



Takoma Park City Council Meeting – October 23, 2019 Agenda Items 1, 2, 3

Public Hearings

1. Amendment to City Charter Article III – City Council
2. Amendment to City Charter Article V – Amendment Procedures
3. Amendment to City Charter Article VI – Registration, Nominations and Elections

Recommended Council Action

Hear testimony on the proposed Charter Amendments.

Context with Key Issues

The Takoma Park Board of Elections undertook a review of the City Charter and City Code to prepare for implementation of the change of election date to coincide with State and federal general elections. Amendments were recommended to Articles III, V, and VI.

The Board of Elections presented recommendations at a work session on June 5, 2019. The City Council discussed the proposed amendments on September 18, 2019.

The public hearing is to provide an opportunity for public comments on the three proposed Charter Amendments. The public hearing was advertised in the October issue of the *Takoma Park Newsletter*, in the *Montgomery Sentinel* issues of October 3 and October 10, 2019, and on the City website. First reading of the Charter Amendment Resolution is tentatively scheduled for November 6, 2019. Second reading is tentatively scheduled for November 13, 2019. If adopted on November 13, the Charter Amendment would become final on January 2, 2020 unless petitioned to referendum by December 23, 2019.

Council Priority

Engaged, Responsive & Service Oriented Government

Environmental Considerations

The Charter Amendments are not expected to have an environmental impact.

Fiscal Considerations

The cost of elections should not be affected by the Charter Amendments.

Racial Equity Impact of Action

The Charter Amendments continue the process of expanding opportunities to vote in City elections and eliminating barriers to voting. In preparing for 2020, staff and the Board will be focused on outreach, education, and preparation for residents to vote.

Attachments and Links

- Draft Charter Amendments

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 three (3) years. Newly elected Councilmembers and the Mayor take office on the second Wednesday following their election, but if this day conflicts with Veterans Day or a recognized religious holiday, they will take office on the next day, Thursday.

(b) If no one is elected to fill any position on the Council, or if the candidate elected for any position on the Council is unable to take office, the Clerk shall declare the position to be vacant.

(c) The City of Takoma Park shall be divided into six (6) wards for municipal voting purposes. Each ward shall be compact in form, composed of adjoining territory, and have substantially equal population. The ward boundaries shall be established by ordinance and shall be reviewed after each decennial census. The boundary descriptions of the six (6) wards shall be kept on file for public view at all times in the office of the City Clerk.

Section 302 Qualifications and Salary of the Mayor

(a) The Mayor must have resided in the City for at least six (6) months immediately preceding ~~his/her~~ their election, must be at least 18 years of age by the date of ~~his/her~~ their election, and must be a qualified voter of the City. The Mayor must maintain ~~his/her~~ their principal residence in the City during ~~his/her~~ their term of office. If the Mayor changes ~~his/her~~ their principal residence from the City, the Mayor's term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. The Mayor is prohibited from holding other publicly elected offices during ~~his/her~~ the term of office, and is prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes in the City.

(b) The Mayor, who during ~~his/her~~ their term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Mayor's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.

(c) The Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in regular course of business; provided, however, that no change may be made in the salary of the Mayor, either by increase or decrease during the term for which ~~he/she was~~ they were elected. The ordinance making any change in the salary paid to the Mayor, either by

way [or] of increase or decrease, shall be adopted prior to the next municipal election and shall take effect only as to the next succeeding Mayor.

Section 303 Powers and Duties of the Mayor.

- (a) **General.** As the chief elected official of the City, the Mayor shall be recognized as head of the City government for all intergovernmental affairs and ceremonial purposes, by the Courts for service and receipt of civil process, and by the governor for purpose of military law.
- (b) **Council meetings.** The Mayor shall be a member of the Council and shall set an agenda in accordance with the Council rules and preside at all meetings of the Council.
- (c) **Mayor Pro Tempore.** The Mayor shall appoint a member of the Council as the Mayor Pro Tempore who shall serve as the Mayor in the absence of the Mayor.

Section 304 Qualifications and Salary of Councilmembers

- (a) Councilmembers must have resided in the City (and the ward from which they are elected) for at least six (6) months immediately preceding their election, must be at least 18 years of age by the date of their election, and must be qualified voters of the City. Councilmembers must maintain their principal residence in the City and in their ward during their term of office. If a Councilmember changes [his/her] their principal residence from the City or from the ward from which the Councilmember was elected, the Councilmember's term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. Councilmembers are prohibited from holding other publicly elected offices during their term of office, and are prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes in the City.
- (b) Any Councilmember, who during [his/her] their term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Councilmember's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.
- (c) Each Councilmember may receive an annual salary which shall be equal for all Councilmembers and may be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office may not be changed during the period for which the Council was elected. The ordinance making any change in the salary paid to the Councilmembers either by way of increase or decrease shall be adopted prior to the next municipal election, and shall take effect only as to the members of the next succeeding Council.

Section 305 Meetings of the Council

The newly elected Council shall meet on the second Wednesday [~~Monday~~] following its election for the purpose of organization, after which the Council shall meet regularly at such times as

may be prescribed by its rules, but generally not less frequently than once each calendar month. However, the Council may recess as it deems necessary. If the second Wednesday following its election conflicts with Veterans Day or a recognized religious holiday, the Council shall meet the next day, Thursday.

Special meetings may be called by the Mayor, or a majority of the members of the Council. All meetings of the Council shall be open to the public unless the meeting is closed by the Council in accordance with the provisions of the Open Meetings Act, Title 3 of the General Provisions Article [Subtitle 5 of Title 10 of the State Government Article], Annotated Code of Maryland, as amended. The rules of the Council shall provide that residents of the City shall have a reasonable opportunity to be heard at any regular public meeting in regard to any municipal question.

Section 306 Quorum

A majority of the Council shall constitute a quorum for the purpose of transacting business except as otherwise provided in this Charter.

Section 307 Procedure of the Council

The Council shall determine its own rules and order of business. It shall keep written minutes of its meetings. The minutes shall reflect each item that the [e]Council considered; the action that the Council took on each item; and each vote that was recorded. The minutes of regular public meetings shall be open to public inspection. If the [c]Council meets in closed session, then, in accordance with the provisions of the Open Meetings Act, Title 3 of the General Provisions Article [Subtitle 5 of Title 10 of the State Government Article], Annotated Code of Maryland, as amended, the minutes for its next regular public meeting shall include: (1) a statement of the time, place, and purpose of the closed meeting; (2) a record of the vote of each member of the [e]Council as to closing the meeting; (3) a citation of the authority under the Open Meetings Act for closing the meeting; and (4) a listing of the topics of discussion, persons present, and each action taken during the closed meeting.

Section 308 Vacancies on the Council

(a) Method of Filling Vacancies. Should a vacancy on the Council occur more than two hundred and forty (240) days before the next regularly scheduled City election, a special election shall be held to fill the vacancy. If the vacancy occurs less than two hundred and forty (240) days before the next regularly scheduled City election, the remaining members of the Council by a majority vote shall, within sixty (60) days, appoint a person who is qualified in accordance with Section 302 or Section 304, as applicable, to fill such vacancy for the remainder of the unexpired term.

(b) Special Election. If a vacancy is to be filled by special election, the remaining members of the Council shall, by resolution, establish a date for the special election which shall be not less than forty-five (45) days nor more than sixty (60) days from the date of the vacancy.

(c) Ballot. If the requirements of Section 302 or Section 304, as applicable, are met, a person may have their ~~[his/her]~~ name listed on the special election ballot as a candidate to fill a vacancy on the Council by submitting a petition to the City Clerk with a sufficient number of valid signatures at least twenty (20) days prior to the date scheduled for the special election.

(d) Petition. The petition must clearly state that its purpose is to place a specific person's name on the ballot at a special election to fill a vacancy on the Council of the City of Takoma Park, the office and/or ward that the election is being held to fill, and the date of the special election.

(1) For a Mayoral vacancy, a person must have the signatures of at least 30 qualified voters of the City in order to be listed on the special election ballot as a candidate.

(2) For a Councilmember vacancy, a person must have the signatures of at least 10 qualified voters of the ward in which there is a vacancy in order to be listed on the special election ballot as a candidate.

(3) A qualified voter may sign the petition of more than one person to fill a vacancy on the Council. 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 petition.

(4) Before listing a person's name on a special election ballot as a candidate to fill a vacancy on the Council, the City Clerk shall verify that sufficient signatures on a petition are from qualified voters of the City and for a Councilmember vacancy of the ward in which there is a vacancy. The invalidation of one signature on a petition shall not serve to invalidate any other signatures on a petition.

(e) Voting. For a Mayoral vacancy, all qualified voters of the City may vote in the special election to fill a vacancy on the Council. For a Councilmember vacancy, only qualified voters of the ward in which there is a vacancy may vote in the special election to fill a vacancy on the Council.

(f) Write-Ins Permitted. A qualified voter also may write in the name of a candidate on the special election ballot to fill a vacancy on the Council.

(g) Results of Special Election. The candidate who meets the qualifications for office as specified in Section 302 or Section 304, as applicable, and who wins ~~[receives a majority of votes]~~ in accordance with Section 606 in the special election to fill a vacancy on the Council ~~[shall be the winner and]~~ shall serve on the Council for the remainder of the unexpired term for which their ~~[his/her]~~ predecessor was elected.

Section 309 Ordinances

(a) In order to enable the Council to exercise fully the power conferred upon ~~[them]~~ it by this Charter and to enable ~~[them]~~ it to better promote and preserve the public health, safety and

welfare, the Council may pass all ordinances, resolutions, or by-laws that are from time to time necessary.

(b) An ordinance may be passed, amended, rejected or have its consideration deferred at any regular or special Council meeting held not less than five (5) days after the meeting at which it was introduced.

(c) Any ordinance introduced but upon which no final action is taken shall expire at the end of the Council's term as defined by Section 301.

(d) Every ordinance passed shall become effective at the expiration of twenty (20) calendar days following approval of the Council unless otherwise stated in the ordinance.

(e) Upon a finding that an emergency exists, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the Council. An emergency ordinance shall become effective on the date specified in the ordinance.

Section 310 Appointments

The Council shall make appointments to such standing committees, ad hoc committees, and boards and commissions as are necessary from time to time.

Section 311 Files of Ordinances

Ordinances shall be permanently filed and shall be kept available for public inspection.

ARTICLE V AMENDMENT PROCEDURES

Section 501 Initiation

An amendment to this Charter may be initiated by the Council or by a petition of qualified voters of the City of Takoma Park.

Section 502 Initiation by the Council

(a) The Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in this section, is passed by a majority of the Council. The Council shall hold a public hearing on any such proposed amendment or amendments and shall not take final action on a resolution less than fourteen (14) days following the hearing.

(b) In conformity with a requirement imposed upon the General Assembly by Article 3, Section 29 of the Constitution of Maryland, the resolution shall contain the complete and exact wording of the proposed amendment or amendments, prepared so that the section or sections are set forth as they would read when amended or enacted. This Charter or any section thereof may not be revised or amended by reference to its title or section only.

(c) In conformity with a requirement imposed on the General Assembly by Article 3, Section 29 of the Constitution of Maryland, every Charter amendment adopted by the Council shall embrace but one subject, and that shall be described in its title. Prior to the passage of any resolution which proposes an amendment or amendments to the charter, a public hearing thereon shall be held by the Council, public notice of which shall be given in a newspaper of general circulation in the City of Takoma Park once a week for two successive weeks, the last such notice to appear at least ten (10) days prior to the public hearing. Such public notice shall state the title of the Charter amendment and shall specify the time and place of the public hearing to be held thereon. The public hearing[s] shall be conducted by the Council under such procedures as it shall, in its discretion establish.

(d) The City Clerk shall give notice by posting and publication of any resolution which proposes an amendment or amendments to this Charter. A complete and exact copy of the resolution containing the proposed amendment or amendments shall be posted at City Hall or another main municipal building or public place for a period of at least forty (40) days following its adoption.

(e) A fair summary of the proposed amendment or amendments shall be published in a newspaper of general circulation in the City of Takoma Park not less than four (4) times, at weekly intervals within a period of at least forty (40) days after the adoption of the resolution containing the proposed amendment or amendments.

(f) The amendment or amendments so proposed by the Council shall become and be considered a part of the Charter, according to the terms of the amendment or amendments, in all

respects to be effective and observed as such, upon the fiftieth (50) day after being so ordained or passed, unless on or before the fortieth (40) day after being so ordained or passed there shall be presented to the Council, or mailed to it by registered mail, a petition meeting the requirements of this section.

(g) The petition shall be signed by qualified City voters at least equal in number to twenty percent (20%) of registered voters at the time of the most recent general City election [~~twenty (20) percent or more of the persons who are qualified to vote as set forth in this charter in the municipal general elections in the City of Takoma Park as defined in this charter~~] and shall request that the proposed amendment or amendments be submitted on referendum to the voters of the City. Each person signing the petition shall indicate thereon such person's name and residence address. Upon receiving the petition for a referendum, the City Clerk is directed to verify that any person who signed it is qualified to vote in its municipal general elections and shall consider the petition to have no effect if it has too few valid signatures [~~as of no effect if it is signed by fewer than twenty (20) percent of the persons who are qualified to vote in municipal general elections~~].

(h) If the petition for a referendum complies with the requirements of this section, the Council shall by resolution, passed as in its normal legislative procedure, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Takoma Park. This may be at either the next regular general election or at a special election at the discretion of the Council. In the event a special election is designated, it 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 referendum. The resolution providing for the referendum shall specify the exact wording which is to be placed on the ballots or voting systems [~~machines~~] when the question is submitted to the voters of [~~in~~] the City.

Section 503 Initiation by Petition

(a) [~~Twenty (20) percent or more of the persons who are qualified to vote in municipal general elections in the City of Takoma Park~~] Qualified City voters at least equal in number to twenty percent (20%) of registered voters at the time of the most recent general City election may initiate a proposed amendment or amendments to the Charter, by a petition presented to the Council. The petition shall contain the complete and exact wording of the proposed amendment or amendments, and the proposed amendment or amendments shall be prepared in conformity with the several requirements contained in subsections (b) and (c) of Section 502 of this Article. Each person signing it shall indicate thereon such person's name and residence address. Upon receiving the petition, the City Clerk is directed to verify that any person who signed it is qualified to vote in City [~~municipal general~~] elections and that the petition contains the required number of signatures [~~and shall consider the petition as of no effect if it is signed by fewer than twenty (20) percent of the persons who are qualified to vote in municipal general elections~~]. If the petition complies [~~d~~] with the requirements of this section, the Council shall by resolution [~~;~~] passed as in its normal legislative procedure, and not later than sixty (60) days after the petition shall have been presented to it, specify the day and the hours for the election at which the question shall be submitted to the voters of the City of Takoma Park. This may be at either the next regular municipal election or at a special election, in the discretion of the Council. In the

event a special election is designated, it shall be within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution. In the resolution, the exact wording shall be specified which is to be placed on the ballots or voting systems when the question is submitted to the voters of the City.

(b) Provided, however, that if the Council shall approve the amendment or amendments provided for in the petition presented to it under subsection (a) above, it shall have the right by resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in the same manner as if the amendment or amendments had been initiated by the Council and in compliance with the provisions of Section 502 of this Article.

Section 504 Posting and Publication

The Clerk shall give notice by posting and publication of any submission of a proposed Charter amendment to the voters thereof. For four (4) weeks immediately preceding the election, at which the question is to be submitted, a complete and exact copy of the wording of the proposed Charter amendment or amendments shall be posted at City Hall or other main municipal building or in a public place. On the day of the election, a similar copy shall be posted at the place or places for voting. Notice of the election, together with a fair summary of the proposed amendment or amendments, shall be published in a newspaper of general circulation of the City of Takoma Park, not less than once in each of the four (4) weeks immediately preceding the election.

Section 505 Referendum

(a) On the day and during the hours specified for any referendum, the proposed Charter amendment or amendments shall be submitted to the qualified voters of the City. The official or officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall perform the same duties so far as relevant to the referendum election on the proposed Charter amendment or amendments. It is the intent of this section that the referendum election shall be conducted generally according to the procedures and practices observed for regular City elections, except as specifically or necessarily modified by the provisions of the section. The wording specified by the Council in the resolution providing for a referendum on the charter amendment or amendments, shall be placed on the ballots or voting systems used at the referendum election. The expenses of the election shall be defrayed by the City.

(b) The official or officials charged with the duty to arrange for and conduct the referendum, promptly following the closing of the polls, shall tally the results thereof, and shall forthwith certify the results of the referendum to the Council.

(c) If a majority of those who vote on any question so submitted to the voters of the City shall cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim publicly within ten (10) days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth (30) day following the public proclamation the proposed [e]Charter amendment or amendments shall become a part of the Charter of the City of Takoma Park, according to its terms, in all respects to be effective and

observed as such. If less than a majority of those who vote on any such questions shall cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim, adding to the proclamation the statement that the proposed Charter amendment or amendments contained in said question are null and void and of no effect whatsoever.

Section 506 Form and Registration of Amendment

- (a) In any proposal to amend an existing [e]Charter of the City, the new matter, if any, to be added to the Charter shall be indicated by being underscored or in italics and all matters to be eliminated from the existing Charter, if any, shall be indicated in its proper place by enclosing such matter in double parentheses or in boldface brackets. Where the subject matter consists of an entirely new section or sections the words of such new section or sections shall also be underscored or in italics or contain some marginal or other notation to that effect. When the purpose of any proposal is to repeal in its entirety any section or sections of the existing Charter, the matter intended to be repealed need not be written out in full and enclosed in either double parentheses or boldface brackets.
- (b) The resolution to amend the Charter shall identify the source of the existing section or sections, citing the code or other publication or amendments in which appears the most recent text of the section or sections to be amended.
- (c) Amendments to the Charter shall be in a consecutively numbered series.
- (d) The resolution to amend the Charter shall provide specifically (and not simply by implication) for the repeal of any section or sections of the existing Charter which are inconsistent with the amended section or sections.
- (e) A proposal to amend the Charter, whether initiated by the Council or by a petition of qualified voters of the City, may not be rescinded after its adoption by the Council or after its formal submission in a petition, in any manner other than that of another Charter amendment.
- (f) At the time a Charter amendment or amendments become effective by reason of having been ordained or passed by the Council, or at the time of making a public proclamation as to the vote on any question containing a proposed Charter amendment or amendments which have been adopted, the Mayor shall send separately by registered mail to the Secretary of State of Maryland and to the Department of Legislative Services the following information concerning the Charter amendment or amendments: (1) The complete text thereof, (2) the date of the referendum election, if any, (3) the number of votes cast for and against each question containing the Charter amendment or amendments, whether in the Council or in a referendum, and (4) the effective date of the Charter amendment or amendments.
- (g) The Charter amendment or amendments are not effective and shall not be applied or considered as if effective, unless and until it or they have been registered as required in subsection (f) of this section.

Section 507 Codification of Amendments

The exact text of any amendment or amendments to the Charter adopted as in this Article specified, shall thereafter be included in any subsequent edition or codification of the Charter of the City, until altered, modified or repealed by a subsequent amendment or amendments to the Charter.

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.]~~

~~(c)~~~~(e) — Late registration; s]~~ 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)~~] a recognized religious holiday, then the meeting shall be scheduled for the next weekday evening ~~thereafter. [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~~[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~~[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~~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, ~~[F]~~ 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]~~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.