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
CITY OF TAKOMA PARK, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. 2017-1

NOMINATIONS AND ELECTIONS

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

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

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

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

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

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

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

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

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

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

WHEREAS, since voter turnout in all wards is greater in state and federal elections than in City
elections, the City Council has considered the change of election date to
encourage residents who are already voting in those elections to vote in the City
election at the same time; and
WHEREAS, since the Town of Ocean City, Maryland, changed its election date to coincide with state and federal general elections and conducted its election co-located with Worcester County at the Town’s single polling site beginning in 2012, turnout has increased from under 25% in 2006, 2008, and 2010, to 48, 37, and 44 percent in 2012, 2014, and 2016 respectively; and

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

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

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

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

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

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

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

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

WHEREAS, this Charter Amendment provides for the Mayor and City Councilmembers elected in 2017 to serve a one-year term, with resumption of the two-year terms beginning with the 2018 election; and
WHEREAS, to allow additional time for the Board of Elections to complete the canvass and certify the results of the election, this Charter Amendment extends the time from 24 hours after the closing of the polls to 48 hours after the polls close; and

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

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

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

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

* * *

ARTICLE III

THE COUNCIL

* * *

Section 301 Number, Selection, Term, Wards

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

* * *

ARTICLE VI
REGISTRATION, NOMINATIONS, AND ELECTIONS

* * *

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 [second] Tuesday evening [after Labor Day in the year of] five weeks prior to the election, but if this date conflicts with Rosh Hashanah (Jewish New Year) or with Yom Kippur (Jewish Day of Atonement), then the meeting shall be scheduled for the next weekday evening after the end of the second day of Rosh Hashanah or after the end of 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.

* * *

Section 606 Election of Mayor and Councilmembers

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

* * *

Section 613 Vote Count

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

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

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

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

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

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

THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF
THE CITY OF TAKOMA PARK THIS _____ DAY OF __________, 2017, BY ROLL
CALL VOTE AS FOLLOWS:

Aye:
Nay:
Abstain:
Absent:
Explanatory Note

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

[Signature page for Charter Amendment Resolution No. 2017-____.]

COUNCIL OF THE CITY OF TAKOMA PARK

________________________________________________________
Kate Stewart, Mayor

ATTEST:

________________________________________________________
Jessie Carpenter, CMC
City Clerk

Date:_________________________