



Takoma Park City Council Meeting – May 10, 2017 Agenda Item 4

Voting Session

Second Reading Charter Amendment “Nomination and Elections” (Regarding Election Date Change and Associated Amendments)

Recommended Council Action

Consider and vote at second reading.

Context with Key Issues

If adopted, the Charter Amendment would (1) change the date of City Elections from odd numbered years to even numbered years; (2) set the term for the Mayor and City Council elected in 2017 to one year; (3) change the date of the nominating meeting to the second Tuesday after Labor Day in an election year; (4) extend the time for certification of election results; and (5) change the day on which the newly elected Mayor and Councilmembers take office to the second Wednesday after the election. If that Wednesday is Veterans Day (November 11), the meeting will move to the following day (Thursday).

Public hearings on the Charter Amendment were held April 5 and April 26, 2017. First reading was held on April 26. At first reading, the Council inquired about the possibility of prohibiting Takoma Park candidates from joining slates of candidates in state, federal, and county elections. The City Attorney researched this issue and determined that prohibiting candidates from joining slates would be an unconstitutional restraint on the freedom of association under the First Amendment.

Also at first reading, the Council discussed changing the term of the Mayor and Council to be elected in 2017 to three years, so as to begin even year elections in 2020 instead of 2018. No amendment to the Charter Amendment Resolution was made on April 26.

If adopted on May 10, the Charter Amendment will become effective on June 29, 2017 unless petitioned to referendum on or before June 19, 2017 by 20 percent of voters qualified to vote in municipal elections.

Council Priority

Engaged, Responsive & Service Oriented Government

Environmental Impact of Action

The change of the date of City elections is not expected to have an environmental impact.

Fiscal Impact of Action

\$15,000 is included in the proposed budget for the November 2017 Election. Staff anticipates that the November 2018 election will cost \$30,000. The suggested fiscal impact includes staffing five precincts and the Community Center on election day, additional mailings and education regarding the date change and the voting process, and additional ballots and vote by mail ballots. The Board of Elections is assuming that the ballots will be counted by hand as in 2015. Consequently, the \$30,000 does not include election equipment other than electronic pollbooks.

Racial Equity Impact of Action

We believe the Charter Amendment changing the date of City elections will increase voter turnout overall, result in more residents from Wards 4, 5, and 6 participating in the election, and, as a result, increase participation by minority residents.

Attachments and Links

- Second Reading Charter Amendment Resolution
- [Project Directory - Election Date Change Page](#)

1 Introduced by: Councilmember Male Introduction and First Reading: April 26, 2017
2 Adoption:
3

4 **CITY OF TAKOMA PARK, MARYLAND**

5
6 **CHARTER AMENDMENT RESOLUTION NO. 2017-1**

7
8 **NOMINATIONS AND ELECTIONS**
9

10 **WHEREAS,** pursuant to the Takoma Park Charter, regular City of Takoma Park municipal
11 elections take place the first Tuesday after the first Monday in November of every
12 odd-numbered year; and
13

14 **WHEREAS,** to have their names placed on the ballot, candidates for the office of Mayor or
15 City Councilmember are nominated at a nomination meeting which is scheduled
16 on a Tuesday evening five weeks before election day; and
17

18 **WHEREAS,** the City Board of Elections must complete the canvass and certify results of an
19 election within 24 hours of the closing of the polls; and
20

21 **WHEREAS,** the newly elected Mayor and City Councilmembers take office on the second
22 Monday following the election; and
23

24 **WHEREAS,** the City Charter includes a number of provisions to expand access to voting by
25 extending eligibility to residents who are not citizens of the United States,
26 residents who are 16 and 17 years old, and residents who have been convicted of a
27 felony if they are no longer incarcerated; and
28

29 **WHEREAS,** the City Charter also includes provisions to make voting in City elections more
30 convenient, including days of early voting and the option to vote by mail; and
31

32 **WHEREAS,** to ensure that eligible residents are allowed to vote, City Charter provisions allow
33 residents to register and vote on the same day and allows for provisional voting
34 in the event that a resident cannot cast a regular ballot; and
35

36 **WHEREAS,** the City Council has noted the low voter turnout for City elections despite efforts
37 to increase access and encourage participation; and
38

39 **WHEREAS,** voter turnout in Takoma Park elections is lowest in Wards 4, 5 and 6; and
40

41 **WHEREAS,** Wards 4, 5, and 6 are all majority minority wards while approximately 75 percent
42 of the White population lives in Wards 1, 2, and 3; and
43

44 **WHEREAS,** since voter turnout in all wards is greater in state and federal elections than in City
45 elections, the City Council has considered the change of election date to
46 encourage residents who are already voting in those elections to vote in the City
47 election at the same time; and

1 **WHEREAS,** since the Town of Ocean City, Maryland, changed its election date to coincide
2 with state and federal general elections and conducted its election co-located with
3 Worcester County at the Town’s single polling site beginning in 2012, turnout has
4 increased from under 25% in 2006, 2008, and 2010, to 48, 37, and 44 percent in
5 2012, 2014, and 2016 respectively; and
6

7 **WHEREAS,** the City Council placed an advisory question on the ballot for the 2015 regular
8 election: “Beginning with the election in November 2018, and providing that
9 voting rights can be maintained for City residents who are (1) 16-17 years old, (2)
10 non-citizens, or (3) on parole or probation for a felony conviction, and that instant
11 runoff voting and same day voter registration can be maintained, the City of
12 Takoma Park municipal elections for Mayor and Councilmembers should be
13 changed to the Tuesday following the first Monday in November in each even-
14 numbered year in order to coincide with Maryland statewide general elections,”
15 and
16

17 **WHEREAS,** of the 2552 voters who turned out for the election, 16 percent opposed the date
18 change and 76 percent supported it; and
19

20 **WHEREAS,** the City Board of Elections consulted with State of Maryland and Montgomery
21 County election officials about inclusion of Takoma Park election contests on the
22 State ballot for the presidential and gubernatorial general elections beginning in
23 2018; and
24

25 **WHEREAS,** Takoma Park’s inclusive election laws and instant runoff voting cannot be
26 accommodated by the State in 2018; and
27

28 **WHEREAS,** the City Council held a series of work sessions, three public hearings, and a public
29 forum to hear from residents about the change of date for City elections and co-
30 location at Montgomery County polling places in Takoma Park; and
31

32 **WHEREAS,** the City Council adopted Resolution 2016-36 on September 21, 2016 affirming its
33 intention to proceed with the date change providing that it is feasible and in the
34 best interest of Takoma Park residents; and
35

36 **WHEREAS,** the City Attorney negotiated a memorandum of understanding with the
37 Montgomery County Board of Elections to allow for shared use of polling sites in
38 2018, enabling City and State elections to be separate but co-located on election
39 day if the City election date is changed; and
40

41 **WHEREAS,** the change of election date necessitates an adjustment to the term of the Mayor
42 and Councilmembers elected in 2017; and
43

44 **WHEREAS,** this Charter Amendment provides for the Mayor and City Councilmembers
45 elected in 2017 to serve a one-year term, with resumption of the two-year terms
46 beginning with the 2018 election; and
47

1 | **WHEREAS,** to allow additional time for the Board of Elections to complete the canvass and
2 certify the results of the election, this Charter Amendment extends the time from
3 24 hours after the closing of the polls to 48 hours after the polls close; and
4

5 **WHEREAS,** to accommodate the 2016 change in the City Council's regular meeting night
6 from Monday to Wednesday, this Charter Amendment adjusts the day when the
7 newly elected Mayor and City Councilmembers take office from the second
8 Monday after the election to the second Wednesday after the election; and
9

10 **WHEREAS,** to provide additional time for the preparation and mailing of absentee ballots, this
11 Charter Amendment moves the day of the nomination meeting in an election year
12 from the Tuesday five weeks before the election to the second Tuesday after
13 Labor Day; and
14

15 **WHEREAS,** Maryland municipalities may enact laws and procedures for conduct of their own
16 municipal elections.
17

18 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF**
19 **THE CITY OF TAKOMA PARK,** pursuant to Article XI-E of the Constitution of the State of
20 Maryland, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of
21 Maryland, and Article V, Amendment Procedures of the City of Takoma Park Municipal
22 Charter, that the City of Takoma Park Municipal Charter is amended as follows:
23

24 * * *

25
26 **ARTICLE III**
27 **THE COUNCIL**
28

29 * * *

30
31 **Section 301 Number, Selection, Term, Wards**
32

33 (a) All legislative powers of the City are vested in a body designated as the Council of the City
34 of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward
35 and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The
36 regular term of the Councilmembers and the Mayor is two (2) years or until their successors have
37 been elected and duly sworn. The term of the Councilmembers and Mayor elected in the 2017
38 regular election is one (1) year. Newly elected Councilmembers and the Mayor take office on the
39 second Wednesday [Monday] following their election, but if this day conflicts with Veterans
40 Day they will take office on the next day, Thursday. [~~Each Councilmember and the Mayor~~
41 ~~holding office at the time this Charter becomes effective will continue to hold office for the term~~
42 ~~for which the Councilmember or the Mayor was elected and until a successor takes office under~~
43 ~~the provisions of this Charter.~~]
44

45 * * *

46
47 **ARTICLE VI**

1 **REGISTRATION, NOMINATIONS, AND ELECTIONS**

2 * * *

3
4
5 **Section 604 Nominations**

6
7 (a) Nominations for Mayor and Councilmembers shall be made at a meeting of citizens called
8 by the City Clerk at the direction of the Council. Such meeting shall be held at a convenient
9 place within the City to be designated by the Council and notice thereof shall be given through a
10 newspaper or newspapers of general circulation within the City and/or by handbills generally
11 distributed and posted throughout the City. The meeting shall be held on the [second] Tuesday
12 evening [after Labor Day in the year of] ~~five weeks prior to~~ the election, but if this date conflicts
13 with Rosh Hashanah (Jewish New Year) or with Yom Kippur (Jewish Day of Atonement), then
14 the meeting shall be scheduled for the next weekday evening after the end of the second day of
15 Rosh Hashanah or after the end of Yom Kippur. The City Clerk shall preside at the meeting; a
16 qualified voter of the City shall be chosen as secretary of the meeting by the qualified voters of
17 the City present; the secretary shall keep a record of the proceedings of the meeting and file the
18 same in the office of the City Clerk.

19 * * *

20
21
22 **Section 606 Election of Mayor and Councilmembers**

23
24 (a) On the first Tuesday after the first Monday in November [2017, and] in every ~~[even]~~ ~~odd-~~
25 numbered year [thereafter], the qualified voters of the City shall elect its governing body of
26 seven (7) members. Six (6) of these members are elected by ward and are called
27 Councilmembers, and one (1) is elected at large and is called Mayor. Each of those elected shall
28 reside in the City and be voters of the City, and in the case of the Councilmembers, be residents
29 of the areas from which they are so elected consistent with the provisions of Section 304, Article
30 III of this Charter.

31 * * *

32
33
34 **Section 613 Vote Count**

35
36 (a) Within ~~twenty-four (24)~~ [forty-eight (48)] hours after the closing of the polls, the judges of
37 the election shall canvass the voting machines or other voting system, and count any paper
38 ballots, regular and absentee, to determine the vote cast for each candidate or any questions on
39 the ballot.

40
41 (b) The judges of the election shall meet [within two days] ~~the day~~ following the election, and
42 shall therefore determine and declare what persons have been elected, issue certificates of
43 election to such persons, and certify the results to the Council.

44 * * *

1 **SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY**
2 **OF TAKOMA PARK**, that the date of adoption of this Charter Amendment Resolution is
3 _____, 2017, and the amendment of the City of Takoma Park Municipal Charter enacted by
4 this Resolution shall become effective on _____, 2017 (50 days after its passage),
5 unless a proper petition for referendum shall be filed as permitted by Section 502 of the City of
6 Takoma Park Municipal Charter and Annotated Code of Maryland, Article 23A, Section 13. A
7 complete and exact copy of this Charter Amendment Resolution shall be continuously posted on
8 a bulletin board at the Takoma Park Community Center and Sam Abbott Citizens' Center from
9 _____ until _____ (a period of at least 40 days following its adoption), and a
10 fair summary of the proposed Charter Amendment shall be published in a newspaper of general
11 circulation in the City of Takoma Park once a week for four weeks within 40 days after passage
12 of this Charter Amendment Resolution.
13

14 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
15 **CITY OF TAKOMA PARK**, that the City Clerk is specifically directed to carry out the
16 provisions of Section 2 of this Resolution and, as evidence of this compliance, the City Clerk
17 shall maintain appropriate certificates of the publication of the newspaper in which the fair
18 summary of the Charter Amendment Resolution shall have been published. If a favorable
19 referendum is held on the proposed amendment, the Council shall proclaim the proposed Charter
20 Amendment hereby enacted to have been approved by the voters and the Charter Amendment
21 shall become effective on the date provided by law.
22

23 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
24 **CITY OF TAKOMA PARK**, that as soon as the Charter Amendment enacted by this
25 Resolution shall become effective, either as provided in this Resolution or following a
26 referendum, the City Clerk shall send to the Department of Legislative Services of Maryland the
27 following information concerning the Charter Amendment Resolution: (1) the complete text of
28 this Charter Amendment Resolution; (2) the date of the referendum election, if any; (3) the
29 number of votes, whether in the Council or in a referendum, cast for or against the Charter
30 Amendment enacted by this Resolution; and (4) the effective date of the Charter Amendment.
31

32 **THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter
33 Amendment Resolution No. 2017-____ which was passed at a meeting of the Council of the City
34 of Takoma Park, Maryland, on the ____ day of _____, 2017, ____ members of the
35 Council voting in the affirmative, ____ members of the Council voting in the negative, ____
36 members of the Council abstaining, and ____ members of the Council absent, and the said
37 Charter Amendment Resolution becomes effective in accordance with the law on the ____ day
38 of _____, 2017.
39

40 **THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF**
41 **THE CITY OF TAKOMA PARK THIS ____ DAY OF _____, 2017, BY ROLL**
42 **CALL VOTE AS FOLLOWS:**
43

44 **Aye:**
45 **Nay:**
46 **Abstain:**
47 **Absent:**

1
2 **Explanatory Note**
3

- 4 1. Underlining indicates language being added to the Charter.
5 2. [Bold brackets and ~~striketrough~~] indicates language being deleted from the Charter.
6 3. ***** indicates sections of the Charter that are not being amended and are not
7 reproduced here.
8 4. Changes to the Charter Amendment Resolution since first reading are shown with
9 underline or ~~strikeout~~ in red text.

10
11 [Signature page for Charter Amendment Resolution No. 2017-__.]
12

13 **COUNCIL OF THE CITY OF TAKOMA PARK**
14

15 _____
16 Kate Stewart, Mayor
17

18
19 ATTEST:
20

21 _____
22 Jessie Carpenter, CMC
23 City Clerk
24

25 Date: _____
26
27
28