

Report Of The

# **Task Force to Study The City Municipal Election Laws**



December 19, 2023

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## Background on the Task Force to Study The City Municipal Election Laws

In September 2022, the Annapolis City Council passed Resolution 52-22, establishing a City Municipal Elections Task Force to study and make recommendations to improve election laws and processes. The Task Force was specifically charged with submitting a final report including any recommendations to the City Council and the Board of Supervisors of Elections no later than six (6) months from its first meeting.

After a public application process and review/recommendation process by the Board of Supervisors of Elections, Mayor Buckley nominated the following individuals to serve, all of whom were confirmed by the City Council on February 13, 2023:

- Faye Gaskin;
- Scott Gibson;
- John Michael Gudger;
- Andrew Miller; and
- Ian Pfeiffer.

The Board of Supervisors of Elections appointed Eileen Leahy to serve as the non-voting *ex-officio* member.

The Task Force was sworn in and met for the first time on April 13, 2023.

The Task Force elected Ian Pfeiffer as Chair, and Scott Gibson as Secretary.

## Methods and Approach

The Task Force held virtual meetings on April 13 & 26, May 10 & 24, June 14 & 28, August 9 & 23, and September 13 & 20, 2023.

The Task Force held a Public Meeting including a hearing on September 6 at City Hall at which it presented the findings of the questionnaire.

There was an online public hearing held in July 2023.

Minutes for Public Meetings are available at: <https://www.annapolis.gov/AgendaCenter/Task-Force-to-Study-the-City-Municipal-E-41> .

Additionally, the Task Force held an in-person Work Session on July 12, 2023 at the Pip Moyer Recreation Center that it was open to the public and focused on developing a consensus around process for determining recommendations.

### Discussions with Subject Matter Experts

Through the course of its work, the Task Force met with a number of subject matter experts. Their input is summarized below:

- David Garreis, Director, Anne Arundel County Board of Elections. There are many differences between the City of Annapolis election code and Anne Arundel County election code, which became clear during the 2017 Mayoral Election. The City Code is very specific but has not been updated or kept pace with modern election practices.
- Jared DeMarinis, Administrator, Maryland State Board of Elections. In general, Mr. DeMarinis advised of the need to modernize the City Code, particularly with respect to campaign finance laws. It is possible for the City to adopt State Code, and for City Elections to be placed on a state election ballot. The State of Maryland runs Board of Education elections using a “Jungle Primary” format, so there is local precedent for the State and County Board to run these types of elections.

- Ashley Leonard, Assistant City Attorney, City of Annapolis. In general, Ms. Leonard advised that it was her opinion that the City benefitted from having the County Board of Election's support administering City Elections.
- Trudy McFall, President of the Anne Arundel County Board of Elections. Ms. McFall shared her support for combining City Elections with elections administered by the County Board (i.e., the gubernatorial or presidential election) to not only find cost efficiencies but to also help increase voter turnout.

### Public Hearings

An online public hearing was held on May 24, 2023. There were 5 public comments made online and Janet Katz gave live, virtual testimony.

On September 6, the Task Force held a public hearing in City Hall. Two members of the public attended.

There were additional members of the public present – Debbie Yatsuk for one, and several were noted to be viewing the hearing online.

George Gallagher (1212 Barbud Lane) spoke about his concerns regarding universal mailed out ballots and the accuracy of the voter rolls citing examples from when he was canvassing as a candidate. He also offered support for signature verification on mailed ballots.

Janet Katz (143 Spa Drive) asked about the timing of when elections should be held noting that it may be fair to have the next election run on the normal cycle. She echoed Mr. Gallagher's concerns about universal mailed-out ballots and the accuracy of the voter rolls, and offered support for voter ID.

The Task Force also received written testimony, which is on file with the City Clerk's office.

### Public Input Survey

The Task Force solicited input from Annapolitans via an online questionnaire as part of its efforts to incorporate the public's perspective into our decision-making. The questionnaire provided residents with the opportunity to answer pre-specified questions and submit comments on City Elections. This effort was designed to complement the Task Force's traditional public comment input form available on the City of Annapolis website. The questionnaire process involved three steps: First, a subcommittee of the Task Force developed the questionnaire. Second, working with the City of Annapolis' communication personnel, the Task Force distributed a link to the questionnaire via a press release and social media channels as well as publicizing it with fliers and at community events. Responses were gathered between July 24 and August 11, and in all, the Task Force received 661 responses. Resource constraints meant that the Task Force could not gather input from a representative sample of Annapolis residents, but nonetheless it provided useful input that the Task Force had taken into consideration. The results of the questionnaire were presented at a [public hearing](#) in the City Council chambers on September 6 and summaries of the [question responses](#) are publicly available online.

## Background on Municipal Elections in Annapolis

Every four years, Annapolis elects a Mayor and eight City Council members, each of whom represent a distinct ward. All City Office Holders are elected on the same day. The Mayor is elected city-wide; each member of the City Council is elected by voters residing in the Ward the Council Member represents.

Article II of the Annapolis City Charter lays the foundation for the City's municipal election process.

Title 4 of the Annapolis City Code builds upon Article II of the City Charter and offers a guide to the conduct of elections, providing clear definitions, outlining the roles and responsibilities of key personnel, and detailing the processes for voter registration, notification of elections, and management of polling places.

## The Board of Supervisors of Elections (“BOSE”)

Article II Section 6 of the Annapolis City Charter creates the BOSE. Duties of the Board are further defined in Title 4 of the City Code.

In general, the BOSE is entrusted with ensuring the smooth execution of elections. The BOSE is mandated to provide all necessary resources, including but not limited to voting booths and ballots, for the efficient conduct of elections. The BOSE also sits as the Board of Canvassers, which is responsible for overseeing the counting of votes.

The BOSE is endowed with the power to formulate necessary rules and regulations pertaining to voter registration and the conduct of elections.

The BOSE is required to publish notices of elections and the names of candidates in newspapers of general circulation within the City for two consecutive days prior to each election. The BOSE also has the discretion to use handbills in public places in each precinct as a means of notification.

The BOSE is also tasked with arranging suitable polling places, with the City Council providing the necessary resources wherever feasible.

## Voter Eligibility and Registration

Generally, eligibility to vote and the voter registration process are consistent with the Maryland State Voter Registration law. There are two distinct elements worth noting:

- A person may not vote in an Annapolis municipal election if they register after the fifth Monday preceding the election; and
- A notification of change of address or name, or request for party designation or change in party affiliation, received by the BOSE of the County after the fifth Monday preceding a municipal election is not effective for that election.

To accommodate as many potential voters as possible, the Offices of the BOSE shall be opened from 9:00 AM to 9:00 PM on the fifth Monday prior to any election to register voters and to receive registration by mail applications.

At present, voter registration is handled exclusively through the State’s system via the work of the Anne Arundel County Board of Elections.

## The Election Cycle Timeline

Annapolis’ municipal elections have been held on the first Tuesday after the first Monday in November every four years since 1985.

Article II Section 5 of the Annapolis Charter and Title 4 of the City Code outline a detailed timeline for various stages of the election process.

The election cycle begins the day after a general election and ends on the day of the next general election, as established by the City of Annapolis Charter.

The first date upon which a certificate of candidacy may be obtained and filed is one year prior to the deadline to file a certificate of candidacy (i.e., no later than nine p.m. on the Monday which is seven (7) weeks before the primary election).

The primary election is to be held on the third Tuesday of September in the year in which the General Election will be held. On the next business day, the BOSE will reconstitute itself as the Board of Canvassers for the purposes of counting ballots. Within forty-eight hours after the completion of the canvass, the Board of Canvassers shall transmit one of each of the statements made by it, attested by the signature of its chair and secretary, to the City Council and to the Clerk of the Circuit Court for Anne Arundel County, who shall enter the same of record.

Within ten (10) days after the primary election, a winning candidate may decline the nomination for office.

The general election occurs on the first Tuesday after the first Monday in November. On the next business day, the BOSE will reconstitute itself as the Board of Canvassers for the purposes of counting ballots. Within forty-eight hours after the completion of the canvass, the Board of Canvassers shall transmit one of each of the statements made by it, attested by the signature of its chair and secretary, to the City Council and to the Clerk of the Circuit Court for Anne Arundel County, who shall enter the same of record.

## The Task Force's Observations of Annapolis Elections

### Partnership with the Anne Arundel County Board of Elections has Proven Beneficial

The 2013 Annapolis Municipal Elections were the last to be administered wholly by the Annapolis Board of Supervisors of Elections (BOSE). The elections were notable for being 1) the first to use polling locations other than local schools due to a decision by the Anne Arundel County Board of Education citing security risks to have the schools open for elections while children were in class; 2) recounts were held for the mayoral and Ward 2 alderman races in the general election due to the close vote tallies. The latter highlighted several weaknesses in Annapolis election code procedures, particularly concerning absentee voting and canvassing processes. To address the situation, the City Council passed Resolution R-9-14 creating the "Ad Hoc Committee to study the 2013 Municipal Election" with the purview to make recommendation, if needed, to improve the "City Code, Structure, and Procedures for City Elections. Several recommendations were made – see report. Of note, since it relates to the present Task Force recommendations, is that the ad hoc committee noted a number of other issues that were not under their initial scope, but they believed should be addressed by the City Council. While not taking a position on these issues they did identify them as 1) non-partisan elections, 2) alignment of municipal elections with the Presidential cycle, 3) rank-choice voting, and 4) campaign sign size.

Annapolis BOSE worked with City Council and changes were made to the absentee ballot process, most notably making them "no excuse" and clarifying deadline dates. Canvassing procedures were reviewed along with all the entirety of election code and noted to be vague and inconsistent in several areas. State election code was more specific, updated, and consistent than the municipal code. The recommendation by BOSE was to adopt the State of Maryland election code; however, the initiative did not move forward. Shortly thereafter, the Anne Arundel County State Board of Elections (AACo.SBE) reached out to BOSE with the offer to consider working with them to conduct the 2017 elections. In prior years, the City of Annapolis fully ran the elections including procurement of vendors for ballot design/printing, mailing, equipment, election judges, polling places, and staff to support the city election office.

(Unfortunately numbers for elections prior to 2017 appear incomplete. Likely due to costs being absorbed into department budgets such as the city clerk. Cost for those afterwards appear better but may also be incomplete. It would be fair to say that AACo.SBE services probably save the city \$100,000 +. AACoSBE has said that if they run Annapolis elections with state elections there would be no cost to the city.)

After review, City Council passed an ordinance for AACoSBE to conduct the 2017 election and a memorandum of understanding (MOU) was drafted and reviewed. While there were some areas of difference in municipal v. state election law, the MOU was able to identify and make adjustments for compliance. AACoSBE already had the responsibility for maintaining voter registration and rolls for the city. The city benefited from their expertise and use of their technology, equipment, and staff at no cost. The city remained responsible for following municipal election law and paying for expenses such as ballot printing, mailing, election judges, and support staff. Overall the city benefited from significant cost savings.

Municipal elections in 2017, 2021, and a special election in 2019 were administered by AACoSBE and received positive feedback and a cost savings to Annapolis. BOSE is currently working with the Office of Law on a MOU for the 2025 municipal elections.

### Annapolis Election Code Is Not as Comprehensive as State Election Law

The state's election code stands as a testament to its relative agility, regularly incorporating reforms that directly benefit voters and advance the principles of democracy. These updates are a result of collaborative efforts between state legislators, the State Board of Elections and the 24 County Local Boards of Elections, working tirelessly to implement legislation and enact meaningful change. This commitment to constant refinement has led to a state election code that offers a multitude of benefits, many of which are not mirrored in the election code of the City of Annapolis. State election law has consistently expanded its scope to enhance the democratic process. Some notable inclusions in the state election code are as follows:

1. A Week of Early Voting During Primaries: Maryland residents are afforded the opportunity to cast their ballots in advance of primary elections, ensuring increased accessibility for voters with busy schedules or those who may face difficulties voting on the official election day.
2. Mail-In Ballots: The state's election code embraces the convenience and safety of mail-in voting, allowing eligible voters to exercise their civic duty from the comfort of their homes.
3. Permanent Mail-In Ballot Lists: Marylanders have the option to enroll in permanent mail-in ballot lists, streamlining the voting process for those who prefer this method.
4. Mailed Specimen Ballots: To enhance voter preparedness, the state issues mailed specimen ballots, providing voters with the opportunity to familiarize themselves with the ballot before heading to the polls. Annapolis voters receive mailed specimen ballots prior to the elections.
5. Same-Day Registration: The state allows citizens to register to vote on the same day as the election, further reducing barriers to participation.
6. Improved Canvass Times: Maryland has worked to expedite the canvassing process, ensuring timely election results and maintaining public trust.
7. Greater Disability Accessibility Options: Ensuring that elections are accessible to all, Maryland's election code mandates greater accessibility options for individuals with disabilities.
8. Risk Limiting Audits: The inclusion of risk limiting audits helps safeguard the integrity of the election process, providing an additional layer of security.

State Election Code is better equipped to address and manage the effects of technology such as social media and AI and their effects on voting.

In stark contrast, the City of Annapolis faces challenges in updating its election code to align with these state-level reforms. One example of this disparity is the continued presence of references to voting machines in the City Code. These references persist, despite the statewide discontinuation of voting machines (with the exception of ADA accessible Ballot Marking Devices) well before the 2016 elections. Such disparities highlight the inherent limitations faced by the City of Annapolis as a municipal entity. The City lacks the resources and structural capacity needed to expedite the modernization of its election code at a pace commensurate with the evolving best practices and changing technology within the election landscape.

### Annapolitans Do Not Simply Fall into Two Political Parties; The Current Election System Puts 1-out-of-4 Annapolitan Voters at a Disadvantage

A core premise of Annapolis' closed-primary party-nominated election system is that voters fall into one of two camps (i.e., they are Democrats, or they are Republicans). An overly simple – if not flawed – view of the electorate.



The TV character Alan Shore once famously described this notion in a monologue on “Boston Legal”:

*My mother's friend, Vivian, once told me, "There are only two kinds of people in this world, Alan. Them that drink Coke. And them that drink Pepsi." Vivian got that notion, of course, from Coke and Pepsi. There may have been other colas, but Coke and Pepsi were the giants. Billion-dollar behemoths who, in their own advertising, would each refer to the other guy as the only alternative. Just so long as people keep on gulping down one or the other. Makes you kind of wonder if they're in cahoots.*

Shore’s point applies well to Annapolis’ situation.

The number of Annapolitan voters identifying as neither a Democrat nor a Republican grew by 28% between the 2009 and 2021 elections. According to a Precinct Voter Counts Report dated 08/18/2021 and published on the City’s website, nearly 1-out-of-4 Annapolitan voters are neither a Democrat nor a Republican. In fact, this group (i.e., Annapolitan Voters that are neither a Democrat nor a Republican) narrowly outnumber Annapolitan Republicans.

Table 1: Annapolis Voter Registration by Ward by Party Registration<sup>1</sup>

Ward	Precinct	Total Voters	# "D" Voters	% "D" Voters	# "R" Voters	% "R" Voters	# Other Voters	% Other Voters
1	6001	2664	1419	53.27%	658	24.70%	587	22.03%
	6011	1375	665	48.36%	364	26.47%	346	25.16%
	Combined	4039	2084	51.60%	1022	25.30%	933	23.10%
2	6002	1863	844	45.30%	578	31.03%	441	23.67%
	6012	2171	1227	56.52%	455	20.96%	489	22.52%
	Combined	4034	2071	51.34%	1033	25.61%	930	23.05%
3	6003	1542	1096	71.08%	167	10.83%	279	18.09%
	6013	1311	792	60.41%	244	18.61%	275	20.98%
	Combined	2853	1888	66.18%	411	14.41%	554	19.42%
4	6004	717	446	62.20%	108	15.06%	163	22.73%
	6014	2237	1511	67.55%	314	14.04%	412	18.42%
	Combined	2954	1957	66.25%	422	14.29%	575	19.47%
5	6005	1395	628	45.02%	441	31.61%	326	23.37%
	6015	1621	915	56.45%	319	19.68%	387	23.87%
	Combined	3016	1543	51.16%	760	25.20%	713	23.64%
6	6006	1212	808	66.67%	135	11.14%	269	22.19%
	6016	1150	735	63.91%	182	15.83%	233	20.26%
	Combined	2362	1543	65.33%	317	13.42%	502	21.25%
7	6007	1114	604	54.22%	247	22.17%	263	23.61%
	6017	2047	1065	52.03%	491	23.99%	491	23.99%
	Combined	3161	1669	52.80%	738	23.35%	754	23.85%
8	6008	1738	927	53.34%	393	22.61%	418	24.05%
	6018	2168	1070	49.35%	586	27.03%	512	23.62%

<sup>1</sup> Primary Election – Precinct Voter Counts Report – City-Wide 8.18.2021 Dems-Rep. Available at: <https://www.annapolis.gov/DocumentCenter/View/20052/PRIMARY-ELECTION---Precinct-Voter-Counts-Report---City-Wide-8182021-DEMS-REP>. Accessed 4/18/2023.

	Combined	3906	1997	51.13%	979	25.06%	930	23.81%
Citywide		26325	14752	56.04%	5682	21.58%	5891	22.38%

Despite being a sizable portion of the electorate, the City’s election code and closed-primary party-nominated election system put voters who are neither Democrats nor Republicans at a distinct disadvantage:

- Unaffiliated voters – the largest segment of this group- are not eligible to serve on the Board of Supervisors of Elections<sup>2</sup>;
- It is much easier for Democrats and Republicans to get onto the ballot than it is for Annapolitans who are registered as neither Democrats nor Republicans<sup>3</sup>; and
- This group is excluded from having a say in who their elected officials will be, when that decision is effectively made in a closed-primary.

*Unaffiliated Voters Account for 21% of the Electorate; They are Barred from Sharing in the Governance of Annapolis’ Municipal Elections*

The Board of Supervisors of Elections is generally charged with the governance of Municipal Elections in Annapolis including voter registration.<sup>4</sup> The Board of Supervisors of Elections also serves as the Board of Canvassers, the entity specifically charged with the safekeeping and counting of ballots.<sup>5</sup>

Despite being equally vested in the integrity and outcome of municipal elections, unaffiliated voters are barred from serving on this important Board.

The Membership of the Board of Supervisors of Elections is set by Article II Section 6 (a) which reads the board should consist of three members “two (2) of whom shall always be selected from the leading political parties of the state, one (1) from each of such parties. The third member may be selected from either of the leading political parties of the state or from any other political party.” (Emphasis added.) By requiring that members be selected from a party, this Charter language disqualifies unaffiliated voters from service.

*Annapolis Struggles to Attract Candidates for City Office; Section 4.20 of the City Code Makes It Harder for Annapolitans who are neither Democrats nor Republicans to Get On the Ballot*

Part of the rationale for a closed-primary party-nominated election system is that it efficiently whittles the number of candidates down to a manageable number to ensure the winner of the election has broad support. If voters have lots of choices in a plurality-wins election, a winner could be declared with very little support. For example, in a competitive race with 10 candidates, a winner might only receive 11% of the votes cast.

While this approach may seem logical in the abstract, it has proven to be unnecessary in the case of municipal elections in Annapolis which struggle to attract candidates.

There have been 36 contests for City Office since the 2009 elections (i.e., nine (9) offices – the Mayor and eight (8) Aldermen/Alderwomen – were elected in four (4) elections – 2009, 2013, 2017, 2021). During that time, a contest for City Office averaged 2.2 candidates overall. It is worth noting that there is a distinct difference between election contests for the Office of Mayor and those for the City Council with respect to attracting candidates. Contests for Mayor during this period drew five (5) candidates on average; contests for a City Council Seat drew 1.875 candidates on average.

<sup>2</sup> See Annapolis Charter Article II Section 6 (a).

<sup>3</sup> See Annapolis City Code Section 4.20.

<sup>4</sup> See Annapolis City Code Section 4.08.70.

<sup>5</sup> See Annapolis City Code Section 4.32.

		2009	2013	2017	2021
Mayor	Democratic Candidates	7	2	2	1
	Republican Candidates	1	3	2	1
	Unaffiliated Candidates	1	0	0	0
	Total Candidates	9	5	4	2
Ward 1	Democratic Candidates	1	2	2	1
	Republican Candidates	0	1	1	0
	Unaffiliated Candidates	0	0	0	0
	Total Candidates	1	3	3	1
Ward 2	Democratic Candidates	0	2	1	1
	Republican Candidates	1	1	1	1
	Unaffiliated Candidates	0	0	0	0
	Total Candidates	1	3	2	2
Ward 3	Democratic Candidates	1	1	1	2
	Republican Candidates	1	0	0	0
	Unaffiliated Candidates	0	0	0	
	Total Candidates	2	1	1	2
Ward 4	Democratic Candidates	1	1	2	2
	Republican Candidates	0	0	0	0
	Unaffiliated Candidates	0	0	0	0
	Total Candidates	1	1	2	2
Ward 5	Democratic Candidates	1	1	1	1
	Republican Candidates	1	0	1	1
	Unaffiliated Candidates	0	0	0	0
	Total Candidates	2	1	2	2
Ward 6	Democratic Candidates	1	1	2	1
	Republican Candidates	1	0	0	1
	Unaffiliated Candidates	0	1	0	0
	Total Candidates	2	2	2	2
Ward 7	Democratic Candidates	1	1	2	1
	Republican Candidates	1	1	1	0
	Unaffiliated Candidates	0	0	0	0
	Total Candidates	2	2	3	1

Ward 8	Democratic Candidates	1	1	2	2
	Republican Candidates	1	0	1	1
	Unaffiliated Candidates	0	0	0	0
	Total Candidates	2	1	3	3

Section 4.20 of the City Code lays out the process for nominations and candidacy.

A Democrat or a Republican can be placed on a primary ballot if they pay a nominal fee, and then on the general ballot if they win their primary. The logic behind this approach is that a candidate demonstrates broad support by winning a primary. This logic assumes that primaries are contested, which is not often the case in Annapolis.

During the period reviewed, each party had 36 potential primaries. The Democratic Party only had a contested primary in 13 cases (36% of cases); the Republican Party only had two (2) contested primaries. Ward 5 did not have a single contested primary during the review period. Wards 2, 3, 6 and 7 only had one (1) contested primary out of a potential eight (8) during the review period. Given this history, it is likely a Democrat or Republican will secure a space on the General Election ballot by simply writing a check.

The process to get on the ballot for voters who are neither Democrats nor Republicans is set by 4.20.90 of the City Code. “A candidate for Mayor shall file petitions bearing the signatures of not less than five hundred registered voters, of whom not less than fifty shall reside in each ward of the City. A candidate for Alderman shall file petitions bearing the signatures of not less than one hundred registered voters residing in the ward from which the candidate seeks nomination.” This more work-intensive requirement may explain why there was only one (1) unaffiliated candidate for office during the review period.<sup>6</sup>

*Annapolitans Often Don’t Have a Meaningful Say in Who Holds Office; Closed Primaries Exacerbates the Problem*

There have been 36 contests for City Office since the 2009 elections (i.e., nine (9) offices – the Mayor and eight (8) Aldermen/Alderwomen – were elected in four (4) elections -2009, 2013, 2017, 2021).<sup>7</sup> In about 39% of contests, voter input is limited due to a lack of candidates.

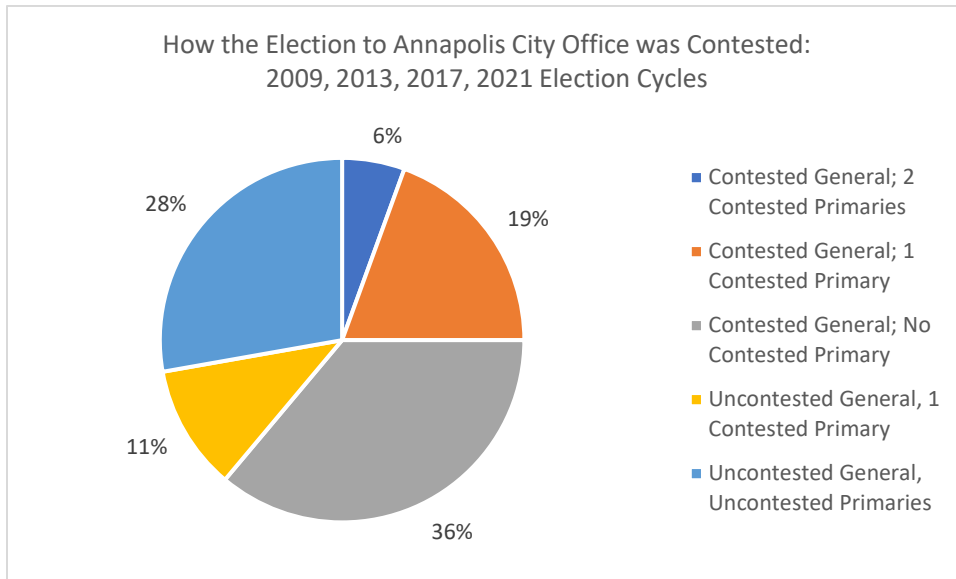
In ten (10) contests (28%), a single candidate ran completely unopposed. Voters did not have a meaningful say, as they were not presented with a choice.

In another four (4) contests (11%), the election was effectively decided by a closed-primary (specifically a Democratic closed-primary). In these cases, voters other than Democrats were not included in the decision-making process in a meaningful way. They were effectively disenfranchised.

<sup>6</sup> The 2013 Ward 6 Aldermanic race featured one Democratic and one Unaffiliated candidate.

<sup>7</sup> This analysis excludes special elections, and only considers an election contested if more than one candidate is printed on the ballot.

Figure 1: How Elections Were Contested, 2009-2021



Of note, Ward 4 has not had a single contested general election in the past four elections meaning that 1-out-of-3 Ward 4 voters never had a meaningful opportunity to participate in the election of their City Council member during that period. Ward 3 has only had one (1) contested general election in the same period.

Less voters participate in electing their public officials, when the choice is effectively settled by a primary election, which is likely to have a lower turnout than a general election.

Consider for a moment, how many voters participated in contested elections for City Council seats in 2021. Ward 3 and Ward 4 were effectively settled by the Democratic closed-primary election. The Ward 3 primary had participation from 533 voters (19% of Ward 3 voters); the Ward 4 primary had participation from 451 voters (15% of Ward 4 Voters). Council Seats for Wards 2, 5, 6 and 8 were settled by a contested general election. Those elections had participation from 1,731 voters (42%); 1,121 voters (37%); 565 voters (24%); and 1,915 voters (49%) respectively.

## Recommendations

### Adopt State Law by Reference (Adopted by Unanimous Vote)

One of the largest challenges facing the City’s election code has been its inability to stay current. While the City does not have a dedicated election staff (i.e., it is one of many duties assigned to the City Clerk and the City only hires a part-time employee dedicated to elections as they draw near), the State and County Boards of Election are staffed full-time on a permanent basis with subject matter experts keeping current on trends. This full-time staffing allows regulations to keep current, and feeds suggested reforms to the State Legislature. Simply adopting State Law by reference is the most efficient way to keep current.

Moreover, there is precedent for doing this. Recognizing many of the same benefits, Hagerstown, a city roughly the same size as Annapolis, has adopted State Law by reference. Its code language could serve as a model.

Notwithstanding the adoption of State Law, the Board of Supervisors of Elections should determine whether Annapolis should maintain lower campaign contribution limits. (Adopted by Unanimous Vote.)

When discussing the differences between State Law and Municipal Code, it was determined that the perhaps most meaningful difference worth preserving was lower campaign contribution limits as lower limits may empower grassroots candidates and weaken the influence of special interests. We do not make a recommendation here beyond recommending the City thoughtfully consider whether it should maintain the lower limits if and when it adopts State Law.

### Transition from a Party-Nominating Primary System to a Blanket Primary System (Adopted by Unanimous Vote)

The Task Force recommends that the City adopt a nonpartisan blanket primary system for municipal elections of the Mayor and Alderpersons. In such a system, all primary candidates are listed on a single ballot. Eligible voters — including those that are affiliated with any political party and those who are unaffiliated with a party — may participate in the primary and cast their vote on this ballot. The two candidates with the most votes in the primary for a given position advance to the general elections. This system improves on the City’s existing closed primary system in that it allows voters who are unaffiliated with a political party to participate in the primary process. Moreover, by making the primary nonpartisan, voters will be able to vote for any candidate that they prefer whereas previously voters were restricted to voting only for candidates from their party.

The Task Force recommends that voters be allowed to vote for up to two primary candidates to move on to the general elections. In the City’s existing system, eligible voters can only vote for one candidate. Allowing voters to vote for up to two candidates is an important improvement, because the opportunity to vote for up to two candidates limits the potential for “vote splitting”. Vote splitting arises when voters are forced to choose one candidate when the election includes candidates who have similarities with respect to policy, ideology, and other dimensions. In this scenario, the pool of voters who prefer the similar candidates divide their votes among the candidates, which lessens the likelihood that any of the similar candidates will win despite a sizable portion of the electorate supporting them. This issue has gained national attention in the context of presidential elections in which small party candidates such as Ross Perot and Ralph Nader have been said to “spoil” the election by dividing the vote.

The problem could also come to the fore in municipal primaries if voters can only vote for one candidate. To illustrate this concern, consider a hypothetical example using the Task Force-recommended blanket primary system in which the top two primary candidates advance to the general election: Let us say that four candidates are running in a primary. Candidate A and Candidate B are similar, so they draw on the same voter base while the remaining candidates, Candidate C and Candidate D, are different from each other as well as different from Candidate A and Candidate B. Assume that Candidate A receives 25% of the vote; Candidate B receives 15% of the vote; and, Candidate C and Candidate D each get 30% of the vote. Even though a combined 40% of voters prefer the two similar candidates, Candidate A and Candidate B, neither of them will advance to the general elections. Rather, Candidate C and Candidate D will advance with just 30% of the vote each. Allowing voters to vote for up to two primary candidates would mean that at least Candidate A would advance to the general elections because those who voted for Candidate B could also vote for Candidate A. In short, this simple but important reform would boost the likelihood that general election candidates represent Annapolitans’ preferences.

Allowing candidates to vote for up to two primary candidates also plausibly has a secondary benefit of boosting voter choice. When voters can vote for just one candidate, citizens considering a primary run might hesitate to declare their candidacy if a similar candidate has already entered the race or is likely to

enter the race. They might fear being “spoilers” and preventing the similar candidate from advancing to the general elections.

Note that these proposed reforms only apply to primaries, not general elections. With this primary system, voters would continue to vote for one candidate in the general election.

When adopting the new system consider whether a candidate’s party affiliation or preference can and should be listed. (Adopted by a vote of 3-2.)

While participation in the election process is a right afforded to most citizens, that participation doesn’t necessarily translate to an informed electorate. Many voters depend on the candidate’s party affiliation when determining for whom to vote. They utilize the party information, to some extent, to determine which candidate’s beliefs, issues deemed important, and political values align with their own. Absent party designation or party preference on the ballot, many voters have no point of reference from which to make a decision.

The National League of Cities, in a 2003 article, indicated that the absence of party labels confuses voters, adding that requiring voters to choose from among candidates about whom the voters have no information, results in the lack of a meaningful basis upon which to cast a ballot. It was further suggested in the article that absent a party label or ballot, voters may turn to whatever hint is available, which often is the ethnicity of the candidates, to make their selection.

Opponents of party designation on the ballot argue that such designation isn’t relevant in municipal elections because the policies enacted, and decisions made at that level span party lines. As such, the thinking is that they are party-neutral. The components under the purview of local officials, however, present opportunities for the officials’ decisions to reflect their political values. Those areas include, but are not limited to, appropriating money for capital projects, approving land use plans, acting on zoning changes, and approving fiscal policy programs. Decisions in those areas very often align with party values and priorities.

For the reasons stated above, it is essential that a candidate’s party is indicated on the ballot. While the ideal is an informed electorate, that is not the reality. Through the election process, voters should be given as much information as possible to ensure that their participation is meaningful and to lessen the possibility of frustrated electorate.

*A note of dissent:* Two members dissented from this recommendation. In their opinion, adopting State Law and having the State/County Board of Elections administer City Elections was of paramount importance. Because there is no precedent for the State administering elections this way (i.e., similarly structured elections - like school board elections - are run without party affiliation), there is concern that the State would be reluctant to consider this. The members voting in dissent do not believe the utility of listing party affiliation outweighs the benefits of State/County run elections.

Move to a state-wide cycle so that the State and County Board’s could manage more of the election process. (Adopted by Unanimous Vote.)

The Task Force recommends that the City Council, in coordination with the Anne Arundel County Council, seek to move the City’s election to a state-wide election cycle, fully in sync with the County’s elections.

For the last few City election cycles, the City’s elections have been managed in close coordination with the County’s election administration. In addition to saving City resources, we benefit from the County’s much larger and more sophisticated election administration operation.

Building on this existing management dynamic, the Task Force recommends we take the next logical step and seek to have our City elections fully merged into the County, whereby the City elections would take place on either the Gubernatorial election cycle ballot or the Presidential election cycle ballot.

The Task Force recognizes that undertaking this kind of change would require a number of policy changes, ranging from altering the terms of the Mayor and City Council to accommodate the new election cycle to likely requiring legislative approval by the Anne Arundel County Council and the Maryland General Assembly.

Even with these hurdles, the Task Force believes moving the City's elections to a state-wide election cycle would raise interest in the issues and candidates seeking election to the Annapolis City Council, while simultaneously driving up turnout at the polls. In addition, perennial confusion around where Annapolis residents vote in City vs. State-wide elections would disappear, and the costs savings accrued from having municipal elections administered in conjunction with the county would be substantial.

Major advantages include: Consistency for the voter. Access to technology which would be cost prohibitive at the municipal level (e.g. campaign fund reports, same-day registration).

[The City should leverage the savings generated by moving to a statewide election cycle to fund a Public Campaign Financing Program. \(Adopted by a vote of 4-1.\)](#)

The Task Force recommends that the City of Annapolis create a public campaign finance program for mayoral and City Council candidates modeled on Anne Arundel County's recently-adopted public financing system. With the public campaign finance system, candidates who opt into the program will be required to accept donations below a dollar amount threshold and decline funding from political action committees as well as special interest groups. In return, the participating candidates receive matching public funds for small monetary donations from citizens. Adopting this system has a number of benefits: For one, it would increase the consistency of campaign operations across the county and city levels. Moreover, public financing will increase the competitiveness of elections. It will allow candidates who rely on small donations to be more competitive with candidates who have access to large donor pools. The Task Force recognizes that the City's public dollars are scarce; a possible funding source for a public financing program, however, could be from cost savings accrued from having municipal elections administered in conjunction with the county as the Task Force recommends.

[The Board of Supervisors of Elections should ensure that a searchable database of campaign finance contributions to mayoral and City Council candidates exists. \(Adopted by Unanimous Vote.\)](#)

The Task Force recommends that contributions to all mayoral and City Council candidates be posted online to an easily searchable database and allow for data to be downloaded in a machine-readable format. While campaign finance reports are currently available online, they are posted in a PDF format, rendering it difficult to aggregate and analyze contribution sources and amounts. Greater transparency in election financing engenders public trust in the electoral process and allows citizens to evaluate candidates, elected officials, and special interest entities. If the City moves to have its elections administered by the County, BOSE may work with the county administration to use their systems for this task. If the City declines to transition to county election administration, BOSE should establish and maintain the database with appropriate technical and financial support from the City as needed.

[The City Council should establish a fully independent commission for the drawing of ward boundaries. \(Adopted by Unanimous Vote.\)](#)

The Task Force recommends that ward redistricting be conducted by a nine-member independent commission, beginning with the next round of redistricting. There are numerous models of independent redistricting commissions that have been adopted for state and federal elections, and they can be applied for municipal elections as well. An independent commission should have a mandate to draw ward boundaries that are implemented once approved by the majority of commission members. An independent commission limits the likelihood that redistricting will give a party or incumbent council



members an advantage in the drawing of districts. Empowering the commission to develop a ward boundaries map that is in turn directly implemented also potentially will expedite the redistricting process given that the process would not require City Council involvement as it does now.

A key component of independent redistricting is the selection of commissioners. There are many mechanisms through which commissioners can be selected. One promising approach is the randomized selection of qualified commission applicants — a process known as sortition, which dates back to Ancient Athens’s democracy. With this approach, the nine-member commission would be made up of three Annapolis residents registered as Democrats, three residents registered as Republicans, and three residents either unaffiliated with a political party or from a small political party. The process for selecting commissioners would begin with a public call for applicants; subsequently, a board made up of county judges or City employees (perhaps headed by the City Manager) would screen applicants for eligibility to sit on the commission based on pre-set criteria such as residency requirements; and, finally, commissioners would be selected at random to fill the allocated slots. This random selection increases the likelihood that commissioners will represent independent views that reflect citizen preferences more so than if commissioners were selected by political representatives.

[The Board of Supervisors of Elections should be expanded and unaffiliated voters should be allowed to serve. \(Adopted by Unanimous vote.\)](#)

If the City continues to go it alone with a unique code, then it must recognize that the work is more than three individuals can handle. Recognizing that unaffiliated voters make up a significant portion of the electorate, they should be invited to serve on the BOSE.

[The Board of Supervisors of Elections should draft regulations clarifying the process for placing questions on the ballot. \(Adopted by Unanimous vote.\)](#)

The Task Force recommends that the City Council ask the BOSE to specify and publicize the procedures required for residents to petition for ballot questions. Annapolis citizens have the right to petition for ballot questions, according to the City’s Office of Law. However, there remains ambiguity about the petition process including the number of valid signatures required for the acceptance of a petition. BOSE should lead the effort to clarify the process and requirements working with other city offices as needed. Clarifying the petitioning process for ballot questions will plausibly spark more citizen involvement in the City’s political process as citizens gain a better understanding of how to leverage ballot questions to promote change. Ballot questions also provide an opportunity for citizens to directly approve (or disapprove) of difficult policy changes, and by involving citizens directly in such decisions, it demonstrates broad citizen support for the changes more than if they are implemented indirectly by the City government. Beyond these procedural benefits, given that initiating ballot questions are a right for citizens, they deserve clarity on this process.

[The City Council should be limited to three 4-year terms. \(Adopted by Unanimous Vote.\)](#)

In a letter to Mandell Creighton in 1887, John Emerich Edward Dalberg Acton penned the words “Power tends to corrupt, and absolute power corrupts absolutely.” The notion that Alderpersons in the City of Annapolis can serve indefinitely conjures up that quote. The longer the official is in office, the greater the power he or she seemingly amasses. During the November 2022 election, voters in Anne Arundel County overwhelmingly supported term limits of no more than three full consecutive four-year terms for county council members. In the same election, limits of two terms were approved by voters for city council members in Baltimore City. Other jurisdictions in Maryland that have established term limits for council members include Howard, Prince George’s, St. Mary’s, Cecil, Frederick, and Montgomery counties. Additionally, eight of the ten largest cities around the country have established term limits for council members, with many more considering establishing the same.

The question may be raised regarding the need for term limits. The reasons are clear. Term limits help to bring fresh candidates and ideas to government. They motivate incumbents to work toward meaningful political legislation and policies because they have a definitive amount of time in which to complete the work. Term limits help to incentivize elected officials to serve their constituents and not personal interests; they do not have the security of remaining in their offices for an indefinite period of time.

While it can be argued that elections are natural term limits, incumbents have a significant political advantage over challengers. They have name recognition, get free advertisement by virtue of their positions, and their longevity in office can instill a sense of apathy in the electorate, particularly if there have been no meaningful policy or legislative changes that inure to the citizenry's benefit.

In a 2006 survey conducted by the National League of Cities, respondents noted that term limits reduce the likelihood of abuses of power and encourage political participation by newcomers. In addition to the above, City of Annapolis citizens who responded to the Task Force's survey overwhelmingly (73.4 percent) support term limits for alderpersons.

[The BOSE should research the best practices for having the highest practical accuracy in voter rolls. \(Adopted by Unanimous Vote.\)](#)

The Task Force recommends that the BOSE consult other election bodies and non-partisan organizations that have expertise in maintaining high-accuracy voter registration lists. The goal of these consultations would be to identify best practices for improving the accuracy of the City's lists. In other words, the goal would be to maximize the proportion of eligible voters relative to non-eligible voters on the City's voter registration lists. Maintaining accurate lists poses a persistent challenge that many jurisdictions in the United States face, but the City should increase its efforts to address this issue. Having more accurate lists could, among other benefits, help the City to more easily communicate to eligible voters through mail and other means, reduce opportunities for fraudulent voting, and improve the feasibility of vote-by-mail operations.

[The City should not universally mail out ballots in non-emergency situations. \(Adopted by a vote of 4-1.\)](#)

While there is no doubt that our elections are well administered and that voters should have confidence in the process, the maintenance of voter rolls remains imperfect and heavily reliant on individual voters to take responsibility for keeping their registration up-to-date.

For that reason, the Task Force recommends against universally mailing out ballots preferring instead the measures adopted by State Law (i.e., automatic absentee ballot, absentee ballot on demand, early voting, etc.).

*A note of dissent:* During the recent pandemic, ballots were automatically mailed to every registered voter. The result – greater turnout with no major problems. Zachary Roth, in an article published in the Georgia Recorder on October 9, 2023, noted that several studies have shown that when every registered voter gets a ballot by mail, voting rates tend to rise. Roth also stated that a group of political scientists from Stanford University concluded that universal mail-in ballots "...does not appear to tilt turnout toward the Democratic party, nor does it appear to affect election outcomes meaningfully," sentiments that have been espoused by opponents to automatic mail-in ballots.

Automatically mailing ballots to all registered voters ensures that everyone who is eligible and desires to do so is able to exercise his or her right to vote. It can be argued that voters in Annapolis are given an opportunity to request an absentee or mail-in ballot which alleviates the need for an automatic mailing; however, the ballot must be requested within an established timeframe. As such, unforeseen circumstances outside of the voter's control and outside of that timeframe could in effect disenfranchise an otherwise eligible voter. Other arguments include security of the ballot and integrity of the voter rolls.

The security of the ballot is addressed by requiring the voter to sign the ballot or implementing other measures such as unique identification tags. With respect to the integrity of the voter rolls, that issue exists even with in-person voting and is not within the purview of the City of Annapolis BOSE.

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It has been our pleasure to take on the task of reviewing the City of Annapolis's election code and process. We respectfully ask the Board of Supervisors of Elections and the City Council to review our findings and to reach out with any questions.

Thank you.