

ARTICLE VI REGISTRATION, NOMINATIONS, AND ELECTIONS

Section 601 Qualifications of Voters

(a) Every person who (1) is a resident of the City of Takoma Park, (2) is at least sixteen (16) years of age or will be sixteen (16) years of age on or before the date of the next City election, (3) ~~[has resided within the corporate limits of the City for 21 days immediately preceding the City election, (4)]~~ does not claim voting residence or the right to vote in another jurisdiction, and ~~[(5)]~~(4) is registered to vote in accordance with the provisions of this C[e]harter, is a qualified voter of the City except as provided in subsection (b) of this section. Every qualified voter of the City is entitled to vote in all City elections, to participate in the nominating meeting, and to sign nominating, referendum, recall and other petitions authorized by this C[e]harter.

(b) An individual is not eligible to be a registered voter of the City if the individual: (1) has been convicted of a felony and is currently ~~[actually]~~ serving a court-ordered sentence of imprisonment for the conviction; (2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or (3) has been convicted of buying or selling votes.

Section 602 Voters on the Statewide Voter Registration List ~~[Lists of Registered Voters: Certification by Montgomery County Board of Elections]~~

(a) A voter residing in the City who is included on the Statewide Voter Registration List at an address within the City is registered to vote in City elections. ~~[Prior to each City election, the City Clerk shall request from the Montgomery County Board of Elections a certified list of the names and addresses of those people residing in the City and registered to vote.~~

~~(b) — On or before one week before each City election, the Montgomery County Board of Elections shall provide the City with any revisions to the list of registered voters in the City previously provided to the City.~~

~~(c) — Names of persons added by such revisions shall be deemed to have been certified originally, and those persons shall be entitled to vote in the next succeeding City election; and names of persons removed by such revisions shall be deemed not to have been certified originally, and those persons shall not be entitled to vote in the next succeeding City election.~~

~~(d) — A person who feels aggrieved by an action of the Montgomery County Board of Elections regarding voter registration for a City election may file an administrative complaint with the Montgomery County Board of Elections under the procedures established by the State Board of Elections.]~~

Section 603 City-Only Voter Registration

(a) All residents of the City who meet the voter qualifications set forth in Section 601 may register with the City Clerk ~~[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. 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.

(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 on the Statewide Voter Registration List in the City generated by the Montgomery County Board of Elections, which shall include the names of those persons who registered with the City Clerk ~~[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.]~~

~~[(e) — 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 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].~~

Section 604 Nominations

(a) Nominations for Mayor and Councilmembers shall be made at a meeting of Takoma Park residents ~~[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 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, or a representative designated by 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 their [her/his] ward, and if such nomination is seconded by a qualified voter of their [her/his] ward, the person so nominated shall be considered a candidate. A candidate may nominate themselves or second their nomination. 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 the nominated person [he/she] [shall] files a declination with the City Clerk within three (3) days after the [his/her] nomination, or fails to file a timely candidate's financial disclosure statement as required by the City of Takoma Park Public Ethics Ordinance.

(c) The Council may[shall] adopt [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] they are nominated.

(e) City residents who are eligible to vote in the next City election pursuant to this Charter, but who are not yet 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 pre-register [be pre-registered] as a write-in candidate [and] to have their [her/his] name posted in the voting booth [for the purpose of identifying her/him as a candidate for office], must file their [her/his] name with the City Clerk by 5:00 p.m. three business days prior to the start of voting. [on the Friday prior to the election.]

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

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

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

Section 606 Election of Mayor and Councilmembers

(a) On the first Tuesday after the first Monday in November [~~of 2017, and in~~] of every even-numbered year [~~commencing in 2020~~], 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.

(b) The Mayor and Councilmembers shall be elected using a ranked choice voting system allowing voters to rank in order of their preference the candidates for each office appearing on the ballot. If, after counting all voters' first choice listed on their ballots for an office, no candidate receives a majority of votes cast, the candidate with the fewest votes shall be eliminated. Each ballot shall be tallied again for that office counting the vote from each ballot for the highest ranked candidate who has not been eliminated. If still no candidate for that office receives a majority, the process shall be repeated until a candidate receives a majority of the votes for that office. The candidate receiving a majority of votes for Mayor shall be declared elected. The candidate for Council receiving a majority of votes in each ward shall be declared elected.

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

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

~~(e) — If no candidate receives a majority of first choices, the judges of election shall conduct an instant runoff consisting of additional rounds of ballot counting. In every round of counting, each ballot is counted as one vote for that ballot’s highest ranked advancing candidate. “Advancing candidate” means a candidate for that office who has not been eliminated. A candidate receiving a majority of valid votes in a round shall be declared elected. If no candidate receives a majority of valid votes in a round, the candidate with the fewest votes shall be eliminated, and all ballots-~~

~~shall be recounted. This process of eliminating the candidate with the fewest votes and recounting all ballots shall continue until one candidate receives a majority of the valid votes in a round.]~~

~~[(f)](c)~~ To facilitate ballot counting by hand in any round, the judges of election may eliminate all candidates with no ~~[mathematical]~~ chance of winning. A candidate has no ~~[mathematical]~~ chance of winning if the sum total of all votes credited to that candidate and all candidates with the same or fewer votes is less than the number of votes credited to the candidate with the next greatest number of votes.

~~[(g)]~~ — If a ballot has no more available choices ranked on it, that ballot shall be declared “exhausted” and not counted in that round or any subsequent round. ~~Ballots skipping one number shall be counted for that voter’s next clearly indicated choice, but ballots skipping more than one number shall be declared exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall be declared exhausted when such duplicate rankings are reached unless only one of the candidates with the duplicate ranking is an advancing candidate.~~

~~(d)[(h)]~~ In the event of a tie that affects the outcome of the election, the tie shall be broken by comparing the votes of the tied candidates in the previous rounds of counting, starting with the count immediately preceding the round in which the tie occurs. If one of the tied candidates had more votes than the remaining tied candidates in the preceding round or an earlier round of counting, then that candidate shall advance and the others shall be eliminated. If the candidates were tied in each preceding round, then the tie shall be resolved by lot. ~~[In the event that this tie occurs between or among all remaining candidates, then a runoff election between or among the tied candidates shall be held within forty five (45) days after the date of the election.]~~

~~[(i)](e)~~ The Council may modify the form of the ballots, the instructions to voters, and the details with respect to the method of marking, sorting, counting, invalidating, and retaining ballots and the tabulating and recounting of votes pursuant to this section, provided that no change shall be made that will alter the intent or principles of ranked choice ~~[instant runoff]~~ voting as set forth in this section.

Section 607 Conduct of Elections Generally

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

(b) Elections shall be conducted by the Takoma Park Board of Elections, members of which serve as judges of elections. ~~[appointed by the Council under the supervision of the City Clerk, and]~~ Elections shall be held at some convenient place or places to be designated by the Council. ~~[; any vacancy in the list of judges occurring between their appointment and the election shall be filled by the Mayor.]~~ On election day, ~~[T]~~the polls shall be opened at 7:00 a.m. ~~[A.M.]~~ and closed at 8:00 p.m. ~~[P.M.]~~

Section 608 Absentee Voting

Any qualified voter may vote by absentee ballot in a City election.

Section 609 Early Voting

The Council shall, by ordinance, establish locations, days, hours and mechanisms for early voting in all City elections.

Section 610 Provisional Voting

A person may cast a provisional ballot in a City election if the person's name does not appear on the lists of qualified voters of the City or if the person's eligibility to register to vote and/or to vote [~~City residency, identification or identity~~] is challenged.

Section 611 Special Elections

All special City elections shall be conducted by the [~~Council~~] Board of Elections in the same manner, as far as practicable, as set forth in this Charter.

Section 612 Advisory Referendums

(a) A question for referendum or a legislative initiative, not otherwise provided for in this Charter and regarding a matter over which the Council has authority, may be placed on the ballot in any regular or special City election. All such referendum questions or initiatives, unless they are made binding on the Council by any other section of this Charter or by other applicable [~~e~~]City, county, state or federal law, shall be advisory only and shall not bind or obligate the Council or the City to enact any ordinance or resolution or to perform any act or function.

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

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

(2) Qualified City voters at least equal in number to [T]twenty percent (20%) of registered voters at the time of the most recent general City election [~~or more of the qualified voters of the City~~] may sign a petition to the Council to place an advisory referendum question or legislative initiative on the ballot. The petition shall contain the language to be placed on the ballot. Each qualified voter signing the petition shall indicate on the petition the person's name and residence address. Within thirty (30) days after receiving the petition, the City Clerk shall verify that any person who signed the petition is a qualified voter of the City and that the petition contains the required number of signatures.

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

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

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

Section 613 Vote Count

(a) Within 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 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 614 Recall Elections

(a) **Removal of Elected Officials.** The Mayor and any Councilmember of the City of Takoma Park may be removed from office by the affirmative vote of a majority of those voting in a special recall election.

(b) **Recall Petition.** A petition for the removal of the Mayor or any Councilmember from office (a "recall petition") shall state the name, office, and/or ward of the elected official whose recall is sought and that its purpose is to require a special recall election to vote on whether that elected official should be removed from office. A recall petition may, but does not have to, state a reason or reasons for the recall.

(1) A recall petition for the Mayor must have the signatures of qualified City voters at least equal in number to twenty percent (20%) of the registered City voters at the time of the most recent general City election. ~~[at least 1,500 qualified voters of the City of Takoma Park or at least 20% of the qualified voters of the City, whichever is greater.]~~

(2) A recall petition for a Councilmember must have the signatures of qualified voters of the ward the Councilmember represents at least equal in number to twenty percent (20%) of the ward's registered voters at the time of the most recent general City election. ~~[at least 100~~

~~qualified voters of the ward the Councilmember represents or at least 20% of the qualified voters of that ward, whichever is greater.]~~

(3) A qualified voter of the City may sign a recall petition for the removal of more than one elected official. Each qualified voter shall print their ~~[his/her]~~ name under the signature and shall include their ~~[his/her]~~ address and the date of their ~~[his/her]~~ signature on the recall petition.

(4) All signatures on a recall petition must be obtained after the most recent general election and submitted at least 180 days prior to the next general election.

(c) **Recall Election.** A special recall election shall be held not less than thirty (30) days and not more than forty-five (45) days from the date the City Clerk determines that a valid recall petition containing a sufficient number of signatures from qualified voters has been submitted. The Council shall establish the date for the recall election by resolution. If the elected official who is sought to be removed is a Councilmember, then only qualified voters of that Councilmember's ward may vote in the recall election.

(d) **Form of Question on Ballot.** The ballot for a special recall election shall have the following question: "Should [name of elected official] be removed from the office of [name of office]? Vote 'yes' or 'no'."

(e) **Results of Recall Election.** If a majority of those voting in the special recall election vote "yes," the elected official shall be removed from office immediately without the necessity of further Council action and the office shall be considered vacant. The resulting vacancy on the Council shall be filled in accordance with Section 308. An elected official who has been removed from the Council in a recall election ~~[may apply for reappointment to the Council or]~~ shall not be eligible for reappointment by the Council but may petition to be listed as a candidate on a special election ballot to fill a vacancy on the Council. In the event the number of "yes" and "no" votes in the special recall election are the same or a majority of those voting in the recall election vote "no," then the recall shall fail and the elected official shall remain in office.

Section 615 Regulation and Control by Council

The Council has the power to provide by ordinance in every respect not covered by the provisions of this ~~[e]C~~Charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. The Council further has the power to create and appoint ~~[an Elections Board]~~ a Board of Elections and to specify the functions and duties of ~~the Board of Elections~~ [an Elections Board]. The Board of Elections' ~~[Election Board's]~~ functions may include enforcing the City's elections laws and resolving complaints, disputes, and challenges on election matters. Ordinances heretofore adopted by the Council pertaining to election matters shall remain in force and effect until repealed or amended by the Council but only as to such provisions as are not inconsistent with the provisions of this Article.

Section 616 Penalties

Any person who (1) fails to perform any duty required of them [~~him/her~~] under the provisions of this subheading or any ordinances passed thereunder, (2) in any manner willfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or (3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or City election, is guilty of a misdemeanor. Any official, officer or employee of the City government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold office or employment.