

City of Takoma Park
Questions on proposed changes to the City Code and Charter
Board of Elections Responses

Comment	Election section	BOE response
Kovar: Why are signatures needed for special elections, considering that no signatures are needed for regular elections?	Charter 308(d)	Signatures are needed for special election because there would not be a nominating caucus to nominate candidates to fill a vacancy.
Kovar: Why do we need 20 percent. This may be more than have voted in recent local elections. That may change with synchronization, but the key question is how difficult compared with regular voting should charter changes (and recalls) be? Definitely more difficult -- not sure what the correct number is.	Charter 502(g)	The 20% is set by state law for initiating a charter amendment by petition or petitioning a charter amendment to referendum.
Stewart: There should be some limit on when an election is held, if it is approaching the next regularly scheduled election.	Charter 503(a)	For charter petitions, the council may choose the dates of a referendum election, either scheduling it for the next general election or holding a special election.
Public Commenter: The council should not have the ability to vote on a petition or special election	Charter 503(a)	For a petition, the council may choose the dates of a referendum election, but is required to hold an election for the question.
Public Commenter: It should not be left to the council to treat a proposal that it favors with the discretion of having a special election right away, and one that it disfavors, to postpone it until the next election.	Charter 503(a)	The Board has considered the ability of the council to schedule the election for a charter amendment petition. At the moment, the Board does not have a strong recommendation on this issue. However, the Board does consider that the flexibility to schedule an election, without requiring strict timelines, may be advantageous to the city in reducing election costs and allowing the council to consider adopting the charter amendment without an election, as specified in Section 503(b).
Kovar: Does this mean the Council can amend a referendum?	Charter 503(b)	No. The council may, instead of placing the referendum question on the ballot, adopt the proposed charter amendment through the process outlined in Section 502 of the Charter.
Public Commenter: Do not support eliminating the residency requirement. People who vote should live in the ward. I don't have a strong preference for length of residence, however.	Charter 601(a)	The current charter does not eliminate the residency requirement altogether. It requires that voters be residents of the ward for which they are voting. The text instead removes the requirement that voters be residents for at least 21 days before they can vote in the ward.

<p>Kovar: Should self nominating/self seconding be permitted?</p>	<p>Charter 604(b)</p>	<p>The Board does not have an issue with self-nomination or seconding. The question is more about whether the threshold for candidacy should be higher. With self-nomination, the effect is that a candidate only needs one person to support them at the nominating caucus. That threshold is very low, but to date has not led to an oversupply of candidates.</p>
<p>Public Commenter: The time limit for recall petitions is too harsh, consider alternatives</p> <p>Stewart: There should be some limit on when an election could be completed, if there is an upcoming municipal election.</p>	<p>Charter 614(b)</p>	<p>After reviewing the timeframe for petitions and scheduling for elections, the Board has revised the guidance for recall elections. A recall signature collection must begin after the most recent general election and must be submitted at least 120 days prior to the next general election. A successful recall petition submitted 120 days prior to the next general election will have time to be verified by the city clerk and hold an election.</p>
<p>Kovar: Should there be a stated reason for a recall effort? Do the names of those who sign a recall petition become public (as I believe the other examples of signatures do)?</p>	<p>Charter 614(a)</p>	<p>The current charter language is that the petition may, but does not have to, state a reason for the recall. There are municipalities that list valid reasons for a recall effort. However, the BOE does not see a need for this restriction in Takoma Park.</p> <p>Petition signatures are public.</p>
<p>Kovar: This seems a little vague. What do we have in mind here?</p>	<p>Charter 616</p>	<p>This section refers to any duties already described in Article VI of the Charter.</p>
<p>Kostiuk: This says, “Campaign signs for city elections shall only be displayed on private property with the permission of the property owner and <u>shall not be displayed in the public right of way</u>. Campaign signs may be displayed on the premises of polling stations outside the limits on electioneering as follows...”</p> <p>The wording here seems to preclude signs from being in the right-of-way anywhere, including polling stations. Is this the intent? I don’t have strong feelings either way, but I recall them being placed in the right-of-way at polling stations in the past. If we want to allow that, it seems necessary to add something like, “except as applies to polling stations described below.”</p>	<p>5.12.010 E</p>	<p>The Board has followed state and county law with respect to campaign signs and the right of way. With the co-location of polling stations in 2020 and the foreseeable future, the Board recommends that city code is consistent with the county or state code to avoid confusion between candidates over sign placement at the polling stations.</p> <p>In addition, all candidates will receive guidance on sign placement for polling stations prior to early voting and election day, should there be further questions.</p>

Kovar: Should signs have to be removed from private property some time after the election? I think this exists at the County level?	Code 5.12.010	County law applies in the city with respect to campaign sign regulations on private property. All signs must be removed from polling station areas 24 hours after the polls close.
Kostiuk: Consider adding “signs may be displayed on the premises and right-of-way surrounding polling stations outside the electioneering limits”	Code 5.12.010	See above.
Dyballa/Kostiuk/Searcy/Stewart: Questions on anonymous donations. The BOE should discuss this further. Are there typically anonymous donations? Kate: Questions about in kind donations, house parties and how to account for that?	Code 5.12.020	<p>The Board recognizes that the additional requirements for campaign finance reporting do increase the burden on candidates for tracking contributions and expenditures. The Board will make every effort to make the process as simple and reasonable as possible, and does not believe that it will be a deterrent to candidates running for office.</p> <p>As candidates for public office, the Board still recommends keeping the prohibition on anonymous donations. For contributions under \$25, candidates will still need to record those contributions, but they will not need to be reported individually in campaign finance reports.</p>
Kostiuk: How does the restriction on anonymous donations relate to the provision for not reporting contributions under \$25? B says that anonymous donations cannot be obtained, but C only requires documentation for donations at/above \$25. Are candidates required to keep records of who donated at the lower amounts in case there is a question about whether they were “anonymous”? It seems these lower amounts would be kept anonymous by default if they aren’t reported on anyway.	5.12.020 B	No anonymous donations are allowable, but reporting of a donation is not required until it exceeds \$25. A campaign will need to ensure that it has captured information on all donations and is only is required to report the name/address of those donations above \$25.
Kostiuk: Placement of the words “political committee” seem awkward/confusing here because a political committee wouldn’t itself be running for an office.	5.12.020	The BOE has changed the wording to make this clear.
Kostiuk: How will reporting on expenditures be handled during the first cycle? I don’t see wording allowing for this in the text here, so I want to make	5.12.020 C (general)	The requirements are not retroactive to previous elections. The campaign finance reporting form will have clear instructions on how to manage any existing balances from previous campaigns that are rolled over into the next election.

<p>sure I understand how it would apply for the first time in 2020.</p> <p>It looks like candidates would be required to report on donations and expenditures since the previous election. However, it's possible in the case of 2017 candidates (both elected and not) that we have spent funds since the previous election but prior to the reporting provision going into effect. Will we be required to report on these as part of the 2020 expenditure requirements, or will this go into effect for 2020 elections only? (It's fine if we do report after 2017, but I just want to be clear on whether we do -- and the fact that we may need to do a little digging to determine our exact expenditures post-election.)</p> <p>(Also, perhaps it makes sense to require reporting on expenditures since the final reporting form after the last election, which I think is the Monday after, rather than "since the last election"?)</p> <p>How are surplus contributions from one election to the next handled in reporting? For example, if a candidate has \$100 left over after 2020 and keeps it until the 2022 campaign, how is it reported?</p>		
<p>Kovar: For surplus campaign funds, community or political purpose should perhaps be defined</p>	<p>5.12.030</p>	<p>The Board is open to suggestions that make this more restrictive. In other jurisdictions, the most common requirement is that any charitable or community purpose should be donations to a 501(c)3 organization. The Board is reluctant to limit donations to only those organizations designated as 501(c)3, as there are other community organizations and purposes that could benefit, despite not being large or complex enough to register as a nonprofit.</p>
<p>Kovar: Regarding "example" ballots, recommends "sample ballots" instead</p>	<p>5.16.020 E</p>	<p>We have agreed and edited per this recommendation.</p>
<p>Kovar: Most jurisdictions allow parents to bring their minor kids into the voting booths. In many</p>	<p>5.16.030 B</p>	<p>Error corrected.</p>

cases they have to if they are the sole care giver at the moment.		
Kostiuk: This appears to not allow assistance from someone under the age of 16 for a person who needs assistance with voting (due to a disability, inability to read, etc.). However, I wonder if this is inadvertently precluding people (who need assistance and who don't?) from bringing their children with them into the voting booth. I want to make sure that it's okay for people to do so.	5.16.030 B	Error corrected.
Kovar: What if the Board or someone on it is accused of malfeasance?	5.16.070 A	The Council has the authority to remove board members and to make the final determination at the city level.
Kovar: Does the Council have the final decision? Can a member of the Council whose election is the subject of a disputed outcome vote and/or be part of the discussions?	5.16.070 B	There is not a prohibition on the Councilmember participating. The member could recuse themselves. There is the option for an aggrieved party to appeal to the Circuit Court if they believe the Council decision is flawed.
Kostiuk: What is involved in processing absentee ballots during the vote counting, and what elements of this would be done ahead of time if this is changed to allow for processing ahead of time?	5.20.060	Absentee ballots arrive in envelopes that must be checked against the list of sent absentee ballots, opened to retrieve the anonymous envelope inside, checked for signature, and then opened to retrieve the ballot. The BOE could do these steps, up to taking the ballots out and placing them in a box to be counted. No counting would be done until after polls are closed.
Carpenter: Recommends BOE members take (or sign?) an oath of office.	5.24.020 B	Board of Elections members will sign an oath of office.
Kovar: if there's a tie, I wasn't sure how comfortable I felt having it decided by lots. And I know there's a cost to run a special election or an additional election, but in the cases I've heard about where that's happened it leaves a lot of bad feelings.	Charter 606(h)	The current tie-breaking procedure does not specify: whether ranked-choice voting is used in the runoff; whether write-ins are allowed in the runoff; how a tie in the runoff would be broken; or who (if anyone) serves until the runoff is completed. The board decided the best way to address this was to break final-round ties by lot: it simplifies the charter since the same tie-breaking procedure is used in all rounds of counting; it eliminates the financial cost of runoff elections for final-round ties; since ranked-choice voting is a form of instant-runoff voting, holding a runoff defeats one of the purposes of having it; and when ranked-choice voting is working as advertised, a runoff will simply result in another tie (if the same people vote and no one changes their mind). Given tie-breaking rules involving comparisons of vote totals in earlier rounds of

		ranked-choice counting, an unbroken final-round tie is highly unlikely.
Smith: I would like to eliminate voting by absentee ballot and replace it with the verbiage “vote by mail”. The changes recommended by the BOE put us on a path to further election reform.	Multiple	“Vote by mail” (and, more recently, “vote at home”) is commonly used only where all voting is done that way; if we continued to have traditional voting, referring to voting by absentee ballot as vote by mail might cause confusion. Any council decision to switch to vote by mail will need to be made in consideration of the benefit of increased voter turnout weighed against the increased cost of the method.

Chair’s Notes:

The Board has not been able to fully discuss, but there are two additional points that we would like to include in the Code.

- 1) Regarding in-kind donations, all in-kind contributions, as defined below, would be recorded and reported under the same guidelines as direct monetary contributions. A definition for in-kind contributions would be added to the Code.
 - a. **In-kind contribution:** The fair market value for goods, or services for which the contributor normally charges, and payments made on behalf of a candidate, except that volunteering the contributor’s own time or use of a personal vehicle or residence to a campaign shall not constitute an in-kind contribution. The fair market value shall be the usual and normal charge for a good or service.
- 2) The Board would add a provision to the Code so that the limit on campaign contributions will not apply to spouses or domestic partners.