Agenda Item #	8
Meeting Date	May 11, 2016
Prepared By	Kenneth Sigman, City Attorney
Approved By	Suzanne R. Ludlow City Manager

Work Session

Discussion Item	Update on synchronizing City elections with Maryland statewide general elections and inclusion of City candidates and ballot questions on the statewide ballot.
Background	During the November 2015 Takoma Park election, a significant majority of voters expressed support for rescheduling City elections to coincide with statewide general elections ("election synchronization") by switching the City election to even-numbered years, provided that the City could retain voting rights for 16-17 year olds, non citizens, and persons on parole or probation for felony convictions ("Takoma Park-only voters"), instant runoff voting, and same-day voter registration. Election synchronization would create the possibility that City election matters could be included on the statewide ballot ("ballot unifications"). The Montgomery County Board of Elections administers the statewide ballot in Montgomery County.

The City can achieve election synchronization with simple Charter amendments that create a one-year term for candidates elected in the City's 2017 election and change the date of subsequent City elections to even numbered years.

Several additional Charter amendments will be required for ballot unification, and the City must make those Charter amendments before it can file the necessary request with the State Board of Elections. It remains unclear whether it is feasible for the City to retain its expanded voting rights, instant runoff voting, and same-day voter registration if its election matters are included on statewide ballot. City staff will be meeting with State and County election officials the week of May 9 to determine feasibility.

Because of the State-imposed deadline for the City to apply for ballot unification and the procedural requirements for amendment of the Charter, the City will have to proceed with ballot unification very quickly. Accordingly, we have drafted Charter amendments that we know to be necessary for election synchronization and ballot unification and have identified questions that must be answered to determine the full extent of the necessary Charter amendments and highlighted the Charter provisions that may require amendment.

Depending upon the results of the meetings with State and County election officials, City staff and the Takoma Park Board of Elections may recommend delaying (because of timing limitations) or abandoning (because of substantive limitations such as the inability to allow for Takoma Park-only voters or instant runoff voting) pursuit of ballot unification. |
| **Policy** | Maximize voter turnout for City elections while maintaining voter eligibility for 16-17 year olds and noncitizens, and retaining instant runoff voting. |
| **Fiscal Impact** | Undetermined. Impact will depend upon whether City matters are included on the |

	statewide ballot.
Attachments	Summary of required Charter amendments and annotated draft Charter amendments.
Recommendation	
Special Consideration	

SYCHRONIZATION OF TAKOMA PARK AND MARYLAND STATE ELECTIONS
AND INCLUSION OF TAKOMA PARK MATTERS ON STATE AND COUNTY BALLOT
SUMMARY OF CHARTER AMENDMENTS

The following amendments to the Takoma Park Charter will be necessary to synchronize the City's election with the Federal, State, and County elections, and to have Takoma Park candidates and questions included on the ballot prepared by the State Board of Elections:

Charter Section	Description
301(a)*	Establish one-year term for candidates elected in 2017 to allow for a 2018 Takoma Park election that coincides with State, County, and Federal elections.
308	Amendments to the process for filing vacancies may be required to facilitate ballot unification, depending on the cost and logistics of having the County conduct special elections for Takoma Park.
502(h)	Amendments to the process for Charter amendment referendum may be required, depending on the cost and logistics of having the County conduct special elections for Takoma Park.
603	We may have to revise our voter registration deadlines to comport with the County's timeline.
604	City's candidate nomination meeting rescheduled to allow for candidates' filing of certificates of candidacy by 5:00 pm on the first Monday in August in the year of the election and the deadline for declining a nomination changed to the 70th day preceding the election.
605(a)	Make deadline for registering as a write-in candidate the earlier of 7 days after the candidate has expended $51 on campaigning or 5:00 pm on the seventh day preceding the start of early voting .
606(a)*	Provide for a Takoma Park election in 2017 and then every even numbered year thereafter.
606(c)-(i)	Amendments to the instant runoff provisions may be required because of logistical issues relating to the form and method of counting of State ballots.
607	May have to remove grant of authority to City Council to regulate the conduct of elections to the extent the County Board of Elections will have sole regulatory authority.
610	Will have to be amended to remove eligibility to register to vote from grounds to deem voter's ballot provisional if the City does not retain same-day voter registration.
612	Provision of special elections or deadline for conducting special elections regarding advisory referenda may have to be amended or removed.
613	We may have to revise the timeline for counting votes to correspond with schedule of County Election Board or remove this provision and allow the County Board of Elections to count the votes.
615	Revise grant of authority to City Council to regulate elections to require that the Council promulgate regulations that comport with State election law.

* These amendments will be required even if the City decides to synchronize our elections with the State, County, and Federal Elections, but does not have City election matters included on the State ballot.

**DRAFT ELECTION SYNCHRONIZATION AND
BALLOT UNIFICATION CHARTER AMENDMENTS**

3   **May 3, 2016**

4   This document includes the Takoma Park Charter provisions that may be impacted by election
5   synchronization or ballot unification. The amendments to the Takoma Park Charter necessary to
6   synchronize Takoma Park regular elections with Statewide general elections are ==highlighted in yellow==.
7   This document also includes Takoma Park Charter amendments that will be necessary to have Takoma
8   Park candidates and questions included on the Statewide general election ballot in Montgomery County,
9   as well as questions that must be answered and additional Charter amendments that may be needed
10   depending on the logistics of County elections.

11

12   **ARTICLE III**
13   **THE COUNCIL**

14   * * *

15   **Section 301 Number, Selection, Term, Wards**

16   (a)   All legislative powers of the City are vested in a body designated as the Council of the City of

17   Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward and are

18   called Councilmembers, and one (1) is elected at large and is called the Mayor. The regular term of the

19   Councilmembers and the Mayor is two (2) years or until their successors have been elected and duly

20   sworn. The term of the Councilmembers and Mayor elected in the 2017 regular election is one (1) year.

21   Newly elected Councilmembers and the Mayor take office on the second Monday following their election.

22   Each Councilmember and the Mayor holding office at the time this Charter becomes effective will

23   continue to hold office for the term for which the Councilmember or the Mayor was elected and until a

24   successor takes office under the provisions of this Charter.

25   (b)   If no one is elected to fill any position on the Council, or if the candidate elected for any position on

26   the Council is unable to take office, the Clerk shall declare the position to be vacant.

27   (c)   The City of Takoma Park shall be divided into six (6) wards for municipal voting purposes. The ward

28   boundaries shall be established by ordinance and shall be reviewed after each decennial census. The

29   boundary descriptions of the six (6) wards shall be kept on file for public view at all times in the office of

30   the City Clerk.

31   * * *

32   **Section 308 Vacancies on the Council**

33 (a)   Method of Filling Vacancies. Should a vacancy on the Council occur more than two hundred and
34 forty (240) days before the next regularly scheduled City election, a special election shall be held to fill the
35 vacancy. If the vacancy occurs less than two hundred and forty (240) days before the next regularly
36 scheduled City election, the remaining members of the Council by a majority vote shall, within sixty (60)
37 days, appoint a person who is qualified in accordance with Section 302 or Section 304, as applicable, to
38 fill such vacancy for the remainder of the unexpired term.

39 (b)   Special Election. If a vacancy is to be filled by special election, the remaining members of the
40 Council shall, by resolution, establish a date for the special election which shall be not less than forty-five
41 (45) days nor more than sixty (60) days from the date of the vacancy.

42 (c)   Ballot. If the requirements of Section 302 or Section 304, as applicable, are met, a person may have
43 his/her name listed on the special election ballot as a candidate to fill a vacancy on the Council by
44 submitting a petition to the City Clerk with a sufficient number of valid signatures at least twenty (20) days
45 prior to the date scheduled for the special election.

46 (d)   Petition. The petition must clearly state that its purpose is to place a specific person's name on the
47 ballot at a special election to fill a vacancy on the Council of the City of Takoma Park, the office and/or
48 ward that the election is being held to fill, and the date of the special election.

49   (1)   For a Mayoral vacancy, a person must have the signatures of at least 30 qualified voters of
50   the City in order to be listed on the special election ballot as a candidate.

51   (2)   For a Councilmember vacancy, a person must have the signatures of at least 10 qualified
52   voters of the ward in which there is a vacancy in order to be listed on the special election ballot as a
53   candidate.

54   (3)   A qualified voter may sign the petition of more than one person to fill a vacancy on the
55   Council. Each qualified voter shall print his/her name under the signature and shall include his/her
56   address and the date of his/her signature on the petition.

57   (4)   Before listing a person's name on a special election ballot as a candidate to fill a vacancy on
58   the Council, the City Clerk shall verify that sufficient signatures on a petition are from qualified
59   voters of the City and for a Councilmember vacancy of the ward in which there is a vacancy. The
60   invalidation of one signature on a petition shall not serve to invalidate any other signatures on a
61   petition.

62 (e) Voting. For a Mayoral vacancy, all qualified voters of the City may vote in the special election to fill a

63 vacancy on the Council. For a Councilmember vacancy, only qualified voters of the ward in which there is

64 a vacancy may vote in the special election to fill a vacancy on the Council.

65 (f) Write-Ins Permitted. A qualified voter also may write in the name of a candidate on the special

66 election ballot to fill a vacancy on the Council.

67 (g) Results of Special Election. The candidate who meets the qualifications for office as specified in

68 Section 302 or Section 304, as applicable, and who receives a majority of votes in accordance with

69 Section 606 in the special election to fill a vacancy on the Council shall be the winner and shall serve on

70 the Council for the remainder of the unexpired term for which his/her predecessor was elected.

71

72   * * *

73   **ARTICLE V**
74   **AMENDMENT PROCEDURES**

75 **Section 501 Initiation**

76 An amendment to this Charter may be initiated by the Council or by a petition of qualified voters of the

77 City of Takoma Park.

78 **Section 502 Initiation by the Council**

79 (a) The Council may initiate a proposed amendment or amendments to the Charter by a resolution

80 which, except as otherwise specified in this section, is passed by a majority of the Council. The Council

81 shall hold a public hearing on any such proposed amendment or amendments and shall not take final

82 action on a resolution less than fourteen (14) days following the hearing.

83 (b) In conformity with a requirement imposed upon the General Assembly by Article 3, Section 29 of the

84 Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed

85 amendment or amendments, prepared so that the section or sections are set forth as they would read

86 when amended or enacted. This Charter or any section thereof may not be revised or amended by

87 reference to its title or section only.

88 (c) In conformity with a requirement imposed on the General Assembly by Article 3, Section 29 of the

89 Constitution of Maryland, every Charter amendment adopted by the Council shall embrace but one

90 subject, and that shall be described in its title. Prior to the passage of any resolution which proposes an

91 amendment or amendments to the charter, a public hearing thereon shall be held by the Council, public

92   notice of which shall be given in a newspaper of general circulation in the City of Takoma Park once a

93   week for two successive weeks, the last such notice to appear at least ten (10) days prior to the public

94   hearing. Such public notice shall state the title of the Charter amendment and shall specify the time and

95   place of the public hearing to be held thereon. The public hearings shall be conducted by the Council

96   under such procedures as it shall, in its discretion establish.

97   (d)   The City Clerk shall give notice by posting and publication of any resolution which proposes an

98   amendment or amendments to this Charter. A complete and exact copy of the resolution containing the

99   proposed amendment or amendments shall be posted at City Hall or another main municipal building or

100   public place for a period of at least forty (40) days following its adoption.

101   (e)   A fair summary of the proposed amendment or amendments shall be published in a newspaper of

102   general circulation in the City of Takoma Park not less than four (4) times, at weekly intervals within a

103   period of at least forty (40) days after the adoption of the resolution containing the proposed amendment

104   or amendments.

105   (f)   The amendment or amendments so proposed by the Council shall become and be considered a part

106   of the Charter, according to the terms of the amendment or amendments, in all respects to be effective

107   and observed as such, upon the fiftieth (50) day after being so ordained or passed, unless on or before

108   the fortieth (40) day after being so ordained or passed there shall be presented to the Council, or mailed

109   to it by registered mail, a petition meeting the requirements of this section.

110   (g)   The petition shall be signed by twenty (20) percent or more of the persons who are qualified to vote

111   as set forth in this charter in the municipal general elections in the City of Takoma Park as defined in this

112   charter and shall request that the proposed amendment or amendments be submitted on referendum to

113   the voters of the City. Each person signing the petition shall indicate thereon such person's name and

114   residence address. Upon receiving the petition for a referendum, the City Clerk is directed to verify that

115   any person who signed it is qualified to vote in its municipal general elections and shall consider the

116   petition as of no effect if it is signed by fewer than twenty (20) percent of the persons who are qualified to

117   vote in municipal general elections.

118   (h)   If the petition for a referendum complies with the requirements of this section, the Council shall by

119   resolution, passed as in its normal legislative procedure, specify the day and the hours for the election at

120   which the question shall be submitted to the voters of the City of Takoma Park. This may be at either the

121   next regular general election or at a special election at the discretion of the Council. In the event a special

122   election is designated, it shall be held within a period of not less than forty (40) days nor more than sixty

123   (60) days after the final passage of the resolution providing for the referendum. The resolution providing

124   for the referendum shall specify the exact wording which is to be placed on the ballots or voting machines

125   when the question is submitted to the voters in the City.

126   * * *

127   **Section 505 Referendum**

128   (a)   On the day and during the hours specified for any referendum, the proposed Charter amendment or

129   amendments shall be submitted to the qualified voters of the City. The official or officials thereof whose

130   duty it is to arrange for and conduct the regular municipal elections shall perform the same duties so far

131   as relevant to the referendum election on the proposed Charter amendment or amendments. It is the

132   intent of this section that the referendum election shall be conducted generally according to the

133   procedures and practices observed for regular City elections, except as specifically or necessarily

134   modified by the provisions of the section. The wording specified by the Council in the resolution providing

135   for a referendum on the charter amendment or amendments, shall be placed on the ballots or voting

136   systems used at the referendum election. The expenses of the election shall be defrayed by the City.

137   (b)   The official or officials charged with the duty to arrange for and conduct the referendum, promptly

138   following the closing of the polls, shall tally the results thereof, and shall forthwith certify the results of the

139   referendum to the Council.

140   (c)   If a majority of those who vote on any question so submitted to the voters of the City shall cast their

141   votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim publicly

142   within ten (10) days after receiving a certification of the votes from the officials conducting the

143   referendum; and on the thirtieth (30) day following the public proclamation the proposed charter

144   amendment or amendments shall become a part of the Charter of the City of Takoma Park, according to

145   its terms, in all respects to be effective and observed as such. If less than a majority of those who vote on

146   any such questions shall cast their votes in favor of the proposed Charter amendment or amendments,

147   the Mayor shall so proclaim, adding to the proclamation the statement that the proposed Charter

148   amendment or amendments contained in said question are null and void and of no effect whatsoever.

149

150   * * *

151   **ARTICLE VI**

152   **REGISTRATION, NOMINATIONS, AND ELECTIONS**

153   * * *

Section 603 Voter Registration

(a)   Except as set forth in subsection (e), any resident of the City who is a United States citizen, is at least 16 years of age, and is eligible to register to vote in the State of Maryland must be properly registered to vote with the Montgomery County Board of Elections in accordance with state law in order to vote in City elections.

(b)   Any resident of the City who is not a United States citizen, but who meets the voter qualifications set forth in Section 601 may register with the City Clerk to vote in City elections. The City Clerk shall maintain a supplemental voter registry, separate from the list of registered voters in the City generated by the Montgomery County Board of Elections, which shall include the names of those non-United States citizens who are registered to vote in City elections. The City Clerk shall promptly send notice to any jurisdiction in the United States where the new registrant was formerly registered to vote, requesting the cancellation of said voter's prior registration.

(c)   Any United States citizen or non-United States citizen resident of the City who has been convicted of a felony and is serving a term of parole or probation for the conviction but who meets the voter qualifications set forth in Section 601 may register with the City Clerk to vote in City elections. The City Clerk shall maintain a supplemental voter registry, separate from the list of registered voters in the City generated by the Montgomery County Board of Elections, which shall include the names of those registered under this subsection. The City Clerk shall promptly send notice to any jurisdiction in the United States where the new registrant was formerly registered to vote, requesting the cancellation of said voter's prior registration.

(d)   Voter registration through Montgomery County Board of Elections. Voter registration for City elections with the Montgomery County Board of Elections shall close at 9~~5~~:00 p.m. on the 21st day preceding a City election.

(e)   Late registration; same day voter registration. City residents who are eligible to register to vote pursuant to this Charter, but who are not registered to vote, may register to vote in a City election by completing a voter registration application and registering to vote with the City Clerk, or a representative designated by the City Clerk, from the 20th day before a City election until the close of voting on the day of the City election.

[OR]

(e)   During early voting, a resident of the City [eligible to vote in a statewide general election?] may appear in person at an early voting center in Montgomery County and apply to register to vote or change the voter's address on an existing voter registration.

6

Section 604 Nominations

(a)   Nominations for Mayor and Councilmembers shall be made at a meeting of citizens called by the City Clerk at the direction of the Council. Such meeting shall be held at a convenient place within the City to be designated by the Council and notice thereof shall be given through a newspaper or newspapers of general circulation within the City and/or by handbills generally distributed and posted throughout the City. The meeting shall be held [on the first Monday in August at noon~~Tuesday evening five weeks prior to the~~ ~~election, but if this date conflicts with Rosh Hashanah (Jewish New Year)~~ or on the last~~with Yom Kippur~~ ~~(Jewish Day of Atonement), then the meeting shall be scheduled for the next~~ weekday in July~~evening~~ ~~after the end of the second day of Rosh Hashanah~~ or on~~after~~ the last Monday in July] in the year~~end~~ of the election~~Yom Kippur~~. The City Clerk shall preside at the meeting; a qualified voter of the City shall be chosen as secretary of the meeting by the qualified voters of the City present; the secretary shall keep a record of the proceedings of the meeting and file the same in the office of the City Clerk.

(b)   Nominations of candidates for Mayor shall be made on motion by any qualified voter of the City, and if such nomination is seconded by a qualified voter of the City, the persons so nominated shall be considered a candidate. Nomination of each candidate for Councilmember shall be made on motion of any qualified voter of her/his ward, and if such nomination is seconded by a qualified voter of his/her ward, the person so nominated shall be considered a candidate. Any nominated candidate may decline a nomination during the nomination meeting. A person may only accept a nomination of one City office. The name of each person nominated for the office of Mayor and Councilmember shall be placed upon the official ballot unless he/she shall file a declination with the City Clerk by the 70th day preceding the election~~within three (3) days after his/her nomination~~.

(c)   The Council shall develop such rules and procedures as are necessary relating to nomination proceedings consistent with the provisions of this Charter.

(d)   Any person nominated as a candidate must meet the qualifications of the office for which she/he is nominated.

(e)   City residents who are eligible to vote in the next City election pursuant to this Charter, but who are not registered to vote, may participate in the nominating meeting by completing a voter registration application and registering to vote with the City Clerk, or a representative designated by the City Clerk, on the day of the nominating meeting, before the start of the meeting.

Section 605 Write-In Candidates

(a)   Any write-in candidate for Mayor or Councilmember who wishes to be pre-registered as a write-in candidate and to have her/his name posted in the voting booth for the purpose of identifying her/him as a

218 | candidate for office, must file <u>a certificate of candidacy</u><s>her/his name</s> with the City Clerk by <u>the earlier of: 7</u>
219 | <u>days after a total expenditure of $51 is made to promote the candidacy by a campaign finance entity of</u>
220 | <u>the candidate; or</u> 5:00 p.m. on the 7th <u>day preceding the start of early voting for</u> <s>Friday prior to</s> the election
221 | <u>for which the certificate is filed</u>.

222 | (b)   A voter in a City election may write-in the name of any person for the office of Mayor or
223 | Councilmember in the method provided by the City Clerk on election day.

224 | (c)   A voter may only write-in one candidate for each office.

225 | (d)   Only those write-in candidates who are qualified to serve for the office for which they are written-in
226 | as Mayor or Councilmember as provided by this Charter shall be eligible to hold said office.

227 | **Section 606 Election of Mayor and Councilmembers**
228 | (a)   On the first Tuesday after the first Monday in November <u>2017, and</u> in every <u>even</u><s>odd</s>-numbered year
229 | <u>thereafter</u>, the qualified voters of the City shall elect its governing body of seven (7) members. Six (6) of
230 | these members are elected by ward and are called Councilmembers, and one (1) is elected at large and
231 | is called Mayor. Each of those elected shall reside in the City and be voters of the City, and in the case of
232 | the Councilmembers, be residents of the areas from which they are so elected consistent with the
233 | provisions of Section 304, Article III of this Charter.

234 | (b)   The candidate receiving a majority of votes for Mayor shall be declared elected. The candidate for
235 | Council receiving a majority of votes in each ward shall be declared elected.

236 | (c)   An instant runoff voting system shall be used in order to elect the Mayor and Councilmembers with a
237 | majority of votes by allowing voters to rank candidates in order of choice. Instructions on instant runoff
238 | voting provided to voters shall conform substantially to the following specifications, although subject to
239 | modification based on ballot design and voting system: "Vote for candidates by indicating your first-choice
240 | candidate, your second-choice candidate, and so on. Indicate your first choice by marking the number '1'
241 | beside a candidate's name, your second choice by marking the number '2' beside that candidate's name,
242 | your third choice by marking the number '3,' and so on, for as many choices as you wish. You are free to
243 | rank only one candidate, but ranking additional candidates cannot help defeat your first-choice candidate.
244 | Do not mark the same number beside more than one candidate. Do not skip numbers."

245 | (d)   The first choice marked on each ballot shall be counted initially by the judges of election as one
246 | vote. If any candidate receives a majority of the first choices, that candidate shall be declared elected.

247 (e)   If no candidate receives a majority of first choices, the judges of election shall conduct an instant

248 runoff consisting of additional rounds of ballot counting. In every round of counting, each ballot is counted

249 as one vote for that ballot's highest ranked advancing candidate. "Advancing candidate" means a

250 candidate for that office who has not been eliminated. A candidate receiving a majority of valid votes in a

251 round shall be declared elected. If no candidate receives a majority of valid votes in a round, the

252 candidate with the fewest votes shall be eliminated, and all ballots shall be recounted. This process of

253 eliminating the candidate with the fewest votes and recounting all ballots shall continue until one

254 candidate receives a majority of the valid votes in a round.

255 (f)   To facilitate ballot counting in any round, the judges of election may eliminate all candidates with no

256 mathematical chance of winning. A candidate has no mathematical chance of winning if the sum total of

257 all votes credited to that candidate and all candidates with fewer votes is less than the number of votes

258 credited to the candidate with the next greatest number of votes.

259 (g)   If a ballot has no more available choices ranked on it, that ballot shall be declared "exhausted" and

260 not counted in that round or any subsequent round. Ballots skipping one number shall be counted for that

261 voter's next clearly indicated choice, but ballots skipping more than one number shall be declared

262 exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall

263 be declared exhausted when such duplicate rankings are reached unless only one of the candidates with

264 the duplicate ranking is an advancing candidate.

265 (h)   In the event of a tie that affects the outcome of the election, the tie shall be broken by comparing the

266 votes of the tied candidates in the previous rounds of counting, starting with the count immediately

267 preceding the round in which the tie occurs. If one of the tied candidates had more votes than the

268 remaining tied candidates in the preceding round or an earlier round of counting, then that candidate shall

269 advance and the others shall be eliminated. If the candidates were tied in each preceding round, then the

270 tie shall be resolved by lot. In the event that this tie occurs between or among all remaining candidates,

271 then a runoff election between or among the tied candidates shall be held within forty-five (45) days after

272 the date of the election.

273 (i)   The Council may modify the form of the ballots, the instructions to voters, and the details with respect

274 to the method of marking, sorting, counting, invalidating, and retaining ballots and the tabulating and

275 recounting of votes pursuant to this section, provided that no change shall be made that will alter the

276 intent or principles of instant runoff voting as set forth in this section.

277 **Section 607 Conduct of Elections Generally**

278   (a)   The Council, by ordinance, shall provide for said elections; shall designate in said ordinance a
279   convenient polling place or places; shall appoint judges of election; shall designate the manner of holding
280   said election; shall designate and provide the voting system to be used; and shall conduct said elections
281   in accordance with the provisions of this section.

282   (b)   Elections shall be conducted by the judges appointed by the Council under the supervision of the
283   City Clerk, and shall be held at some convenient place or places to be designated by the Council; any
284   vacancy in the list of judges occurring between their appointment and the election shall be filled by the
285   Mayor. ~~The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.~~

286   * * *

287   **Section 609 Early Voting**
288   The Council shall, by ordinance, establish locations, days, hours and mechanisms for early voting in all
289   City elections.

290   **Section 610 Provisional Voting**
291   A person may cast a provisional ballot in a City election if the <u>person declares in a written affirmation</u>
292   <u>submitted with the provisional ballot that the individual is a registered voter in the City and is eligible to</u>
293   <u>vote in that election and the</u> person's name does not appear on the lists of qualified voters of the City or if
294   the person's eligibility to register to vote and/or to vote, City residency, identification or identity is
295   challenged.

296   * * *

297   **Section 612 Advisory Referendums**
298   (a)   A question for referendum or a legislative initiative, not otherwise provided for in this Charter and
299   regarding a matter over which the Council has authority, may be placed on the ballot in any regular or
300   special City election. All such referendum questions or initiatives, unless they are made binding on the
301   Council by any other section of this Charter or by other applicable city, county, state or federal law, shall
302   be advisory only and shall not bind or obligate the Council or the City to enact any ordinance or resolution
303   or to perform any act or function.

304   (b)   Advisory referendum questions or legislative initiatives may be placed on the ballot in any City
305   election in the following manner:

306   (1)   The Council may, by resolution passed by a majority of the Council, provide for an advisory
307   referendum question or legislative initiative to be placed on the ballot at any regular municipal
308   election or at a special election.

309   (2)   Twenty percent (20%) or more of the qualified voters of the City may sign a petition to the
310   Council to place an advisory referendum question or legislative initiative on the ballot. The petition
311   shall contain the language to be placed on the ballot. Each qualified voter signing the petition shall
312   indicate on the petition the person's name and residence address. Within thirty (30) days after
313   receiving the petition, the City Clerk shall verify that any person who signed the petition is a
314   qualified voter of the City and that the petition contains the required number of signatures.

315   (3)   Provided the City Clerk has certified that the petition contains the required number of
316   signatures, the Council shall, by resolution passed by a majority of the Council, order the advisory
317   referendum question or legislative initiative to be placed on the ballot and specify the day and hours
318   for the election at which the advisory referendum question or legislative initiative shall be voted on.
319   This may be either at the next regular municipal election or at a special election, in the discretion of
320   the Council.

321   (4)   In the event a special election is designated, the special election shall be held within a period
322   of not less than forty (40) days nor more than sixty (60) days after the final passage of the
323   resolution providing for the advisory referendum question or legislative initiative.

324   (5)   Any resolution providing for the placement of an advisory referendum question or initiative on
325   a ballot shall specify the exact wording which is to be submitted to the voters of the City.

326   **Section 613 Vote Count**
327   (a)   Within twenty-four (24) hours after the closing of the polls, the judges of the election shall canvass
328   the voting machines or other voting system, and count any paper ballots, regular and absentee, to
329   determine the vote cast for each candidate or any questions on the ballot.

330   (b)   The judges of the election shall meet the day following the election, and shall therefore determine
331   and declare what persons have been elected, issue certificates of election to such persons, and certify
332   the results to the Council.

333   [OR]

334   (a)   Within 10 days after any election, and before certifying the results of the election, each board of

335   canvassers shall verify the vote count in accordance with the regulations prescribed by the State Board

336   for the voting system used in that election.

337   (b)   The judges of the election shall certify the election results in writing on or before the second Friday

338   after the election, or, if the canvass is completed after that date, within 48 hours after the completion of

339   the canvass.

340   * * *

341   **Section 615 Regulation and Control by Council**

342   The Council has the power to provide by ordinance in every respect not covered by the provisions of this

343   charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in

344   connection therewith, and for a recount of ballots in case of doubt or fraud. The Council further has the

345   power to create and appoint an Elections Board and to specify the functions and duties of an Elections

346   Board. The Election Board's functions may include enforcing the City's elections laws and resolving

347   complaints, disputes, and challenges on election matters. Ordinances heretofore adopted by the Council

348   pertaining to election matters shall remain in force and effect until repealed or amended by the Council

349   but only as to such provisions as are not inconsistent with the provisions of this Article.