor, nominate people to fill vacancies. This way, no one person holds all the power and we can ensure checks and balances by spreading the power of appointments between all members of the council.
- Unnamed	The Mayor and Councilmembers should be able to nominate. No mayor should have complete control of the BSE.
Other Members of Community (email request from Clerk's Office)	
- Dutka	Change the charter
- Russo	Change the charter to reflect long-standing practice. Allowing any member of the elected body to nominate minimizes the risk that the BSE is beholden to one figure, or the perception that it is. It also creates more opportunities for diverse representation. Nomination does not mean appointment, so a majority is still required, as is appropriate.
- Fulton (Chair, RPAC)	Choice 2: Change the Charter.

Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	Change the Charter to reflect the long-standing practice of having any council member, not just the mayor, nominate people to fill vacancies. The Board (and all Boards and Commissions) should be reflective of the overall community, and that is more likely to happen if a broader representation of the community -- the Council not the Mayor -- is allowed to nominate members.
- Hedrick, R. (rec'd Feb. 2, 2022)	Change the Charter to reflect the long-standing practice of having any council member, not just the mayor, nominate people to fill vacancies.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	An overwhelming majority responded "change the Charter" to reflect the long-standing practice of having the Council, not the Mayor, fill vacancies.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue l -- The appointment process for the members of the BSE

Question 2.14 -- The current Charter only addresses appointments and is silent about reappointments. Should the Charter be amended to clarify that reappointments are considered the same as appointments? Please explain your answer.

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	I think they should be considered similarly to the extent that the requirements should be the same.
- Pierzchala	
Current BSE - as group	The BSE expresses no opinion on how the Mayor and Council should resolve this issue.
Former BSE:	
- Neuman	Yes, reappointments should be considered the same as appointments unless there is some unique reason for exceptions. Having said that, since the reappointed person is already known and has the experience and knowledge of the BSE, an abbreviated application would
- Wiener	Am I correct in assuming an appointment is not the same as a nomination? In that case, a reappointment should be treated just like a new nomination. That is, the Mayor (or, if the Charter is changed, a Councilmember) may renominate a BSE member whose term is ending or nominate someone else to fill that seat. Or both. That is, a BSE member may be renominated and one (or more) others may be nominated. A vote by the M&C would determine which nominee (if there is more than one) is appointed.
- Feinberg	

- Mullican	Yes, the Charter should clarify that reappointments should be handled the same way as original appointments. There should be no confusion. The last BSE Chair appointment I observed was disappointing and embarrassing. It appeared that certain Council Members had a personal opinion on who was to be appointed. Why have appointments for the Planning Commission been such a disaster by that same Mayor and Council? I believe it is because of politics.
- Johnson	See response to question #11. A BSE member should be allowed to be appointed to a four-year term and to be reappointed to only one subsequent term. Provision could be made that someone who has served two terms could be reappointed only if they have been out of office for at least four years. Reappointments should not be automatic. Approval should be the same as for the initial appointment.
- Celeste	Regardless of how it is done, reappointments should be considered the same as appointments. This includes giving stronger consideration to folks with experience, regardless of whether it is an appointment or a reappointment.
Mayoral and Council Candidates	
- Reed	What does 'the same as appointments' mean in this question? It would be helpful to know the areas the author of this question is referring to. In principle, I think reappointments should be considered the same as appointments in terms of time, authority, and expectations. Those who believe differently need to explain the reasons why. And any differences between 'appointed' and 'reappointed' risk power imbalances between the two that I would find a hard time supporting.
- Unnamed	No response
Other Members of Community (email request from Clerk's Office)	
- Dutka	yes, I think there could be room for potential abuse of reappointments if this is not clarified.

- Russo	I am not a lawyer, but it seems to me that the charter needs to speak only to appointments. It is immaterial whether a vacancy is filled by a returning member or a new member. Perhaps instead the Charter Review Commission should concern itself with the practice of members of Boards and Commissions remaining in place after their appointments have expired, sometimes for years. Once a term is expired, the seat should be vacant and subject to appointment as set forth in the charter. This is true for BSE and any other Board or Commission, but particularly for those with statutory roles.
- Fulton (Chair, RPAC)	Yes. Reappointments are not automatic.
Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	Yes, make it clear so as to remove any ambiguity.
- Hedrick, R. (rec'd Feb. 2, 2022)	Yes, reappointments should be treated the same as appointments.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	An overwhelming majority responded in favor of amending the Charter to clarify that reappointments should be made in the same manner as appointments.

CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue m -- The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Question 2.15 Preface -- The BSE has traditionally met with the Mayor and Council on many occasions to discuss the results and lessons learned from elections as well as proposed changes to the City Charter or Code that impact elections. The BSE has also routinely responded to information requests from the Mayor and Council. As described in issue m, however, the Mayor and Council have raised issues about the frequency and content of such meetings and communications. Please respond to the following to shed light on this issue. -- Please summarize the kinds of meetings that the BSE typically holds with the Mayor and Council, how frequently they occur, when they occur in relation to pending or prior elections, the topics discussed, and who usually requests them.

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	Up until a few years ago – the Mayor and Council had a good relationship with the BSE and meetings were cordial and transparent. During the run up to the 2019 election however – the former CA decreed that the BSE did not have to meet with the Mayor and Council and blocked many overtures for dialogue. If not for the previous experience in VBM by CC/DCO Conway and 2 former members of the BSE – and the support of CM Feinberg and Mayor Newton – the City would have only mailed 2 advance notices to each household with the Ballot being the 3rd instead of 3 (and the Ballot being the 4th) which gave far more notice and information that this change was coming. Once again – I am happy to meet with the subcommittee and or full Commission to discuss.
- Ashton	
- Feinberg	

- Myles	I do recall one post-2019 election BSE meeting/presentation that outlined what they did and challenges they encountered. As a general rule, I think the BSE should refrain from any other meetings so as to maintain their independence from the body whose election they oversee
- Pierzchala	
Current BSE - as group	The BSE and Mayor and Council do not meet, other than at formal Mayor and Council meetings open to the public. No private meetings occur or are requested. The chair of the BSE has on occasion appeared before the Mayor and Council to explain recommended changes to the City Code, answer questions about preparations for the 2019 vote-by-mail election, and report on the success of that election and lessons learned.
Former BSE:	
- Neuman	The BSE typically presents at the Mayor and Council meetings on the results of the most recent election and then any follow up requested by the Mayor and Council. The Mayor and Council offer any suggestions and concerns that are then discussed by the BSE. Responses go to the Mayor and Council either by report or presentation at another Mayor and Council meeting. These meetings occur as needed. When they occur is up to the date of certification of candidates for the election. The topics discussed are related to the election data such as number of mailed ballots, number of returned ballots, date of return of the ballots, budget, number of voters, etc. Specific data is requested by Mayor and Council during the reporting period.

- Wiener

As I've noted, the BSE is an independent entity, established by the Charter. To that extent, unless I've missed something, the BSE is not obligated to report to the M&C.

However, the BSE should make recommendations, in writing to the M&C regarding the conduct of elections and propose changes to the Code it deems appropriate. The BSE should meet with the M&C in person to support any such requests and to respond to queries from the M&C.

The BSE should report to the M&C after each election on that election paying particular attention to lessons learned. Frequently this report has included a to-do list, things the BSE thinks it needs to do (or would like to do) before the next election.

If the BSE has provided a to-do list to the M&C, the BSE should submit an annual status report, in writing, and meet with the M&C, if requested to answer questions concerning that report.

Finally, the BSE must always be aware that one or more members of the M&C may be candidates at the next election or, if it is in an election year, may actually be candidates. Therefore, it may be inappropriate to respond to every request for information from the M&C. To the best of my knowledge, such responses are not statutorily required. If nothing else, I suggest the BSE ask the attorney assigned to them for guidance (which the BSE, of course, is not obligated to follow).

- Feinberg
- Mullican

There should be no set rule on when the BSE meets with the Mayor and Council. Meetings should occur when necessary. It is advisable to have the BSE and Mayor and Council meet once a year to review to see if the 4-year plan needs revisions or if Codes need to be updated.

- Johnson	It is important that the Mayor and Council be made fully aware of the election process and any major problems that the BSE is encountering in carrying out its duties. The Mayor and Council should not be directing the BSE on exactly how it should carry out its responsibilities. Care must be taken to avoid the appearance that the Mayor or Council member is directing the BSE to take an action that would unduly favor the reelection or the interests of the Mayor or Council Members. Care should be taken to avoid a meeting between one BSE member with just the Mayor or a Council member. It is appropriate for the Mayor or a Council member to sit in on a BSE formal meeting to listen and ask questions only if it clearly cannot be viewed as directive in nature. It may be appropriate to consult with the City Attorney on a case-by-case basis.
- Celeste	In the past, meetings between the BSE and the Mayor & Council were more often (although not solely) requested by the BSE when major elections issues arose, regardless of the timing of the next, or prior election. Regularly scheduled meetings/updates were seen as a waste of time for both parties. Yet, clearly, informal communication was constant either face-to-face or, more often, via City staff assigned to assist the BSE.
Mayoral and Council Candidates	
- Reed	I have nothing to add here.
- Unnamed	The Mayor and Council should not be influencing the election by making the BSE abide by their influence for at least a year before an election.
Other Members of Community (email request from Clerk's Office)	
- Dutka	No response
- Russo	No basis to comment.
- Fulton (Chair, RPAC)	I am not well versed in this topic to provide a meaningful response.

Public Questionnaire due Feb. 11

- Stigile (rec'd Jan. 30, 2021)	I think they should occur as frequently as both parties feel is useful, to be initiated by either party. Requests by the Board to meet with the M&C should be made in writing and read into the record at the first meeting of M&C after the written request is receive
- Hedrick, R. (rec'd Feb. 2, 2022)	How would the average city resident be able to answer this? I do not know how often they meet.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	There were many no comments or non-responses, but comments generally favored meetings as needed to discuss election issues and recommended changes to the Election Code. Several comments mentioned the need to maintain the appearance of the BSE's independence from the Mayor and Council.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue m -- The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Question 2.16 -- Please discuss the nature and frequency of communications that occur between the BSE and Mayor and Council outside of officially noticed meetings and who usually initiates them.

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	I am not aware of any communications that occurred between M&C and the BSE outside the meetings and public information settings. This does not mean that they do not occur but I haven't attended any. There should not be any such communications for the reasons outlined in #2.15.
- Pierzchala	
Current BSE - as group	The Mayor and Council and the BSE can communicate with each other by memo or letter. The BSE's 2021 recommended changes to the City Charter and Chapter 8 of the City Code were, for example, communicated by memo. In 2019, a request to appear before the Mayor and Council was communicated by letter. Such communications are rare
Former BSE:	
- Neuman	There is limited communication between the BSE and Mayor and Council outside of officially noticed meetings. The BSE rarely initiates communication with elected officials. Since the BSE conducts open meetings, the Mayor and Council members, any candidate or potential candidate, and guests can attend/observe at BSE meeting. All election candidates are privy to the same information. The board expects that the intensity of an election year brings increased scrutiny for the board and the staff. The board and staff strive to be fair, promote integrity and remain impartial.

- Wiener	No response.
- Feinberg	
- Mullican	The frequency of communications between the BSE and Mayor and Council during the months between certification of candidates and the certification of the election should be limited and monitored carefully to avoid any conflicts of interest. Incumbents should not receive information that other candidates don't receive. This is most important in creating election integrity, impartiality, and fairness.
- Johnson	These types of meetings should be avoided. All meetings should be officially noticed.
- Celeste	See answer to #14 (previous) above.
Mayoral and Council Candidates	
- Reed	Having never served on the BSE, I have no basis to answer this question.
- Unnamed	The Mayor and Council should not be influencing the election by making the BSE abide by their influence for at least a year before an election. One could not help but notice that the candidates, Bridget Newton and Beryl Feinberg wanted to have the BSE report to them and have influence on the election. I will not support any Mayor or Councilmember influencing an election or having the BSE report to them. Undue influence must not be permitted. More than an arms length should be implemented with policy.
Other Members of Community (email request from Clerk's Office)	
- Dutka	No response
- Russo	No basis to comment.
- Fulton (Chair, RPAC)	I am not well versed in this topic to provide a meaningful response.
Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	No response
- Hedrick, R. (rec'd Feb. 2, 2022)	n/a
Public Questionnaire due Mar. 25	

These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.

BSE WG Conclusions	There were more no comment or unclear responses than actual responses. However, the few responses were that there should be no meetings between the BSE and Mayor and Council outside of the formal meetings for which public notice must be given and accurate minutes kept. It was also noted that most communications between the BSE and Mayor and Council are by memo or letter and are rare.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue m -- The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Question 2.17 -- Would it ever be appropriate for the BSE to decline to meet with the Mayor and Council? If so, why?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	Yes, I think that members of the BSE should be empowered to decline any meeting with M&C they feel may compromise the integrity of the BSE or have the appearance of impropriety.
- Pierzchala	
Current BSE - as group	It might be appropriate to decline to appear before the Mayor and Council if the request came shortly before the election and those serving on the Council were also candidates for office. Answering questions about election procedures under those circumstances might be deemed unfair to candidates who would be unable to pose questions in the same manner. A better and fairer option would be for a candidate or a candidate's campaign manager to attend a BSE meeting – all of which are open to the public – and pose questions to the BSE at that time.
Former BSE:	
- Neuman	Yes, if it is during the months between certification of candidates and the certification of the election to avoid any appearance of conflicts of interest between election supervisors and elected officials who are candidates in the upcoming election. All candidates are privy to the same information. There is every attempt to maintain election integrity, impartiality, and fairness.

- Wiener

Yes. As noted above, because members of the M&C are, at the very least, potential candidates, any meeting that would give the M&C an advantaged a potential—or even a perceived—advantage would be inappropriate.

For example, if a member of the M&C requested a written report on voter registration or participation by district during an active election—a report that might not be made public for some days or weeks after it is submitted—that might be perceived as giving incumbents an advantage.

On a broader level, any request from the M&C that gives the impression that the M&C is overseeing the Board, might be considered inappropriate by the Board. It is the Board that oversees elections, not the M&C. Any action that implies otherwise, advertently or not, weakens the status and perception of the BSE as an independent, non-partisan body.

- Feinberg
- Mullican

The BSE and Mayor and Council should not meet if there is a conflict of interest. The City Attorney should monitor any inappropriateness of the BSE and Mayor and Council meeting. There could be legal reasons for not meeting. Meetings are not as important as is direction through email communication from the Mayor and Council

- Johnson

Yes. It would be appropriate for the BSE to decline to meet. The BSE should seek the advice and counsel of the City Attorney before making such a decision. Declining such a meeting should be done if there is the appearance/perception that the Mayor or Council members would gain a benefit or a favored status in an upcoming City Election.

- Celeste

Historically in Rockville, Mayors and Councils have treated staff poorly but maintained a certain level of civility with citizen volunteers serving unpaid on boards and commissions. Past treatment of volunteers encouraged as much communication with the Mayor & Council as possible.

This was changed radically by the last few administrations and apparently has continued. The Mayor & Council seemed to forget that board & commission members are unpaid volunteers. When the Mayor & Council started treating citizen volunteers as poorly as they treated staff, the stage was set to limit communication as much as possible.

Mayoral and Council Candidates

- Reed	Context is everything. While I cannot now imagine why a board would 'ever decline' to meet with the mayor and council, there might be a situation that arises where it might be justified but the word 'ever' really leaves no room for that. Perhaps the charter can define what the protocol would be in this situation. Could the chair decline independently on behalf of the rest of the board or would the board have to vote in majority to decline? What powers would the mayor and council have, if any in this situation?
- Unnamed	I will not support any Mayor or Councilmember influencing an election or having the BSE report to them. Undue influence must not be permitted. More than an arms length should be implemented. The BSE can report to the residents of Rockville. The BSE works for us, the people, not the Mayor and Council, who should not be permitted to give feedback on the election process.
Other Members of Community (email request from Clerk's Office)	
- Dutka	No response
- Russo	Yes, the BSE must strive to maintain its independence, in fact and in perception, so it may appropriately decline an invitation to appear before Mayor and Council. Non-incumbent candidates do not have the privilege of summoning the BSE and giving it direction during an election season. Thus, the BSE may rightly decide that appearing in person before the Mayor and Council presents an intolerable risk to its independence and the conduct of unbiased of elections. This is not to say the BSE is unaccountable, but rather that the M&C must show proper deference to its BSE appointees and the unique role they play in our governance.
- Fulton (Chair, RPAC)	If invited to a M&C meeting, then no, BSE should attend.
Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	The Board may be in the process of making decisions about election violations, particularly by the current Mayor or Council or their opponents, that should not be influenced by meeting with Mayor and Council.

- Hedrick, R. (rec'd Feb. 2, 2022)	Yes, the mayor and council are elected and it is important that the board maintain an arms-length relationship with the council. I could see situations where the board would not want to meet with the council, particularly during an election season.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	
BSE WG Conclusions	The responses were overwhelming that it would be appropriate for the BSE to decline to meet with the Mayor and Council when necessary to preserve the appearance of BSE independence. A good example was the BSE declining to appear before the Mayor and Council shortly before an election in which the Mayor or members of the Council were also candidates for office. A better option would be for a candidate or a candidate's campaign manager to attend a BSE meeting and raise any questions in that public meeting.
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue m -- The required duties of the Board of Supervisors of Elections to include meeting with the Mayor and Council and participating in meetings of the Mayor and Council and timely responding to information requests

Question 2.18 -- Would it ever be appropriate for the BSE to decline an information request from the Mayor and Council? If so, why?

Responses Requested From	Responses Received
Mayor and Council:	
- Newton	
- Ashton	
- Feinberg	
- Myles	Yes as above (previous question)
- Pierzchala	
Current BSE - as group	The BSE should respond to all reasonable requests from the Mayor and Council, as long as the information provided is also made available to the public, including other candidates for office. Statements made, or information conveyed, in closed session, however, should not be publicly disclosed.
Former BSE:	
- Neuman	Did not respond to this question, but no reason given. Follow up with her.
- Wiener	Did not respond to this question, but no reason given. Follow up with him.
- Feinberg	
- Mullican	Yes, if the subject is not appropriate, the meeting can take place to discuss why not. During Election Year, the city attorney should review the appropriateness of the decline.
- Johnson	Did not respond to this question, but no reason given. Follow up with him.
- Celeste	Did not respond to this question, but no reason given. Follow up with him.
Mayoral and Council Candidates	

- Reed	Since this is a repeat question, see answer above. [He didn't read the question carefully.]
- Unnamed	This is a repeated question. [Not really. You need to read the question more closely.]
Other Members of Community (email request from Clerk's Office)	
- Dutka	No response
- Russo	The bar for declining a written information request is higher than refusing a request to appear. It depends on the nature of the information request and whether the disclosure is appropriate. If the BSE feels the information request is made in good faith, then it should generally comply with the request.
- Fulton (Chair, RPAC)	No, so long as those information requests and the responses were transparent and made public.
Public Questionnaire due Feb. 11	
- Stigile (rec'd Jan. 30, 2021)	The Board may be in the process of making decisions about election violations, particularly by the current Mayor or Council or their opponents, that should not be influenced by responding to an information request from Mayor and Council.
- Hedrick, R. (rec'd Feb. 2, 2022)	Again, I could see how this could be appropriate during an election season. I also assume the council has staff to provide such information, as opposed to the board, if the board feels there could be a conflict.
Public Questionnaire due Mar. 25 These questions were only addressed to the public in the questionnaire for which responses were due Mar. 25. We have shown those questions and responses under an artificial issue n.	

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.19 -- How well are Rockville's elections conducted?

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	Adequately
- Jackson (rec'd Mar. 10, 2022)	Well
- Gillespie (rec'd Mar. 10, 2022)	Adequately
- Moore (rec'd Mar. 10, 2022)	Well
- Taylor (rec'd Mar. 10, 2022)	Well
- Robinson (rec'd Mar. 10, 2022)	Adequately
- Knoll (rec'd Mar. 10, 2022)	Adequately
- Kern (rec'd Mar. 13, 2022)	Well
- Amodeo (rec'd Mar. 13, 2022)	Well
- Wolff (rec'd Mar. 13, 2022)	Well
- Alton (rec'd Mar. 13, 2022)	Adequately
- Cash (rec'd Mar. 13, 2022)	Well
- Not provided#1 (rec'd 3/13/22)	Well
- Correll (rec'd Mar. 13, 2022)	Well
- Black (rec'd Mar. 13, 2022)	Adequately
- Zappala (rec'd Mar. 13, 2022)	Well
- Faigen (rec'd Mar. 13, 2022)	Well
- Not provided#2 (rec'd 3/13/22)	Well
- Gann (rec'd 3/14/22)	Adequately
- Not provided#3 (rec'd 3/14/22)	Poorly
- Berg (rec'd 3/14/22)	Adequately
- Alton (rec'd Mar. 14, 2022)dup	Adequately

- Jaffe (rec'd 3/14/22)	Well
- Hetrick (rec'd 3/14/22)	Adequately
- Dubroof (rec'd 3/14/22)	Well
- Herbster (rec'd 3/14/22)	Well
- Not provided#4 (rec'd 3/15/22)	Adequately
- Anderson (rec'd 3/15/22)	Adequately
- Oliveira (rec'd 3/15/22)	Well
- Perkins (rec'd 3/22/22)	Well
- Hausheer (rec'd 3/23/22)	Well
- Gillespie, G (rec'd 3/25/22)	Well
- Not provided#5 (rec'd 3/25/22)	Adequately

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.20 -- How easy is it to vote in Rockville's elections?

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	Fairly easy
- Jackson (rec'd Mar. 10, 2022)	Fairly easy
- Gillespie (rec'd Mar. 10, 2022)	*Field not completed.*
- Moore (rec'd Mar. 10, 2022)	Very easy
- Taylor (rec'd Mar. 10, 2022)	Very easy
- Robinson (rec'd Mar. 10, 2022)	Fairly easy
- Knoll (rec'd Mar. 10, 2022)	Fairly easy
- Kern (rec'd Mar. 13, 2022)	Very easy
- Amodeo (rec'd Mar. 13, 2022)	Fairly easy
- Wolff (rec'd Mar. 13, 2022)	Very easy
- Alton (rec'd Mar. 13, 2022)	Very easy
- Cash (rec'd Mar. 13, 2022)	Very easy
- Not provided#1 (rec'd 3/13/22)	Very easy
- Correll (rec'd Mar. 13, 2022)	Very easy
- Black (rec'd Mar. 13, 2022)	Fairly easy
- Zappala (rec'd Mar. 13, 2022)	Very easy
- Faigen (rec'd Mar. 13, 2022)	Fairly easy
- Not provided#2 (rec'd 3/13/22)	Very easy
- Gann (rec'd 3/14/22)	Fairly easy
- Not provided#3 (rec'd 3/14/22)	Somewhat difficult
- Berg (rec'd 3/14/22)	Very easy
- Alton (rec'd Mar. 14, 2022)dup	*Field not completed.*

- Jaffe (rec'd 3/14/22)	Very easy
- Hetrick (rec'd 3/14/22)	Fairly easy
- Dubroof (rec'd 3/14/22)	Very easy
- Herbster (rec'd 3/14/22)	Very easy
- Not provided#4 (rec'd 3/15/22)	*Field not completed.*
- Anderson (rec'd 3/15/22)	Fairly easy
- Oliveira (rec'd 3/15/22)	Very easy
- Perkins (rec'd 3/22/22)	Very easy
- Hausheer (rec'd 3/23/22)	Very easy
- Gillespie, G (rec'd 3/25/22)	Fairly easy
- Not provided#5 (rec'd 3/25/22)	Fairly easy

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.21 -- Does Rockville take adequate steps to prevent election fraud?

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	Yes
- Jackson (rec'd Mar. 10, 2022)	Yes
- Gillespie (rec'd Mar. 10, 2022)	Yes
- Moore (rec'd Mar. 10, 2022)	Yes
- Taylor (rec'd Mar. 10, 2022)	Yes
- Robinson (rec'd Mar. 10, 2022)	*Field not completed.*
- Knoll (rec'd Mar. 10, 2022)	Yes
- Kern (rec'd Mar. 13, 2022)	Yes
- Amodeo (rec'd Mar. 13, 2022)	Yes
- Wolff (rec'd Mar. 13, 2022)	Yes
- Alton (rec'd Mar. 13, 2022)	Yes
- Cash (rec'd Mar. 13, 2022)	Yes
- Not provided#1 (rec'd 3/13/22)	Yes
- Correll (rec'd Mar. 13, 2022)	Yes
- Black (rec'd Mar. 13, 2022)	No
- Zappala (rec'd Mar. 13, 2022)	Yes
- Faigen (rec'd Mar. 13, 2022)	Yes
- Not provided#2 (rec'd 3/13/22)	Yes
- Gann (rec'd 3/14/22)	Yes
- Not provided#3 (rec'd 3/14/22)	No
- Berg (rec'd 3/14/22)	Yes
- Alton (rec'd Mar. 14, 2022)dup	Yes

- Jaffe (rec'd 3/14/22)	Yes
- Hetrick (rec'd 3/14/22)	*Field not completed.*
- Dubroof (rec'd 3/14/22)	Yes
- Herbster (rec'd 3/14/22)	Yes
- Not provided#4 (rec'd 3/15/22)	Yes
- Anderson (rec'd 3/15/22)	Yes
- Oliveira (rec'd 3/15/22)	Yes
- Perkins (rec'd 3/22/22)	*Field not completed.*
- Hausheer (rec'd 3/23/22)	Yes
- Gillespie, G (rec'd 3/25/22)	Yes
- Not provided#5 (rec'd 3/25/22)	*Field not completed.*
	Yes
	Yes

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.22 -- If "No," please suggest ways the city could do better.

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	*Field not completed.*
- Jackson (rec'd Mar. 10, 2022)	*Field not completed.*
- Gillespie (rec'd Mar. 10, 2022)	*Field not completed.*
- Moore (rec'd Mar. 10, 2022)	*Field not completed.*
- Taylor (rec'd Mar. 10, 2022)	*Field not completed.*
- Robinson (rec'd Mar. 10, 2022)	These questions are not as well formulated from a research perspective. No don't know option or new resident options.
- Knoll (rec'd Mar. 10, 2022)	*Field not completed.*
- Kern (rec'd Mar. 13, 2022)	*Field not completed.*
- Amodeo (rec'd Mar. 13, 2022)	*Field not completed.*
- Wolff (rec'd Mar. 13, 2022)	*Field not completed.*
- Alton (rec'd Mar. 13, 2022)	*Field not completed.*
- Cash (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#1 (rec'd 3/13/22)	*Field not completed.*
- Correll (rec'd Mar. 13, 2022)	*Field not completed.*
- Black (rec'd Mar. 13, 2022)	ID should be required
- Zappala (rec'd Mar. 13, 2022)	*Field not completed.*
- Faigen (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#2 (rec'd 3/13/22)	*Field not completed.*
- Gann (rec'd 3/14/22)	*Field not completed.*
- Not provided#3 (rec'd 3/14/22)	Mail in Ballots should not be returned to the city offices but should be returned to the county board of elections.

- Berg (rec'd 3/14/22)	*Field not completed.*
- Alton (rec'd Mar. 14, 2022)dup	*Field not completed.*
- Jaffe (rec'd 3/14/22)	*Field not completed.*
- Hetrick (rec'd 3/14/22)	don’t know
- Dubroof (rec'd 3/14/22)	*Field not completed.*
- Herbster (rec'd 3/14/22)	*Field not completed.*
- Not provided#4 (rec'd 3/15/22)	*Field not completed.*
- Anderson (rec'd 3/15/22)	*Field not completed.*
- Oliveira (rec'd 3/15/22)	*Field not completed.*
- Perkins (rec'd 3/22/22)	*Field not completed.*
- Hausheer (rec'd 3/23/22)	*Field not completed.*
- Gillespie, G (rec'd 3/25/22)	*Field not completed.*
- Not provided#5 (rec'd 3/25/22)	*Field not completed.*
	Field not completed.
	Field not completed.

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.23 -- Do you vote regularly in Rockville elections?

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	*Field not completed.*
- Jackson (rec'd Mar. 10, 2022)	Yes
- Gillespie (rec'd Mar. 10, 2022)	*Field not completed.*
- Moore (rec'd Mar. 10, 2022)	Yes
- Taylor (rec'd Mar. 10, 2022)	Yes
- Robinson (rec'd Mar. 10, 2022)	No
- Knoll (rec'd Mar. 10, 2022)	Yes
- Kern (rec'd Mar. 13, 2022)	Yes
- Amodeo (rec'd Mar. 13, 2022)	Yes
- Wolff (rec'd Mar. 13, 2022)	Yes
- Alton (rec'd Mar. 13, 2022)	Yes
- Cash (rec'd Mar. 13, 2022)	Yes
- Not provided#1 (rec'd 3/13/22)	Yes
- Correll (rec'd Mar. 13, 2022)	Yes
- Black (rec'd Mar. 13, 2022)	No
- Zappala (rec'd Mar. 13, 2022)	Yes
- Faigen (rec'd Mar. 13, 2022)	Yes
- Not provided#2 (rec'd 3/13/22)	Yes
- Gann (rec'd 3/14/22)	Yes
- Not provided#3 (rec'd 3/14/22)	No
- Berg (rec'd 3/14/22)	Yes
- Alton (rec'd Mar. 14, 2022)dup	Yes

- Jaffe (rec'd 3/14/22)	Yes
- Hetrick (rec'd 3/14/22)	Yes
- Dubroof (rec'd 3/14/22)	Yes
- Herbster (rec'd 3/14/22)	Yes
- Not provided#4 (rec'd 3/15/22)	Yes
- Anderson (rec'd 3/15/22)	Yes
- Oliveira (rec'd 3/15/22)	Yes
- Perkins (rec'd 3/22/22)	Yes
- Hausheer (rec'd 3/23/22)	*Field not completed.*
- Gillespie, G (rec'd 3/25/22)	*Field not completed.*
- Not provided#5 (rec'd 3/25/22)	Yes
	Yes
	Yes
BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion

Question 2.24 -- What are the main reasons that some people don't vote regularly in Rockville elections? Please rank the following choices in order of importance, beginning with 1 as most important and continuing from there. [Responses are tallied and sorted below.]

Responses Only Requested From	Responses Received	Tally By Response						
Public Questionnaire due Mar. 25		1	2	3	4	5	6	7
- Koenig (rec'd Mar. 8, 2022)	4,6,5,3,1,2,7	4	6	5	3	1	2	7
- Jackson (rec'd Mar. 10, 2022)	7,3,7,1,1,3,3	7	3	7	1	1	3	3
- Gillespie (rec'd Mar. 10, 2022)	*Fields not completed.*	-	-	-	-	-	-	-
- Moore (rec'd Mar. 10, 2022)	5,6,7,3,1,2,4	5	6	7	3	1	2	4
- Taylor (rec'd Mar. 10, 2022)	6,5,4,2,1,3,7	6	5	4	2	1	3	7
- Robinson (rec'd Mar. 10, 2022)	6,2,7,1,3,4,5	6	2	7	1	3	4	5
- Knoll (rec'd Mar. 10, 2022)	*Fields not completed.*	-	-	-	-	-	-	-
- Kern (rec'd Mar. 13, 2022)	*3,2,4,5,1,6,7*	*3*	*2*	*4*	*5*	*1*	*6*	*7*
- Amodeo (rec'd Mar. 13, 2022)	*-,1,-,-,2,-,-*	-	*1*	-	-	*2*	-	-
- Wolff (rec'd Mar. 13, 2022)	*3,6,4,1,1,-,7*	*3*	*6*	*4*	*1*	*1*	-	*7*
- Alton (rec'd Mar. 13, 2022)	*2,7,6,1,1,1,5*	*2*	*7*	*6*	*1*	*1*	*1*	*5*
- Cash (rec'd Mar. 13, 2022)	*2,1,3,6,5,4,7*	*2*	*1*	*3*	*6*	*5*	*4*	*7*
- Not provided#1 (rec'd 3/13/22)	*Fields not completed.*	-	-	-	-	-	-	-
- Correll (rec'd Mar. 13, 2022)	*7,4,5,1,3,2,6*	*7*	*4*	*5*	*1*	*3*	*2*	*6*
- Black (rec'd Mar. 13, 2022)	*5,4,5,6,4,1,3*	*5*	*4*	*5*	*6*	*4*	*1*	*3*
- Zappala (rec'd Mar. 13, 2022)	*4,6,5,3,1,2,7*	*4*	*6*	*5*	*3*	*1*	*2*	*7*
- Faigen (rec'd Mar. 13, 2022)	*-,-,-,2,3,1,-*	-	-	-	*2*	*3*	*1*	-
- Not provided#2 (rec'd 3/13/22)	*3,5,4,2,1,6,7*	*3*	*5*	*4*	*2*	*1*	*6*	*7*
- Gann (rec'd 3/14/22)	*3,1,2,4,5,7,6*	*3*	*1*	*2*	*4*	*5*	*7*	*6*
- Not provided#3 (rec'd 3/14/22)	*4,1,3,6,5,7,2*	*4*	*1*	*3*	*6*	*5*	*7*	*2*

- Berg (rec'd 3/14/22)	*6,1,2,3,4,5,7*	*6*	*1*	*2*	*3*	*4*	*5*	*7*
- Alton (rec'd Mar. 14, 2022)dup	*Not counted twice*	-	-	-	-	-	-	-
- Jaffe (rec'd 3/14/22)	*3,5,4,2,1,6,7*	*3*	*5*	*4*	*2*	*1*	*6*	*7*
- Hetrick (rec'd 3/14/22)	*Fields not completed.*	-	-	-	-	-	-	-
- Dubroof (rec'd 3/14/22)	*7,7,7,1,1,4,7*	*7*	*7*	*7*	*1*	*1*	*4*	*7*
- Herbster (rec'd 3/14/22)	*2,1,3,7,6,4,5*	*2*	*1*	*3*	*7*	*6*	*4*	*5*

Question removed from on-line questionnaire early on Mar. 15

Number of Respondents	*21*						
Totals by Respondent	*80*	*73*	*84*	*53*	*45*	*66*	*104*
Average Total by Respondent	*3.8*	*3.5*	*4*	*2.5*	*2.1*	*3.1*	*5*

<u>Sorted Average Totals By Question (in order of importance)</u>

- They aren't interested in Rockville government matters	*2.1*
- They don't care about any of the candidates	*2.5*
- They don't think their votes count	*3.1*
- Voting day is not convenient	*3.5*
- Voting location is not convenient	*3.8*
- Voting time is not convenient	*4*
- They don't trust the local election process	*5*

BSE WG Conclusions

Preliminary conclusions are not very clear given the relatively small differences between scores. When you look at the individual scores, it appears that some respondents may not have understood how the ranking scale was intended to work. Also, several respondents didn't respond to all choices. All in all, it's probably a good idea to drop this question.

CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.25 -- Have you ever been a candidate for an elected position in Rockville?

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	No
- Jackson (rec'd Mar. 10, 2022)	No
- Gillespie (rec'd Mar. 10, 2022)	No
- Moore (rec'd Mar. 10, 2022)	Yes
- Taylor (rec'd Mar. 10, 2022)	No
- Robinson (rec'd Mar. 10, 2022)	No
- Knoll (rec'd Mar. 10, 2022)	No
- Kern (rec'd Mar. 13, 2022)	No
- Amodeo (rec'd Mar. 13, 2022)	Yes
- Wolff (rec'd Mar. 13, 2022)	No
- Alton (rec'd Mar. 13, 2022)	No
- Cash (rec'd Mar. 13, 2022)	No
- Not provided#1 (rec'd 3/13/22)	No
- Correll (rec'd Mar. 13, 2022)	No
- Black (rec'd Mar. 13, 2022)	No
- Zappala (rec'd Mar. 13, 2022)	No
- Faigen (rec'd Mar. 13, 2022)	No
- Not provided#2 (rec'd 3/13/22)	No
- Gann (rec'd 3/14/22)	No
- Not provided#3 (rec'd 3/14/22)	No
- Berg (rec'd 3/14/22)	No
- Alton (rec'd Mar. 14, 2022)dup	No

- Jaffe (rec'd 3/14/22)	No
- Hetrick (rec'd 3/14/22)	No
- Dubroof (rec'd 3/14/22)	No
- Herbster (rec'd 3/14/22)	No
- Not provided#4 (rec'd 3/15/22)	No
- Anderson (rec'd 3/15/22)	No
- Oliveira (rec'd 3/15/22)	Yes
- Perkins (rec'd 3/22/22)	Yes
- Hausheer (rec'd 3/23/22)	No
- Gillespie, G (rec'd 3/25/22)	No
- Not provided#5 (rec'd 3/25/22)	No
	No
	No

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.26 -- If "Yes," which ones?

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	*Field not completed.*
- Jackson (rec'd Mar. 10, 2022)	*Field not completed.*
- Gillespie (rec'd Mar. 10, 2022)	*Field not completed.*
- Moore (rec'd Mar. 10, 2022)	*Field not completed.*
- Taylor (rec'd Mar. 10, 2022)	*Field not completed.*
- Robinson (rec'd Mar. 10, 2022)	*Field not completed.*
- Knoll (rec'd Mar. 10, 2022)	*Field not completed.*
- Kern (rec'd Mar. 13, 2022)	*Field not completed.*
- Amodeo (rec'd Mar. 13, 2022)	*Field not completed.*
- Wolff (rec'd Mar. 13, 2022)	*Field not completed.*
- Alton (rec'd Mar. 13, 2022)	*Field not completed.*
- Cash (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#1 (rec'd 3/13/22)	*Field not completed.*
- Correll (rec'd Mar. 13, 2022)	*Field not completed.*
- Black (rec'd Mar. 13, 2022)	*Field not completed.*
- Zappala (rec'd Mar. 13, 2022)	*Field not completed.*
- Faigen (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#2 (rec'd 3/13/22)	*Field not completed.*
- Gann (rec'd 3/14/22)	*Field not completed.*
- Not provided#3 (rec'd 3/14/22)	*Field not completed.*
- Berg (rec'd 3/14/22)	*Field not completed.*
- Alton (rec'd Mar. 14, 2022)dup	*Field not completed.*

- Jaffe (rec'd 3/14/22)	*Field not completed.*
- Hetrick (rec'd 3/14/22)	*Field not completed.*
- Dubroof (rec'd 3/14/22)	*Field not completed.*
- Herbster (rec'd 3/14/22)	*Field not completed.*
- Not provided#4 (rec'd 3/15/22)	*Field not completed.*
- Anderson (rec'd 3/15/22)	*Field not completed.*
- Oliveira (rec'd 3/15/22)	*Field not completed.*
- Perkins (rec'd 3/22/22)	City Council
- Hausheer (rec'd 3/23/22)	*Field not completed.*
- Gillespie, G (rec'd 3/25/22)	*Field not completed.*
- Not provided#5 (rec'd 3/25/22)	*Field not completed.*
	Field not completed.
	Field not completed.

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.27 -- How often have you run?

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	*Field not completed.*
- Jackson (rec'd Mar. 10, 2022)	*Field not completed.*
- Gillespie (rec'd Mar. 10, 2022)	*Field not completed.*
- Moore (rec'd Mar. 10, 2022)	*Field not completed.*
- Taylor (rec'd Mar. 10, 2022)	*Field not completed.*
- Robinson (rec'd Mar. 10, 2022)	*Field not completed.*
- Knoll (rec'd Mar. 10, 2022)	*Field not completed.*
- Kern (rec'd Mar. 13, 2022)	*Field not completed.*
- Amodeo (rec'd Mar. 13, 2022)	*Field not completed.*
- Wolff (rec'd Mar. 13, 2022)	*Field not completed.*
- Alton (rec'd Mar. 13, 2022)	*Field not completed.*
- Cash (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#1 (rec'd 3/13/22)	*Field not completed.*
- Correll (rec'd Mar. 13, 2022)	*Field not completed.*
- Black (rec'd Mar. 13, 2022)	*Field not completed.*
- Zappala (rec'd Mar. 13, 2022)	*Field not completed.*
- Faigen (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#2 (rec'd 3/13/22)	*Field not completed.*
- Gann (rec'd 3/14/22)	*Field not completed.*
- Not provided#3 (rec'd 3/14/22)	*Field not completed.*
- Berg (rec'd 3/14/22)	*Field not completed.*
- Alton (rec'd Mar. 14, 2022)dup	*Field not completed.*

- Jaffe (rec'd 3/14/22)	*Field not completed.*
- Hetrick (rec'd 3/14/22)	*Field not completed.*
- Dubroof (rec'd 3/14/22)	*Field not completed.*
- Herbster (rec'd 3/14/22)	*Field not completed.*
- Not provided#4 (rec'd 3/15/22)	*Field not completed.*
- Anderson (rec'd 3/15/22)	*Field not completed.*
- Oliveira (rec'd 3/15/22)	*Field not completed.*
- Perkins (rec'd 3/22/22)	1 time
- Hausheer (rec'd 3/23/22)	*Field not completed.*
- Gillespie, G (rec'd 3/25/22)	*Field not completed.*
- Not provided#5 (rec'd 3/25/22)	*Field not completed.*
	Field not completed.
	Field not completed.

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.28 -- Do you feel that the election process was well run from a candidate's perspective?

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	Yes (but they've never been a candidate)
- Jackson (rec'd Mar. 10, 2022)	*Field not completed.*
- Gillespie (rec'd Mar. 10, 2022)	*Field not completed.*
- Moore (rec'd Mar. 10, 2022)	*Field not completed.*
- Taylor (rec'd Mar. 10, 2022)	*Field not completed.*
- Robinson (rec'd Mar. 10, 2022)	*Field not completed.*
- Knoll (rec'd Mar. 10, 2022)	*Field not completed.*
- Kern (rec'd Mar. 13, 2022)	*Field not completed.*
- Amodeo (rec'd Mar. 13, 2022)	No
- Wolff (rec'd Mar. 13, 2022)	Yes
- Alton (rec'd Mar. 13, 2022)	*Field not completed.*
- Cash (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#1 (rec'd 3/13/22)	Yes (but they've never been a candidate)
- Correll (rec'd Mar. 13, 2022)	*Field not completed.*
- Black (rec'd Mar. 13, 2022)	*Field not completed.*
- Zappala (rec'd Mar. 13, 2022)	Yes (but they've never been a candidate)
- Faigen (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#2 (rec'd 3/13/22)	Yes (but they've never been a candidate)
- Gann (rec'd 3/14/22)	Yes (but they've never been a candidate)
- Not provided#3 (rec'd 3/14/22)	No
- Berg (rec'd 3/14/22)	No
- Alton (rec'd Mar. 14, 2022)dup	*Field not completed.*

- Jaffe (rec'd 3/14/22)	No
- Hetrick (rec'd 3/14/22)	*Field not completed.*
- Dubroof (rec'd 3/14/22)	*Field not completed.*
- Herbster (rec'd 3/14/22)	*Field not completed.*
- Not provided#4 (rec'd 3/15/22)	*Field not completed.*
- Anderson (rec'd 3/15/22)	Yes (but they've never been a candidate)
- Oliveira (rec'd 3/15/22)	*Field not completed.*
- Perkins (rec'd 3/22/22)	*Yes*
- Hausheer (rec'd 3/23/22)	Yes (but they've never been a candidate)
- Gillespie, G (rec'd 3/25/22)	*Field not completed.*
- Not provided#5 (rec'd 3/25/22)	*Field not completed.*
	Field not completed.
	Field not completed.

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue n - Additional BSE Questions Asked by Franchise Expansion Work Group

Question 2.29 -- If "No," why not? Give examples.

Responses Only Requested From	Responses Received
Public Questionnaire due Mar. 25	
- Koenig (rec'd Mar. 8, 2022)	*Field not completed.*
- Jackson (rec'd Mar. 10, 2022)	*Field not completed.*
- Gillespie (rec'd Mar. 10, 2022)	*Field not completed.*
- Moore (rec'd Mar. 10, 2022)	*Field not completed.*
- Taylor (rec'd Mar. 10, 2022)	*Field not completed.*
- Robinson (rec'd Mar. 10, 2022)	*Field not completed.*
- Knoll (rec'd Mar. 10, 2022)	*Field not completed.*
- Kern (rec'd Mar. 13, 2022)	*Field not completed.*
- Amodeo (rec'd Mar. 13, 2022)	*Field not completed.*
- Wolff (rec'd Mar. 13, 2022)	*Field not completed.*
- Alton (rec'd Mar. 13, 2022)	*Field not completed.*
- Cash (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#1 (rec'd 3/13/22)	*Field not completed.*
- Correll (rec'd Mar. 13, 2022)	*Field not completed.*
- Black (rec'd Mar. 13, 2022)	*Field not completed.*
- Zappala (rec'd Mar. 13, 2022)	*Field not completed.*
- Faigen (rec'd Mar. 13, 2022)	*Field not completed.*
- Not provided#2 (rec'd 3/13/22)	*Field not completed.*
- Gann (rec'd 3/14/22)	*Field not completed.*
- Not provided#3 (rec'd 3/14/22)	Having assisted a Rockville candidate, reporting processes were hard to "cure," voter rolls and information was out of date when provided, ballots were not provided to nursing homes and other senior living facilities on time.

- Berg (rec'd 3/14/22)	% of eligible voters is too low for accurate reflection of city citizens.
- Alton (rec'd Mar. 14, 2022)dup	*Field not completed.*
- Jaffe (rec'd 3/14/22)	I think that candidates need to increase their visibility - candidate forums need to be better publicized and more easily accessible (perhaps have candidates speak at local community events that are well-attended).
- Hetrick (rec'd 3/14/22)	*Field not completed.*
- Dubroof (rec'd 3/14/22)	*Field not completed.*
- Herbster (rec'd 3/14/22)	*Field not completed.*
- Not provided#4 (rec'd 3/15/22)	*Field not completed.*
- Anderson (rec'd 3/15/22)	*Field not completed.*
- Oliveira (rec'd 3/15/22)	*Field not completed.*
- Perkins (rec'd 3/22/22)	*Field not completed.*
- Hausheer (rec'd 3/23/22)	*Field not completed.*
- Gillespie, G (rec'd 3/25/22)	*Field not completed.*
- Not provided#5 (rec'd 3/25/22)	*Field not completed.*
	Field not completed.
	Field not completed.
BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Miscellaneous Comments

Comment 1 for listed respondent

Responsed Requested From	Responses Received
Mayor and Council: - Newton - Ashton - Feinberg - Myles - Pierzchala	
Current BSE - as group	Although the question has not been asked, the BSE strongly opposes changing the date of Rockville's elections to coincide with federal elections. That change would require Rockville to abandon vote-by-mail and re-establish all the barriers that had previously prevented poor and marginalized groups from voting, thereby disserving the goal of promoting racial equity and social justice. It would contravene the results of the 2015 referendum in which approximately 6,000 voters participated and most voted not to change the election date. Conducting municipal elections during a presidential election campaign would deprive local candidates and local issues of the voters' attention. It would confuse voters by requiring them to cast votes on a lengthy ballot that included partisan and non-partisan choices. And it would require Rockville to, in large part, forfeit control of its own election. It would, for example, effectively nullify provisions in Chapter 8 of the City Code on scheduling, tabulating results, election challenges, and conducting recounts.
Former BSE:	

- Neuman	This response is based on election literature reviews, research, and practice predicated on the belief that the City of Rockville wants to conduct fair, safe, and just elections with an active, knowledgeable, impartial, committed election board of Rockville residents and staff of Rockville employees to enable voters to vote. Above all, the goal is always trust, which is generated by enhancing the principles of integrity and making ethical decisions. This is essential lest voters become disillusioned not only with elections but democracy itself
- Wiener	
- Feinberg	
- Mullican	
- Johnson	
- Celeste	
Mayoral and Council Candidates	
Other Members of Community	
- Stigile	
-- Hedrick, R.	
BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Miscellaneous Comments

Comment 2 for listed respondent

Responsed Requested From	Responses Received
Mayor and Council: - Newton - Ashton - Feinberg - Myles - Pierzchala	
Current BSE - as group	Although the question has not been asked, the BSE also opposes staggered terms for councilmembers. Staggered terms would require either longer terms or more frequent elections. Conducting an election is an expensive and labor-intensive undertaking. The estimated cost of the 2019 election was $193,540 plus an additional $24,966 in communication costs. The cost of printing, which included the four notices mandated by Rockville law and the ballots themselves, exceeded $100,000. Election preparation requires at least 18 months. So, conducting an election every two years would constitute a significant additional expense and place an additional burden on City staff and the BSE. With perhaps only a short break, the BSE and staff would be constantly preparing for the next election.
Former BSE: - Neuman - Wiener - Feinberg - Mullican - Johnson - Celeste	

Mayoral and Council Candidates

Other Members of Community
- Stigile
-- Hedrick, R.

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Charter Review Commission
Analysis of Responses to Interview Questions
BSE Working Group

Issue: j - Increasing the number of members of the BSE.

Question 1 -- Is the current BSE the proper size for its workload?

Responsed Requested From	Responses Received
Mayor and Council: - Newton - Ashton - Feinberg - Myles - Pierzchala	
Current BSE - as group	
Former BSE: - Neuman - Wiener - Feinberg - Mullican - Johnson - Celeste	
Mayoral and Council Candidates	
Other Members of Community - Stigile -- Hedrick, R.	

BSE WG Conclusions	Text formatted with appropriate "wrap text" property
CRC Conclusions	Text formatted with appropriate "wrap text" property

Attachment 3

Legal Perspective on Rockville Board of Supervisors of Elections

Each state determines how the elections within it will be conducted and the administrative structures and processes that will be used. Article I of the Constitution of Maryland states that all elections shall be by ballot and identifies the qualifications of voters. It also states that the General Assembly shall have the power to establish voter registration and election procedures and that all State and county elections will be held every four years at the time for holding congressional elections. Finally, it states that the terms of the members of county Boards of Supervisors of Elections shall commence on the first Monday of June following their appointments.

The General Assembly passed the statutes that constitute the Maryland Code. One of the 36 sections of the Code is Election Law which covers a variety of election-related topics including the "Powers and Duties of the State and Local Boards." Local Boards are the Boards of Supervisors of Elections for all counties and the City of Baltimore. Under the Code, each local board consists of five regular members, three from the majority party and two from the principal minority party. The Code also provides that the board for Montgomery County also has two substitute members, each of whom must represent either the majority or principal minority party. The terms of all local board members are four years and begin on the first Monday in June following each gubernatorial election.

Municipal corporations, which include cities like Rockville, are not subject to the State or county laws or regulations regarding the election of municipal officials. They are free to address the election of municipal officials in their own municipal Charters and laws.

Article III, Section 2 of the Rockville Charter establishes the City's Board of Supervisors of Elections, specifies the number of members, their terms, how members are appointed, how vacancies are filled, and the Board's general duties. More detailed responsibilities and authorities of the BSE as well as requirements related to many subjects regarding Rockville's municipal elections are found in Chapter 8 of the City Code titled "Elections"

Appendix G

Communications and Outreach Plan Presentation

Equity and Inclusion Discussion: How are we considering racial equity and changing demographics with our recommendations

City of Rockville
Get Into It

Resolution 9-20

The Mayor and Council asked us to “include the following considerations…”

D. The demographics and characteristics of the City including the various neighborhoods, the various types of housing, and economic and development trends

E. Racial and other inequities and social justice

Racial Equity and Social Justice Experience

- Worked as a community organizer to draft and pass the first county-wide racial equity legislation in the State of Maryland for Montgomery County.
- Wrote a Montgomery County racial equity strategic plan based on a multi-agency approach.
- Facilitated trainings on racial equity for several community-based organizations.
- Co-founded the Montgomery County Racial Equity (MORE) Network – a coalition of 30 local organizations that built power to push the draft Racial Equity legislation into law in December 2019.
- Appointed by the Montgomery County Executive Marc Elrich to the Racial Equity and Social Justice Advisory Committee to advise him and his administration on policies and programs to implement this new Racial Equity legislation.

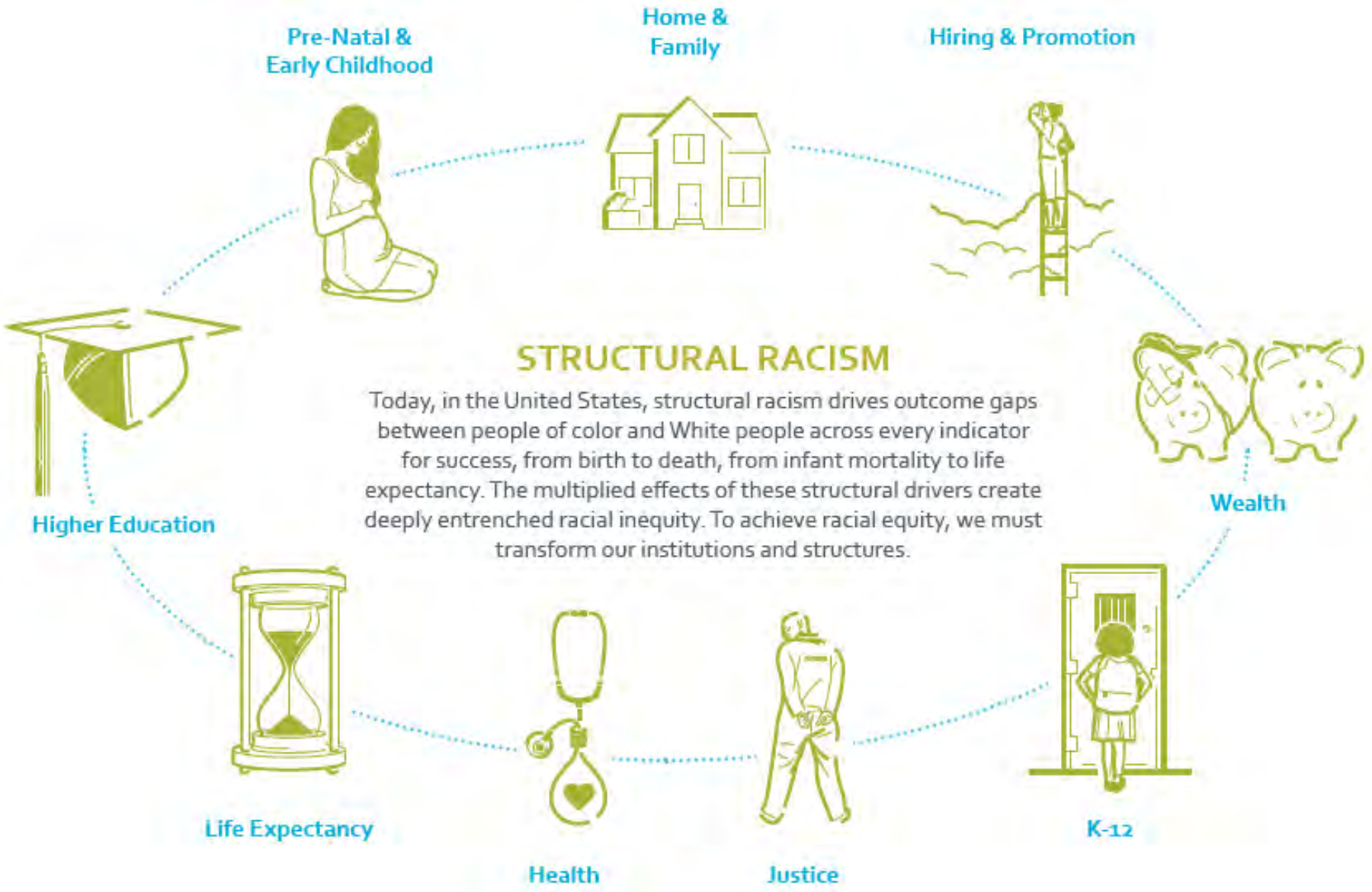
Principles Driving Racial Equity Work

1. Racial inequity is not natural and it is not random — it is the result of designing barriers to resources and full participation in American life, prosperity and civic society.

2. Government played a primary role in the historical creation of racial inequities, and, despite milestone civil rights laws, has continued to maintain racial inequities.

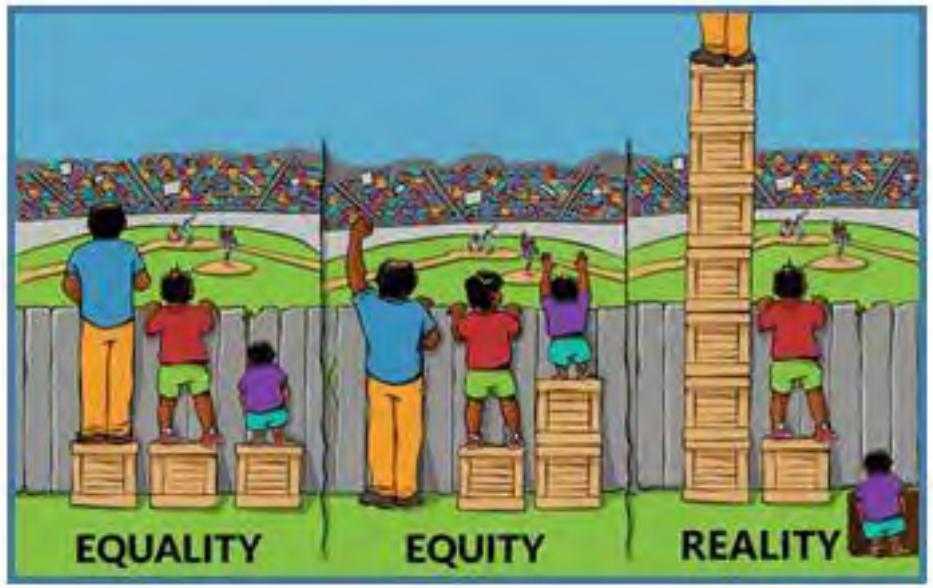
3. Local governments are uniquely situated to examine and transform policies and practices toward racial equity.

What is Structural Racism?



What is Racial Equity?

Racial inequity isn't natural - it's a result of designing barriers



RACIAL EQUITY MEANS...
Closing the gaps so that race does not predict one's success, while also improving outcomes for all. It focuses on equal outcomes

TO CLOSE THE GAPS...
We center communities of color to target improvements for those most burdened by racial inequity.

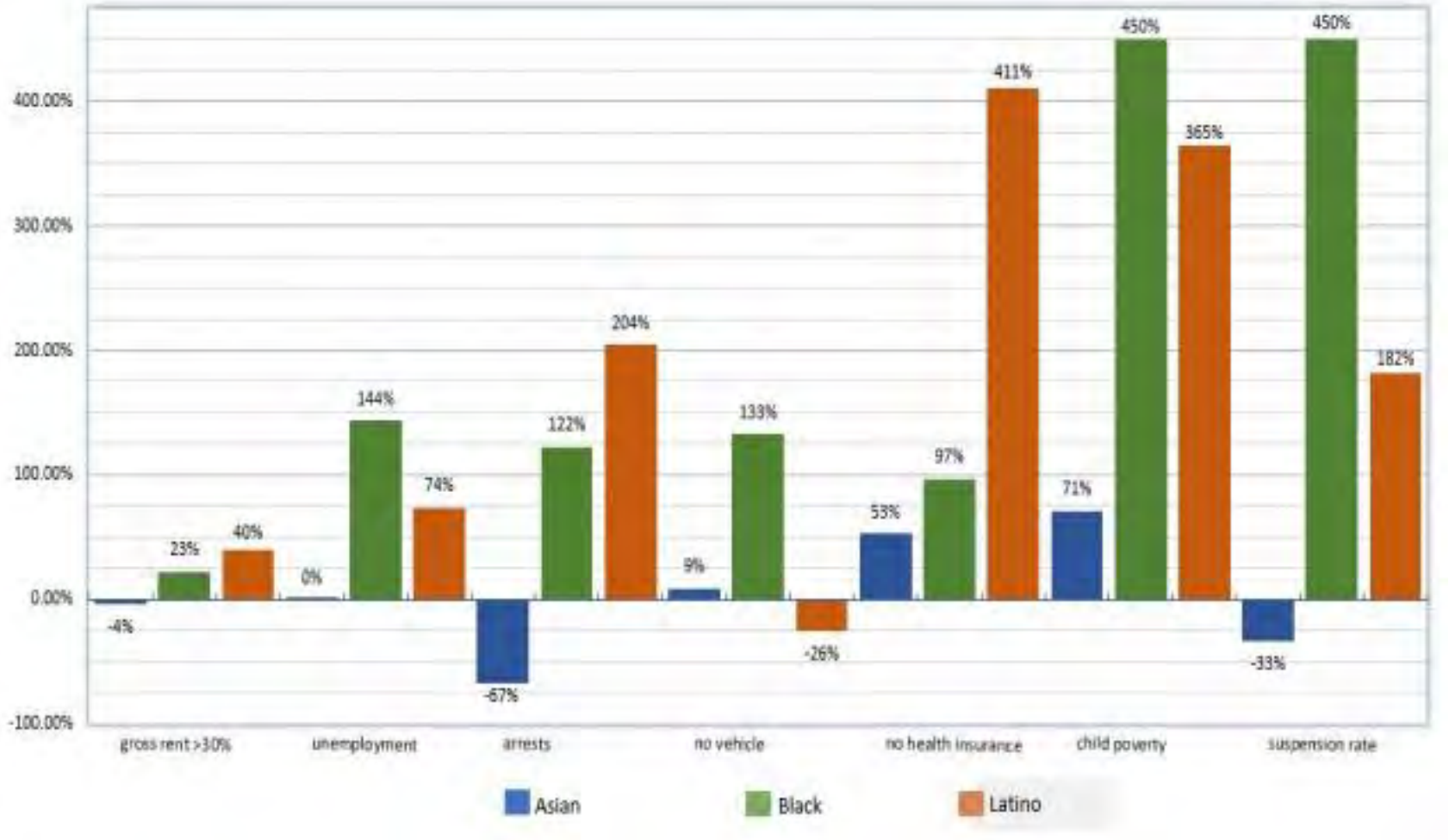
Data and Stories Drive Change

Criminal Justice Disparities by Race in Montgomery County, 2013-2018 (Percentages refer to proportion of total number of incidents)					
		White	**Asian**	**Black**	**Latino**
Population (2013-2017)		37%	15%	18%	19%
Traffic Stops (2013-2017)	Stops	37%	7%	31%	19%
	Searches	29%	3%	42%	23%
	Percent found with contraband	44%	41%	51%	38%
2013-2017 Data compiled by Montgomery County Civil Rights Coalition in 2018					
Use of Force (2017-2018)	Use of Force (2018)	26%	--	55%	18%
	Use of Force (2017)	29%	--	54%	15%
Montgomery County Department of Police, Annual Use of Force Report 2018					
Arrests (2015-2016)	Arrests (2016)	28%	3%	44%	25%
	Arrests (2015)	29%	2%	44%	25%
Montgomery County Department of Police, Annual Use of Force Report 2018, 2016, and 2015					

Educational Disparities by Race in Montgomery County Public Schools, 2015-2016 (Percentages refer to proportion of total number of students)				
	White	**Asian**	**Black**	**Latino**
Percentage of Student Body	30%	14%	21%	29%
AP Course Enrollment	43%	20%	15%	16%
Out of School Suspension	12%	4%	46%	31%
Expulsion	--	--	40%	60%
Propublica, Montgomery County Public Schools, 2015-2016				

What Does Structural Racism Looks Like in our Area?

Racial Disparities Compared to Whites in Montgomery County



Source: Racial Equity Profile Montgomery County; Montgomery County Office of Legislative Oversight; June 20 2019

Applying Racial Equity and Social Justice to Our Work

When researching and discussing topic options consider:

1. How will the proposed decision options help or hinder racial equity?
2. What data or information based on race/ethnicity can help inform the option pros and cons to advance equity?
3. Who benefits from and who is burdened by the proposed options?
4. What are potential unintended consequences that could perpetuate racial inequities?
    - What are the ways in which your proposed options could be modified to enhance positive impacts or reduce negative impacts?

When soliciting and engaging community members and City government input consider:

1. Who are the most affected community members who are concerned with or have experience with the proposed options?
    - How have you involved these community members in the development of your options?
2. What has your engagement process told you about the burdens or benefits for different groups?
3. What has your engagement process told you about the factors that produce or perpetuate racial inequity related to your options?

Appendix H

Communications and Outreach Plan Presentation

Rockville Charter Review Commission

Communications and Outreach Plan Framework

Presenter: Zola Shaw, Commissioner

September 28, 2021

Our proposed approach to connect, engage and solicit resident input

Situation Snapshot

Approximately **70%** of registered Rockville voters did not vote in the 2019 municipal election.

The **CRC was asked to** solicit Rockville resident input as a part of our process to prepare recommendations related to the election topics.

"Solicit citizen input regarding these issues by public forums, public hearings or other processes."

Resolution No.9-20

Our Outreach Objectives

Solicit broad and diverse feedback from community members to inform proposed recommendations that we can offer to the Mayor and Council.

Leverage this community engagement opportunity to educate potential future voters (the 70%) on the significance of Rockville government and their role to participate in municipal elections.

Increase the awareness of the CRC and implement tactics that will **build a connection between the Commission and community members** that can be leveraged to solicit input on future topics and from future commissions.

Audience

Centering those least engaged in elections who comprise most of the electorate

Primary Target: More than 70% of the Electorate

1. Potential future voters (never voted in a Rockville election)
2. One-time voters from the 2019 municipal election

Secondary Target: Less than 30% of the Electorate

1. Frequent municipal voters

Key Messages

(Community Members) ***Why does this matter to me?***

The City Charter Outlines…

- How and when I will be able to elect my leaders
- How the services that my community needs will be provided
- How I can voice my opinion and provide feedback to City government
- How the City adopts policies that will impact my community

By participating in the CRC Outreach activities, I'll be able to help develop Charter recommendations that could better serve my community.

Let's Discuss the Tactics

What do you want to do between October and November?

- Community webinar or Series
- *Rockville Reports*
- Survey
- Community conversation guide
- Community leader interviews
- Social media
- CRC website/digital
- Meeting plugs
- Toolkit with pre-drafted messages

Evaluation

How to determine if our outreach was successful

Evaluating our outreach plan and implementation will help to improve future outreach efforts and can be applied to future CRCs

- Number of survey responses
- Amount of webinar registrants and attendees
- Feedback from webinar evaluation questions/polls
- Web and social media analytics
- Feedback from stakeholders

Thank You

Questions and Discussion