



***PUBLIC HEARING OF THE GREENBELT CITY COUNCIL held
Wednesday, February 25, 2009, on Voting Reform.***

Mayor Davis called the meeting to order at 7:32 p.m. in the Springhill Lake Recreation Center.

PRESENT WERE: Councilmembers Konrad E. Herling, Leta M. Mach, Edward V. J. Putens, Rodney M. Roberts and Mayor Judith F. Davis.

STAFF PRESENT WERE: Michael McLaughlin, City Manager; David Moran, Assistant City Manager; Steve Silvestri, Outside Counsel; Joe McNeal, Assistant Director of Recreation; and Cindy Murray, City Clerk.

Following introductions, Mayor Davis announced this was the third of three public hearings scheduled by the City Council concerning the suggested voting system changes announced at the City Council meeting on January 26, 2009. She explained that Council had considered the comments received at the three hearings held last year, along with written comments sent to Council, and information received from expert research. She said that Council had not yet made any final decisions about any of these suggestions.

Mayor Davis said that Council wanted to hear comments on the suggested voting system changes from citizens. She asked all audience members who wished to speak today to sign in and encouraged individuals who did not want to speak publicly to write or email their comments to Council.

Mayor Davis said Mr. Silvestri would be available to answer questions, but he would not be revealing the advice provided to Council nor the discussions he had with Council. She reminded audience members that the City was still under the threat of litigation with the NAACP, the American Civil Liberties Union (ACLU) and the U.S. Department of Justice (USDOJ).

Presentation from Counsel

Mr. Silvestri provided a history of the issue from the original correspondence the City received from the NAACP and the ACLU alleging the at-large election process for Council positions discriminated against African American citizens and violated federal law. The NAACP and ACLU indicated they were prepared to go to Court to sue the City if changes weren't made in the election process. Additionally, it was also learned that the U.S. Department of Justice had commenced an investigation into the same allegations.

Mr. Silvestri reviewed in detail Council's Statement on Voting System Reform dated January 26, 2009.

Mr. Silvestri would not identify the expert engaged to review the voting patterns in past municipal, county, state and federal elections, but said he was a professor of political science

who was familiar with all types of voting systems. He described the expert as having a balanced view of voting issues, having been utilized as an expert witness for both sides of cases involving Voting Rights Act (VRA) violations.

Mr. Silvestri emphasized the need to address the issue of low voter turnout for Council elections in Precincts 8 and 13. He noted that turnout in those precincts in federal, state and county elections is significantly higher and closer to the turnout in other precincts. Mr. Silvestri said the suggested change in the Council election date to the same date as county, state and federal elections is the best way to increase voter turnout. He reported the other suggested changes, such as early voting, absentee voting and voter outreach, will also help increase voter turnout.

Mr. Silvestri said that a change to district voting would be a radical change from the current system where the entire Council represents all the voters. He said he would not recommend making such a change unless there was a clear violation of the VRA, which the City doesn't have at this point. He noted going to a district system of voting would racially divide the City.

Mr. Silvestri said that instant runoff voting was used in single winner elections, not in cases where there are multiple candidates running for multiple seats such as Greenbelt Council elections. He also said that Choice voting, which is advocated by FairVote, would require an intense, extended education process for voters, and would not address the issue of increasing voter turnout.

Mr. McLaughlin reported the City had spent \$70,900 through February 20, 2009, on legal fees associated with this issue.

Mayor Davis then opened the floor to speakers.

Joan Falcão, 114 Julian Court, said she recommends the current at-large election system be replaced with a proportional voting system such as Choice voting, and the Council election year not be changed. She also said she did not believe the incumbent Council should be making the decision on voting system reforms. Ms. Falcão noted her opposition to district voting.

Keith Chernikoff, 210 Lastner Lane, said he supported the suggested change in Council voting dates. He recommended the Council ballot be combined with the county, state or federal ballots, so voters would not have to go through two separate voting process on election day. He also stated he was opposed to voting districts which, he believed, would significantly change the character of the Council and City. He expressed concern with possible incidents of fraud if same day voter registration is permitted.

David Lange, 12 Pinecrest Court, said he did not believe the suggested changes will result in a Council representative of the current population. He said it will be difficult for a new candidate to be successful against incumbents and recommended additional options be examined.

Che Sayles, 6108 Breezewood Drive, commented on the lack of African American citizens participating in the hearings and suggested the City find ways, other than the News Review, to inform all citizens of community events.

Bill Orleans, Greenbelt, said he recommends a change to district voting and Choice voting.

Amy Ngai, FairVote, said the low voter turnout is a symptom of the current at-large election system and recommended a change to a new electoral system such as Choice voting. She complimented Council for their suggestions regarding voter education and said FairVote would be willing to assist with this effort.

Joan Falcão asked if there was any evidence of single shot voting in Council elections. Mr. Silvestri said this had been examined and discussed with the expert, but there was no substantial evidence of single shot voting. Ms. Falcão complimented the work of the current Council and suggested the size of Council be increased.

Mr. Lange asked why Council had not established an advisory board to research the voting system and make recommendations to Council. Mayor Davis explained Council held three hearings last year to gather comments, discussed all the information with legal counsel, announced suggested changes to the voting system and held three additional public hearings to gather comments on the suggestions. She noted these were similar steps an advisory board would have taken. Mayor Davis said that Council is counting on advisory groups to help with voter education efforts.

Mayor Davis thanked everyone who participated in the discussion. She said that Council will continue to accept comments on the issue and encouraged people in attendance to write or email comments to Council.

*The meeting ended at 9:11 p.m.
Respectfully submitted,*

*Cindy Murray
City Clerk*