



Takoma Park City Council Meeting – April 5, 2017 Agenda Item 1

Public Hearing

Public Hearing on proposed amendment to the City Charter changing the date of City elections and associated amendments

Recommended Council Action

Hear testimony.

Context with Key Issues

The public hearing is to provide an opportunity for public comments on the proposed Charter Amendment.

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.

The public hearing notice was published twice in a newspaper of general circulation as required by the City Charter and State law. There was an error in the day of the week listed in the advertisement (Monday, April 5 instead of Wednesday, April 5). As a result, the notice will be republished and a second public hearing has been scheduled for April 26. If adopted according to the new schedule, the Charter Amendment will become effective on June 29, 2017.

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. 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

- Draft Charter Amendment Resolution
- Revised Charter Amendment Schedule
- [Project Directory - Election Date Change Page](#)

REVISED CHARTER AMENDMENT SCHEDULE (ELECTION DATE CHANGE)*
<p>First newspaper notice of Public Hearing (Once a week for two successive weeks.)</p> <p>Thursday, April 6, 2017 in the Montgomery County Edition Washington Post</p>
<p>Second newspaper notice of Public Hearing</p> <p>Thursday, April 13, 2017 in the Montgomery County Edition Washington Post</p>
<p>Public Hearing on proposed Charter Amendment (No sooner than 10 days after the second notice of public hearing.)</p> <p>Charter Amendment Public Hearing - Wednesday, April 26, 2017</p>
<p>First Reading of Charter Amendment Resolution (First reading can take place the same evening as the public hearing.)</p> <p>First Reading Charter Amendment Resolution - Wednesday, April 26, 2017</p>
<p>Second Reading of Charter Amendment Resolution (No sooner than 14 days following the public hearing.)</p> <p>Second Reading Charter Amendment Resolution - Wednesday, May 10, 2017</p>
<p>Publication of Fair Summary of Charter Amendment (Published four times - at weekly intervals - within a period of at least 40 days after the adoption of the resolution.)</p> <p>Thursdays, May 18, May 25, June 1, June 8 in the Montgomery County Edition Washington Post</p> <p>Also publish in the June edition of the Takoma Park Newsletter</p>
<p>Effective Date - The Charter Amendment becomes effective on the 50th day after passage of the Charter Amendment Resolution, unless a valid Petition for Referendum is received on or before the 40th day (June 19).</p> <p>Effective Date of Charter Amendment - June 29, 2017</p>

*The revised schedule and second public hearing are necessary because of an error in the ad submitted for the mandatory public notice in a newspaper of general circulation.

1 Introduced by:

Introduction and First Reading:

2 Adoption:

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4 **CITY OF TAKOMA PARK, MARYLAND**

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

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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 that is scheduled on
16 a Tuesday evening five weeks before election day; and

17
18 **WHEREAS,** the City Board of Elections must complete the canvas 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

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

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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 in
34 the event that a resident cannot cast a regular ballot; and

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

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

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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

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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 for its elections 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 provided 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 conducted separately 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

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2 **WHEREAS**, to allow additional time for the Board of Elections to complete the canvas and
3 certify the results of the election, this Charter Amendment extends the deadline
4 from 24 hours after the closing of the polls to 48 hours after the polls close; and
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6 **WHEREAS**, to accommodate the 2016 change in the City Council’s regular meeting night
7 from Monday to Wednesday, this Charter Amendment adjusts the day when the
8 newly elected Mayor and City Councilmembers take office from the second
9 Monday after the election to the third Wednesday after the election; and
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11 **WHEREAS**, to provide additional time for the preparation and mailing of absentee ballots, this
12 Charter Amendment moves the day of the nomination meeting in an election year
13 from the Tuesday five weeks before the election to the second Tuesday after
14 Labor Day; and
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16 **WHEREAS**, Maryland municipalities may enact laws and procedures for conduct of their own
17 municipal elections.
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19 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF**
20 **THE CITY OF TAKOMA PARK**, pursuant to Article XI-E of the Constitution of the State of
21 Maryland, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of
22 Maryland, and Article V, Amendment Procedures of the City of Takoma Park Municipal
23 Charter, that the City of Takoma Park Municipal Charter is amended as follows:
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25 * * *

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27 **ARTICLE III**
28 **THE COUNCIL**

29 * * *

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32 **Section 301 Number, Selection, Term, Wards**
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34 (a) All legislative powers of the City are vested in a body designated as the Council of the City
35 of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward
36 and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The
37 regular term of the Councilmembers and the Mayor is two (2) years or until their successors have
38 been elected and duly sworn. The term of the Councilmembers and Mayor elected in the 2017
39 regular election is one (1) year. Newly elected Councilmembers and the Mayor take office on the
40 ~~[second Monday]~~ third Wednesday following their election. ~~[Each Councilmember and the~~
41 ~~Mayor holding office at the time this Charter becomes effective will continue to hold office for~~
42 ~~the term for which the Councilmember or the Mayor was elected and until a successor takes~~
43 ~~office under the provisions of this Charter.]~~
44

45 * * *

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47 **ARTICLE VI**

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.
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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:**

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2 **Explanatory Note**
3

- 4 1. Underlining indicates language being added to the Charter.
5 2. [Bold brackets and ~~striethrough~~] 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

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

11 **COUNCIL OF THE CITY OF TAKOMA PARK**
12

13 _____
14 Kate Stewart, Mayor
15

16
17 ATTEST:
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19 _____
20 Jessie Carpenter, CMC
21 City Clerk
22

23 Date: _____
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