



Takoma Park City Council Meeting – November 6, 2019 Agenda Items 1, 2, 3

Voting Session

First Reading Charter Amendment Resolutions – Article III The Council; Article V Amendment Procedures; Article VI Registration, Nominations and Elections

Recommended Council Action

Consider and vote on the Charter Amendment Resolutions at first reading. Second reading is scheduled for November 13, 2019.

Context with Key Issues

The Takoma Park Board of Elections undertook a review of the City Charter and Elections Code to prepare for implementation of the change of election date to coincide with State and federal general elections. The City Council heard the Board's recommendations on June 5, 2019 and reviewed them at a work session on September 18, 2019. A Charter Amendment Public Hearing was held on October 23, 2019. There were no comments at the hearing.

There have been some modifications since the proposed amendments were first presented to Council, including refining the language and incorporating suggestions from the City Council and recommendations made by the City Manager. A summary of the final proposed amendments follows. Throughout the text of the three articles proposed for amendment, binary pronouns have been removed, some changes to capitalization have been made for consistency, and some language has been simplified.

Article III. The Council

- Section 301(a) is revised to include Council-recognized religious holidays as a reason to move, from Wednesday to Thursday, the meeting where the newly-elected Council takes office.
- Ward boundaries in the City are reviewed after each decennial census. Section 301(c) is revised to add a sentence: "Each ward shall be compact in form, composed of adjoining territory, and have substantially equal population." The sentence is currently in Chapter 5.08 Wards, of the City Code.
- The Mayor and City Councilmembers are currently prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes. The words "in the City" have been added after "resolve disputes."
- Section 302(c) addresses changes to the language that the Mayor's salary "shall take effect only as to the next succeeding Mayor." The wording is revised to read that it "shall take effect only after the oath of office is administered subsequent to that election." The same change is made in 304(c) regarding the Councilmember's salaries so that changes take effect "only after the oath of office is administered subsequent to that election" to mirror the language of 302(c).

Article V. Amendment Procedures

- The requirements for amending municipal charters is established by the Local Government Article in the Maryland Code. Qualified voters of the City may petition to referendum a proposed amendment or amendments to the City Charter by submitting a petition signed by at least 20% of the qualified voters of the City. Additionally, residents may initiate a charter amendment referendum by submitting a petition signed by at least 20% of qualified voters. The amendment to Article V establishes that the 20% of qualified voters is based on the number of registered voters at the last general City election. This change enables petitioners to know in advance the required number of valid signatures needed on such petitions.

Article VI. Registration, Nominations and Elections

- Section 601, Qualifications of Voters, is revised to remove the 21-day residency requirement for voting in City elections. If a resident establishes that they are currently a resident of the City and affirms that they do not claim voting residence or the right to vote in another jurisdiction, they may register and vote in City elections.
- Since the City Council established same day voter registration in a prior Charter Amendment, text regarding obtaining lists of voters and the timing of registration has been removed.
- Section 603, Voter Registration, is changed to "City-Only Voter Registration." The Charter text is revised to enable any resident to register with the City Clerk to vote only in City elections. As a result, the supplemental voter registry maintained by the City Clerk may include both United States citizens who do not wish to register to vote in other elections and residents who are not United States citizens.
- Reference to "late registration" is removed from Section 603 since residents may register up to and including the day of the City election.
- Section 604, Nominations, is revised to enable the nomination meeting to be rescheduled for any Council-recognized religious holiday.
- At the nomination meeting, nominations of candidates may be made on motion by any qualified voter of the City and, if seconded by a qualified voter, that person is considered a candidate. A change to Section 604 explicitly enables a voter to nominate themselves or second their own nomination, thus allowing a qualified voter to become a candidate even if only one other qualified voter either nominates or seconds their nomination.
- Section 604(b) indicates that each candidate's name shall be placed on the ballot unless they decline the nomination. A clause has been added to clarify that if a candidate fails to file a timely financial disclosure statement their name will not be placed on the ballot.
- Section 605, Write-In Candidates, is revised to move the deadline for preregistering as a write-in candidate from the Friday prior to the election to three days before the start of early voting. Thus, in order to have a write-in candidate's name placed in the voting booth, the preregistration must occur early enough for it to be posted throughout early voting and election day.

- Section 606 Election of Mayor and Councilmembers retains the instant runoff voting system adopted by the City Council in 2006. However, the name is changed to “ranked choice voting” and the text describing the system has been simplified.
- The current language of Section 606(h) calls for a runoff election to be held in the event of a tie that affects the outcome of the election. The proposed text calls for the tie to be resolved by lot if the candidates were tied in each preceding round of counting.
- Section 607, Conduct of Elections Generally, is revised to enable the Board of Elections, members of which are appointed by the City Council and serve as election judges, to appoint additional people to serve as election workers at the polling place.
- Section 612, Advisory Referendums, in 612(c) addresses petitioning to place an advisory referendum on the ballot. The revised text establishes that the 20% of qualified voters required to sign the petition is based on the number of registered voters at the last general City election. This change enables petitioners to know in advance the required number of valid signatures needed on such petitions.
- There are several proposed revisions to Section 614, Recall Elections. Currently, recall petitions for Mayor must be signed by at least 1,500 qualified voters of the City or 20%, whichever is greater. The 1,500 threshold has been deleted since it will always be less than 20%. The revised text establishes that the 20% of qualified voters is to be based on the number of registered voters at the last general City election. A similar change is proposed for recall petition requirements for Councilmembers, where the threshold was 100 or 20%, whichever is greater.
- Section 614(b)(4) has been added. It limits the time when recall petition signatures can be obtained to the period after the most recent general election and at least 180 days prior to the next general election.
- Finally, in Section 614(b)(e), text has been revised to prohibit the recalled official from applying for appointment by the Council to fill the vacancy resulting from the recall election.

Council Priority

Engaged, Responsive and Service-Oriented Government

Environmental Considerations

Staff does not believe that there are environmental impacts that would result from adoption of the Board’s recommendations.

Fiscal Considerations

There are certain direct costs related to enacting Charter Amendments. These include legal advertisements for public hearing notices and publication of fair summaries in a newspaper of general circulation and the cost of codifying the amendments, all estimated to total \$1,500 to \$2,000 in this case. These changes to the City Charter are not expected to add to the overall cost of elections.

Racial Equity Considerations

The Board of Elections' recommendations 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 Amendment Resolutions

Introduced by: Introduction and First Reading:
Adoption:
Effective Date:

CITY OF TAKOMA PARK, MARYLAND
CHARTER AMENDMENT RESOLUTION NO. 2019-

AMENDMENT TO THE TAKOMA PARK CITY CHARTER
ARTICLE III CITY COUNCIL

**TO REQUIRE THAT EACH VOTING WARD BE COMPACT IN FORM,
COMPOSED OF ADJOINING TERRITORY, AND HAVE SUBSTANTIALLY EQUAL
POPULATIONS; CHANGE THE COUNCIL’S ORGANIZATIONAL MEETING TO
THE SECOND WEDNESDAY FOLLOWING THE ELECTION; AND ELIMINATE
GENDER BINARY LANGUAGE**

WHEREAS, 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; and

WHEREAS, the City Council discussed the Board’s recommendations and other revisions at work sessions and held a public hearing on October 23, 2019; and

WHEREAS, Section 5.08.010 of the City Code sets forth a requirement that each of the City’s six wards should be compact in form, composed of adjoining territory, and have substantially equal population, but that language is more appropriately located in Article III of the City Charter; and

WHEREAS, newly elected Councilmembers and the Mayor take office on the second Wednesday following their election, but if the date conflicts with Veterans Day or a Council-recognized religious holiday, the City Council desires that the swearing in and organizational meeting should be moved to the following day; and

WHEREAS, the Mayor and Councilmembers are prohibited from serving on any City board, commission or other body that has authority to adjudicate or otherwise resolve disputes, but that limitation should only apply to bodies that adjudicate or otherwise resolve disputes in the City; and

WHEREAS, the Maryland Open Meetings Act was moved from the State Government Article to the General Provisions Article of the Annotated Code of Maryland when the Maryland Code was most recently re-codified; and

1 **WHEREAS,** as updates are made to the City Charter and Code, the City Council desires to
2 remove gender binary references.
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8 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE**
9 **CITY OF TAKOMA PARK,** pursuant to Article XI-E of the Constitution of the State of
10 Maryland, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of
11 Maryland, and Article V, Amendment Procedures of the City of Takoma Park Municipal
12 Charter, that the City of Takoma Park Municipal Charter Article III is amended as follows:
13

14 **ARTICLE III**
15 **THE COUNCIL**
16

17 **Section 301 Number, Selection, Term, Wards**
18

19 (a) All legislative powers of the City are vested in a body designated as the Council of the City
20 of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward
21 and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The
22 regular term of the Councilmembers and the Mayor is two (2) years or until their successors have
23 been elected and duly sworn. The term of the Councilmembers and Mayor elected in the 2017
24 regular election is three (3) years. Newly elected Councilmembers and the Mayor take office on
25 the second Wednesday following their election, but if this day conflicts with Veterans Day or a
26 Council-recognized religious holiday, they will take office on the next day, Thursday.
27

28 (b) If no one is elected to fill any position on the Council, or if the candidate elected for any
29 position on the Council is unable to take office, the Clerk shall declare the position to be vacant.
30

31 (c) The City of Takoma Park shall be divided into six (6) wards for municipal voting purposes.
32 Each ward shall be compact in form, composed of adjoining territory, and have substantially
33 equal population. The ward boundaries shall be established by ordinance and shall be reviewed
34 after each decennial census. The boundary descriptions of the six (6) wards shall be kept on file
35 for public view at all times in the office of the City Clerk.
36

37 **Section 302 Qualifications and Salary of the Mayor**
38

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

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

7
8 (c) The Mayor may receive an annual salary as set from time to time by an ordinance passed by
9 the Council in regular course of business; provided, however, that no change may be made in the
10 salary of the Mayor, either by increase or decrease during the term for which ~~[he/she was]~~ they
11 were elected. The ordinance making any change in the salary paid to the Mayor, either by way
12 ~~[or]~~ of increase or decrease, shall be adopted prior to the next municipal election and shall take
13 effect only after the oath of office is administered subsequent to that election ~~[as to the next~~
14 ~~succeeding Mayor.]~~.

15
16 **Section 303 Powers and Duties of the Mayor.**

17
18 (a) **General.** As the chief elected official of the City, the Mayor shall be recognized as head of
19 the City government for all intergovernmental affairs and ceremonial purposes, by the Courts for
20 service and receipt of civil process, and by the governor for purpose of military law.

21
22 (b) **Council meetings.** The Mayor shall be a member of the Council and shall set an agenda in
23 accordance with the Council rules and preside at all meetings of the Council.

24
25 (c) **Mayor Pro Tempore.** The Mayor shall appoint a member of the Council as the Mayor Pro
26 Tempore who shall serve as the Mayor in the absence of the Mayor.

27
28 **Section 304 Qualifications and Salary of Councilmembers**

29
30 (a) Councilmembers must have resided in the City (and the ward from which they are elected)
31 for at least six (6) months immediately preceding their election, must be at least 18 years of age
32 by the date of their election, and must be qualified voters of the City. Councilmembers must
33 maintain their principal residence in the City and in their ward during their term of office. If a
34 Councilmember changes ~~[his/her]~~ their principal residence from the City or from the ward from
35 which the Councilmember was elected, the Councilmember's term shall be immediately
36 terminated and the vacancy shall be filled as provided in Section 308 of this Charter.

37 Councilmembers are prohibited from holding other publicly elected offices during their term of
38 office, and are prohibited from serving on any City board, commission, or other body that has
39 authority to adjudicate or otherwise resolve disputes in the City.

40
41 (b) Any Councilmember, who during ~~[his/her]~~ their term of office is convicted of or enters a
42 plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the
43 Councilmember's public duties and responsibilities and involves moral turpitude for which the
44 penalty may be incarceration in any penal institution, shall be removed from office pursuant to
45 Section 2 of Article XV of the Constitution of Maryland.

1 (c) Each Councilmember may receive an annual salary which shall be equal for all
2 Councilmembers and may be as specified from time to time by an ordinance passed by the
3 Council in the regular course of its business; provided, however, that the salary specified at the
4 time any Council takes office may not be changed during the period for which the Council was
5 elected. The ordinance making any change in the salary paid to the Councilmembers either by
6 way of increase or decrease shall be adopted prior to the next municipal election, and shall take
7 effect only after the oath of office is administered subsequent to that election~~[as to the members~~
8 ~~of the next succeeding Council].~~

9
10 **Section 305 Meeting of the Council**

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12 The newly elected Council shall meet on the second Wednesday ~~[Monday]~~ following its election
13 for the purpose of organization, after which the Council shall meet regularly at such times as
14 may be prescribed by its rules, but generally not less frequently than once each calendar month.
15 However, the Council may recess as it deems necessary. If the second Wednesday following its
16 election conflicts with Veterans Day or a recognized religious holiday, the Council shall meet the
17 next day, Thursday.

18
19 Special meetings may be called by the Mayor, or a majority of the members of the Council. All
20 meetings of the Council shall be open to the public unless the meeting is closed by the Council in
21 accordance with the provisions of the Open Meetings Act, Title 3 of the General Provisions
22 Article ~~[Subtitle 5 of Title 10 of the State Government Article]~~, Annotated Code of Maryland, as
23 amended. The rules of the Council shall provide that residents of the City shall have a reasonable
24 opportunity to be heard at any regular public meeting in regard to any municipal question.

25
26 **Section 306 Quorum**

27
28 A majority of the Council shall constitute a quorum for the purpose of transacting business
29 except as otherwise provided in this Charter.

30
31 **Section 307 Procedure of the Council**

32
33 The Council shall determine its own rules and order of business. It shall keep written minutes of
34 its meetings. The minutes shall reflect each item that the [e]Council considered; the action that
35 the Council took on each item; and each vote that was recorded. The minutes of regular public
36 meetings shall be open to public inspection. If the [e]Council meets in closed session, then, in
37 accordance with the provisions of the Open Meetings Act, Title 3 of the General Provisions
38 Article ~~[Subtitle 5 of Title 10 of the State Government Article]~~, Annotated Code of Maryland, as
39 amended, the minutes for its next regular public meeting shall include: (1) a statement of the
40 time, place, and purpose of the closed meeting; (2) a record of the vote of each member of the
41 [e]Council as to closing the meeting; (3) a citation of the authority under the Open Meetings Act
42 for closing the meeting; and (4) a listing of the topics of discussion, persons present, and each
43 action taken during the closed meeting.

1 **Section 308 Vacancies on the Council**
2

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

10
11 (b) Special Election. If a vacancy is to be filled by special election, the remaining members of
12 the Council shall, by resolution, establish a date for the special election which shall be not less
13 than forty-five (45) days nor more than sixty (60) days from the date of the vacancy.
14

15 (c) Ballot. If the requirements of Section 302 or Section 304, as applicable, are met, a person
16 may have their [~~his/her~~] name listed on the special election ballot as a candidate to fill a vacancy
17 on the Council by submitting a petition to the City Clerk with a sufficient number of valid
18 signatures at least twenty (20) days prior to the date scheduled for the special election.
19

20 (d) Petition. The petition must clearly state that its purpose is to place a specific person's name
21 on the ballot at a special election to fill a vacancy on the Council of the City of Takoma Park, the
22 office and/or ward that the election is being held to fill, and the date of the special election.
23

24 (1) For a Mayoral vacancy, a person must have the signatures of at least 30 qualified voters
25 of the City in order to be listed on the special election ballot as a candidate.
26

27 (2) For a Councilmember vacancy, a person must have the signatures of at least 10
28 qualified voters of the ward in which there is a vacancy in order to be listed on the special
29 election ballot as a candidate.
30

31 (3) A qualified voter may sign the petition of more than one person to fill a vacancy on the
32 Council. Each qualified voter shall print their [~~his/her~~] name under the signature and shall
33 include their [~~his/her~~] address and the date of their [~~his/her~~] signature on the petition.
34

35 (4) Before listing a person's name on a special election ballot as a candidate to fill a
36 vacancy on the Council, the City Clerk shall verify that sufficient signatures on a petition are
37 from qualified voters of the City and for a Councilmember vacancy of the ward in which
38 there is a vacancy. The invalidation of one signature on a petition shall not serve to
39 invalidate any other signatures on a petition.
40

41 (e) Voting. For a Mayoral vacancy, all qualified voters of the City may vote in the special
42 election to fill a vacancy on the Council. For a Councilmember vacancy, only qualified voters of
43 the ward in which there is a vacancy may vote in the special election to fill a vacancy on the
44 Council.
45

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

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2 (g) Results of Special Election. The candidate who meets the qualifications for office as
3 specified in Section 302 or Section 304, as applicable, and who wins [~~receives a majority of~~
4 ~~votes~~] in accordance with Section 606 in the special election to fill a vacancy on the Council
5 [~~shall be the winner and~~] shall serve on the Council for the remainder of the unexpired term for
6 which their [~~his/her~~] predecessor was elected.
7

8 *****

9 **SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
10 **TAKOMA PARK**, that the date of adoption of this Charter Amendment Resolution is
11 _____, 2019, and the amendment of the City of Takoma Park Municipal Charter enacted by
12 this Resolution shall become effective on _____, 2020 (50 days after its passage),
13 unless a proper petition for referendum shall be filed as permitted by Section 502 of the City of
14 Takoma Park Municipal Charter and Annotated Code of Maryland, Local Government Article,
15 Section 4-304. A complete and exact copy of this Charter Amendment Resolution shall be
16 continuously posted on a bulletin board at the Takoma Park Community Center -- Sam Abbott
17 Citizens' Center from _____ until _____ (a period of at least 40 days
18 following its adoption), and a fair summary of the proposed Charter Amendment shall be
19 published in a newspaper of general circulation in the City of Takoma Park once a week for four
20 weeks within 40 days after passage of this Charter Amendment Resolution.
21

22 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY**
23 **OF TAKOMA PARK**, that the City Clerk is specifically directed to carry out the provisions of
24 Section 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain
25 appropriate certificates of the publication of the newspaper in which the fair summary of the
26 Charter Amendment Resolution shall have been published. If a favorable referendum is held on
27 the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby
28 enacted to have been approved by the voters and the Charter Amendment shall become effective
29 on the date provided by law.
30

31 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY**
32 **OF TAKOMA PARK**, that as soon as the Charter Amendment enacted by this Resolution shall
33 become effective, either as provided in this Resolution or following a referendum, the City Clerk
34 shall send to the Department of Legislative Services of Maryland the following information
35 concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment
36 Resolution; (2) the date of the referendum election, if any; (3) the number of votes, whether in
37 the Council or in a referendum, cast for or against the Charter Amendment enacted by this
38 Resolution; and (4) the effective date of the Charter Amendment.
39

40 **THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter
41 Amendment Resolution No. 2019-____ which was passed at a meeting of the Council of the City
42 of Takoma Park, Maryland, on the ____ day of _____, 2019, ____ members of the
43 Council voting in the affirmative, ____ members of the Council voting in the negative, ____
44 members of the Council abstaining, and ____ members of the Council absent, and the said
45 Charter Amendment Resolution becomes effective in accordance with the law on the ____ day
46 of _____, 2020.

1
2 **THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF**
3 **THE CITY OF TAKOMA PARK THIS _____ DAY OF _____, 2019, BY ROLL**
4 **CALL VOTE AS FOLLOWS:**

- 5
6 **Aye:**
7 **Nay:**
8 **Abstain:**
9 **Absent:**

10
11 **Explanatory Note**

- 12
13 1. Underlining indicates language being added to the Charter.
14 2. [Bold brackets and ~~striketrough~~] indicates language being deleted from the Charter.
15 3. ***** indicates sections of the Charter that are not being amended and are not
16 reproduced here.
17
18

19
20 **COUNCIL OF THE CITY OF TAKOMA PARK**

21
22 _____
23 Kate Stewart, Mayor

24
25
26 ATTEST:

27
28 _____
29 Jessie Carpenter, CMC
30 City Clerk

31
32 Date: _____
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35

**ARTICLE V
AMENDMENT PROCEDURES**

Introduced by: Introduction and First Reading:
Adoption:
Effective Date:

CITY OF TAKOMA PARK, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. 2019-

**AMENDMENT TO TAKOMA PARK CHARTER, ARTICLE V AMENDMENT
PROCEDURES TO PROVIDE THAT THE SIGNATURE REQUIREMENT FOR
CHARTER AMENDMENT PETITIONS IS TWENTY PERCENT OF QUALIFIED
VOTERS AT THE TIME OF THE MOST RECENT GENERAL CITY ELECTION**

WHEREAS, 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; and

WHEREAS, the City Council discussed the Board’s recommendations and other revisions at work sessions and held a public hearing on October 23, 2019; and

WHEREAS, pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-305, qualified voters of the City may initiate a proposed amendment or amendments to the City Charter by submitting a petition signed by 20% of persons qualified to vote in municipal general elections; and

WHEREAS, pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-304, qualified voters of the City may petition to referendum a proposed amendment or amendments to the City Charter by submitting a petition signed by at least 20% of qualified voters for of the municipality; and

WHEREAS, by referencing the number of qualified voters for the most recent general City election, petitioners will be able to know in advance the required number of valid signatures needed on such petitions.

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

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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 hearings 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

1 passed, unless on or before the fortieth (40) day after being so ordained or passed there shall be
2 presented to the Council, or mailed to it by registered mail, a petition meeting the requirements
3 of this section.

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

16
17 (h) If the petition for a referendum complies with the requirements of this section, the Council
18 shall by resolution, passed as in its normal legislative procedure, specify the day and the hours
19 for the election at which the question shall be submitted to the voters of the City of Takoma
20 Park. This may be at either the next regular general election or at a special election at the
21 discretion of the Council. In the event a special election is designated, it shall be held within a
22 period of not less than forty (40) days nor more than sixty (60) days after the final passage of the
23 resolution providing for the referendum. The resolution providing for the referendum shall
24 specify the exact wording which is to be placed on the ballots or voting systems [~~machines~~] when
25 the question is submitted to the voters of [~~in~~] the City.

26 27 **Section 503 Initiation by Petition**

28
29 (a) [~~Twenty (20) percent or more of the persons who are qualified to vote in municipal~~
30 ~~general elections in the City of Takoma Park]~~ Qualified City voters at least equal in number to
31 twenty percent (20%) of registered voters at the time of the most recent general City election
32 may initiate a proposed amendment or amendments to the Charter, by a petition presented to the
33 Council. The petition shall contain the complete and exact wording of the proposed amendment
34 or amendments, and the proposed amendment or amendments shall be prepared in conformity
35 with the several requirements contained in subsections (b) and (c) of Section 502 of this Article.
36 Each person signing it shall indicate thereon such person's name and residence address. Upon
37 receiving the petition, the City Clerk is directed to verify that any person who signed it is
38 qualified to vote in City [~~municipal general~~] elections and that the petition contains the required
39 number of signatures [~~, and shall consider the petition as of no effect if it is signed by fewer than~~
40 ~~twenty (20) percent of the persons who are qualified to vote in municipal general elections]~~. If
41 the petition complies [~~d~~] with the requirements of this section, the Council shall by resolution [~~;~~]
42 passed as in its normal legislative procedure, and not later than sixty (60) days after the petition
43 shall have been presented to it, specify the day and the hours for the election at which the
44 question shall be submitted to the voters of the City of Takoma Park. This may be at either the
45 next regular municipal election or at a special election, in the discretion of the Council. In the
46 event a special election is designated, it shall be within a period of not less than forty (40) days
47 nor more than sixty (60) days after the final passage of the resolution. In the resolution, the exact

1 wording shall be specified which is to be placed on the ballots or voting systems when the
2 question is submitted to the voters of the City.

3
4 (b) Provided, however, that if the Council shall approve the amendment or amendments
5 provided for in the petition presented to it under subsection (a) above, it shall have the right by
6 resolution to adopt the amendment or amendments thereby proposed and to proceed thereafter in
7 the same manner as if the amendment or amendments had been initiated by the Council and in
8 compliance with the provisions of Section 502 of this Article.

9
10 **Section 504 Posting and Publication**

11
12 The Clerk shall give notice by posting and publication of any submission of a proposed Charter
13 amendment to the voters thereof. For four (4) weeks immediately preceding the election, at
14 which the question is to be submitted, a complete and exact copy of the wording of the proposed
15 Charter amendment or amendments shall be posted at City Hall or other main municipal building
16 or in a public place. On the day of the election, a similar copy shall be posted at the place or
17 places for voting. Notice of the election, together with a fair summary of the proposed
18 amendment or amendments, shall be published in a newspaper of general circulation of the City
19 of Takoma Park, not less than once in each of the four (4) weeks immediately preceding the
20 election.

21
22 **Section 505 Referendum**

23
24 (a) On the day and during the hours specified for any referendum, the proposed Charter
25 amendment or amendments shall be submitted to the qualified voters of the City. The official or
26 officials thereof whose duty it is to arrange for and conduct the regular municipal elections shall
27 perform the same duties so far as relevant to the referendum election on the proposed Charter
28 amendment or amendments. It is the intent of this section that the referendum election shall be
29 conducted generally according to the procedures and practices observed for regular City
30 elections, except as specifically or necessarily modified by the provisions of the section. The
31 wording specified by the Council in the resolution providing for a referendum on the charter
32 amendment or amendments, shall be placed on the ballots or voting systems used at the
33 referendum election. The expenses of the election shall be defrayed by the City.

34
35 (b) The official or officials charged with the duty to arrange for and conduct the referendum,
36 promptly following the closing of the polls, shall tally the results thereof, and shall forthwith
37 certify the results of the referendum to the Council.

38
39 (c) If a majority of those who vote on any question so submitted to the voters of the City shall
40 cast their votes in favor of the proposed Charter amendment or amendments, the Mayor shall so
41 proclaim publicly within ten (10) days after receiving a certification of the votes from the
42 officials conducting the referendum; and on the thirtieth (30) day following the public
43 proclamation the proposed [e]Charter amendment or amendments shall become a part of the
44 Charter of the City of Takoma Park, according to its terms, in all respects to be effective and
45 observed as such. If less than a majority of those who vote on any such questions shall cast their
46 votes in favor of the proposed Charter amendment or amendments, the Mayor shall so proclaim,

1 adding to the proclamation the statement that the proposed Charter amendment or amendments
2 contained in said question are null and void and of no effect whatsoever.

3
4 **Section 506 Form and Registration of Amendment**

5
6 (a) In any proposal to amend an existing [e]Charter of the City, the new matter, if any, to be
7 added to the Charter shall be indicated by being underscored or in italics and all matters to be
8 eliminated from the existing Charter, if any, shall be indicated in its proper place by enclosing
9 such matter in double parentheses or in boldface brackets. Where the subject matter consists of
10 an entirely new section or sections the words of such new section or sections shall also be
11 underscored or in italics or contain some marginal or other notation to that effect. When the
12 purpose of any proposal is to repeal in its entirety any section or sections of the existing Charter,
13 the matter intended to be repealed need not be written out in full and enclosed in either double
14 parentheses or boldface brackets.

15
16 (b) The resolution to amend the Charter shall identify the source of the existing section or
17 sections, citing the code or other publication or amendments in which appears the most recent
18 text of the section or sections to be amended.

19
20 (c) Amendments to the Charter shall be in a consecutively numbered series.

21
22 (d) The resolution to amend the Charter shall provide specifically (and not simply by
23 implication) for the repeal of any section or sections of the existing Charter which are
24 inconsistent with the amended section or sections.

25
26 (e) A proposal to amend the Charter, whether initiated by the Council or by a petition of
27 qualified voters of the City, may not be rescinded after its adoption by the Council or after its
28 formal submission in a petition, in any manner other than that of another Charter amendment.

29
30 (f) At the time a Charter amendment or amendments become effective by reason of having
31 been ordained or passed by the Council, or at the time of making a public proclamation as to the
32 vote on any question containing a proposed Charter amendment or amendments which have been
33 adopted, the Mayor shall send separately by registered mail to the Secretary of State of Maryland
34 and to the Department of Legislative Services the following information concerning the Charter
35 amendment or amendments: (1) The complete text thereof, (2) the date of the referendum
36 election, if any, (3) the number of votes cast for and against each question containing the Charter
37 amendment or amendments, whether in the Council or in a referendum, and (4) the effective date
38 of the Charter amendment or amendments.

39
40 (g) The Charter amendment or amendments are not effective and shall not be applied or
41 considered as if effective, unless and until it or they have been registered as required in
42 subsection (f) of this section.

43
44 **Section 507 Codification of Amendments**

45
46 The exact text of any amendment or amendments to the Charter adopted as in this Article
47 specified, shall thereafter be included in any subsequent edition or codification of the Charter of

1 the City, until altered, modified or repealed by a subsequent amendment or amendments to the
2 Charter.

3
4 **SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
5 **TAKOMA PARK**, that the date of adoption of this Charter Amendment Resolution is
6 _____, 2019, and the amendment of the City of Takoma Park Municipal Charter enacted by
7 this Resolution shall become effective on _____, 2020 (50 days after its passage),
8 unless a proper petition for referendum shall be filed as permitted by Section 502 of the City of
9 Takoma Park Municipal Charter and Annotated Code of Maryland, Local Government Article,
10 Section 4-304. A complete and exact copy of this Charter Amendment Resolution shall be
11 continuously posted on a bulletin board at the Takoma Park Community Center -- Sam Abbott
12 Citizens' Center from _____ until _____ (a period of at least 40 days
13 following its adoption), and a fair summary of the proposed Charter Amendment shall be
14 published in a newspaper of general circulation in the City of Takoma Park once a week for four
15 weeks within 40 days after passage of this Charter Amendment Resolution.

16
17 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY**
18 **OF TAKOMA PARK**, that the City Clerk is specifically directed to carry out the provisions of
19 Section 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain
20 appropriate certificates of the publication of the newspaper in which the fair summary of the
21 Charter Amendment Resolution shall have been published. If a favorable referendum is held on
22 the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby
23 enacted to have been approved by the voters and the Charter Amendment shall become effective
24 on the date provided by law.

25
26 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY**
27 **OF TAKOMA PARK**, that as soon as the Charter Amendment enacted by this Resolution shall
28 become effective, either as provided in this Resolution or following a referendum, the City Clerk
29 shall send to the Department of Legislative Services of Maryland the following information
30 concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment
31 Resolution; (2) the date of the referendum election, if any; (3) the number of votes, whether in
32 the Council or in a referendum, cast for or against the Charter Amendment enacted by this
33 Resolution; and (4) the effective date of the Charter Amendment.

34
35 **THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter
36 Amendment Resolution No. 2019-____ which was passed at a meeting of the Council of the City
37 of Takoma Park, Maryland, on the ____ day of _____, 2019, ____ members of the
38 Council voting in the affirmative, ____ members of the Council voting in the negative, ____
39 members of the Council abstaining, and ____ members of the Council absent, and the said
40 Charter Amendment Resolution becomes effective in accordance with the law on the ____ day
41 of _____, 2020.

42
43 **THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF**
44 **THE CITY OF TAKOMA PARK THIS ____ DAY OF _____, 2019, BY ROLL**
45 **CALL VOTE AS FOLLOWS:**

46
47 **Aye:**

1 **Nay:**
2 **Abstain:**
3 **Absent:**

4
5 **Explanatory Note**
6

- 7 1. Underlining indicates language being added to the Charter.
8 2. [Bold brackets and ~~striketrough~~] indicates language being deleted from the Charter.
9

10
11
12 [Signature page for Charter Amendment Resolution No. 2019-__.]
13

14 **COUNCIL OF THE CITY OF TAKOMA PARK**
15

16 _____
17 Kate Stewart, Mayor
18

19
20 ATTEST:
21

22 _____
23 Jessie Carpenter, CMC
24 City Clerk
25

26 Date: _____
27
28
29

ARTICLE VI
REGISTRATION, NOMINATIONS AND ELECTIONS

Introduced by: Introduction and First Reading:
Adoption:
Effective Date:

CITY OF TAKOMA PARK, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. 2019-

**AMENDMENT TO THE TAKOMA PARK CITY CHARTER, ARTICLE VI
REGISTRATION, NOMINATIONS AND ELECTIONS TO ELIMINATE THE 21-DAY
RESIDENCY REQUIREMENT FOR VOTERS; ELIMINATE OUTDATED
PROCEDURES; CLARIFY EXISTING LANGUAGE; ELIMINATE GENDER BINARY
LANGUAGE; REVISE DEADLINES TO COMPORT WITH EARLY VOTING;
PROVIDE FOR ELECTION TIES TO BE RESOLVED BY LOT RATHER THAN
RUNOFF ELECTION; ELIMINATE A REQUIREMENT THAT ELECTION JUDGES
BE APPOINTED BY THE COUNCIL; ESTABLISH A LIST OF VOTERS ONLY
REGISTERED TO VOTE IN CITY ELECTIONS RATHER THAN A LIST OF
NONCITIZEN REGISTERED VOTERS; CHANGE REFERENCES TO “CITIZENS” TO
“RESIDENTS”; PROVIDE THAT THE SIGNATURE REQUIREMENT FOR
ADVISORY REFERENDUM PETITIONS AND RECALL PETITIONS IS TWENTY
PERCENT OF REGISTERED VOTERS AT THE TIME OF THE LAST REGULAR
CITY ELECTION; REQUIRE THAT SIGNATURES ON RECALL PETITIONS BE
OBTAINED AFTER THE MOST RECENT ELECTION AND AT LEAST 180 DAYS
PRIOR TO THE NEXT GENERAL ELECTION; PROHIBIT THE COUNCIL FROM
REAPPOINTING A RECALLED OFFICIAL; AND ALLOW POTENTIAL
CANDIDATES TO NOMINATE THEMSELVES OR SECOND THEIR NOMINATION**

WHEREAS, 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; and

WHEREAS, the City Council discussed the Board’s recommendations and other revisions at work sessions and held a public hearing on October 23, 2019; and

WHEREAS, the Council believes that a number of amendments to the City Charter, Article VI Registration, Nominations and Elections, are appropriate at this time to enhance opportunities to vote in City elections and to update or clarify sections of Article VI; and

WHEREAS, in order to vote in City elections, voters are required to have resided within the City for 21 days immediately preceding the election; and

WHEREAS, the Council desires to eliminate the requirement that a voter must have resided within the City for 21 days immediately preceding the election if the voter has

1 established that they currently reside in the City and do not claim voting residence
2 or the right to vote in another jurisdiction; and
3

4 **WHEREAS,** since 1992, the City of Takoma Park has maintained a supplemental voter registry
5 for qualified residents who are not United States citizens to register with the City
6 Clerk to vote in City elections; and
7

8 **WHEREAS,** the Council desires to enable any qualified resident to register to vote with the
9 City Clerk to vote in City elections rather than limiting such registration to
10 residents who are not citizens of the United States; and
11

12 **WHEREAS,** since qualified residents may register and vote in City elections up to and
13 including on election day, any reference to “late registration” is no longer needed;
14 and
15

16 **WHEREAS,** the City Council seeks to ensure that meetings are not required to take place on
17 religious holidays recognized by the Council; and
18

19 **WHEREAS,** there has been a lack of clarity on the rules for nomination and seconding
20 nominations at the nomination meeting and the City Council desires to clarify
21 these rules; and
22

23 **WHEREAS,** the addition of an early voting period and new requirements in the Annotated
24 Code of Maryland related to candidates’ filing of financial disclosure statements
25 have resulted in the need to revise certain deadlines in the Article; and
26

27 **WHEREAS,** the City Council adopted an instant runoff voting system in 2006 to enable voters
28 to rank candidates in order of preference; and
29

30 **WHEREAS,** the description of the instant runoff voting process can be simplified to make it
31 more readily understandable and the system of instant runoff voting is now most
32 commonly referred to as ranked choice voting; and
33

34 **WHEREAS,** the Council wishes to eliminate any possibility of the need for a runoff election
35 but, currently, a runoff election is required in the event of a tie that affects the
36 outcome of the election even after comparing the votes of the tied candidates in
37 the previous rounds of counting and by following the process set forth in Section
38 606(h); and
39

40 **WHEREAS,** the City Council appoints a Board of Elections to conduct City elections and can
41 now delegate the appointment of additional election workers to the Board; and
42

43 **WHEREAS,** advisory referendum questions may be placed on the ballot by a petition
44 submitted by 20% of qualified voters of the City and the Council desires to clarify
45 that the number is based on the number of qualified voters for the most recent
46 general City election, thereby enabling petitioners to know in advance the
47 required number of valid signatures needed on such petitions; and

1
2 **WHEREAS**, Section 614 sets forth a process for recall of elected officials but is currently open
3 ended as to when signatures may be obtained or when petitions may be submitted,
4 and the Council desires to establish reasonable limits on the time frame for such
5 petitions; and
6

7 **WHEREAS**, as with other petitions that require a percentage of qualified voters, the Council
8 desires to clarify that the percentage is based on the number of qualified voters for
9 the most recent general City election; and
10

11 **WHEREAS**, to respect the integrity of the recall process in the event a successful recall
12 election is conducted within 240 days of the next general City election, the
13 Council desires to add a prohibition on reappointing the recalled official to serve
14 in the interim until the next general election; and
15

16 **WHEREAS**, as updates are made to the City Charter and Code, the City Council desires to
17 remove gender binary references.
18

19 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE**
20 **CITY OF TAKOMA PARK**, pursuant to Article XI-E of the Constitution of the State of
21 Maryland, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of
22 Maryland, and Article V, Amendment Procedures of the City of Takoma Park Municipal
23 Charter, that the City of Takoma Park Municipal Charter Article VI is amended as follows:
24

25 **ARTICLE VI**
26 **REGISTRATION, NOMINATIONS, AND ELECTIONS**
27

28 **Section 601 Qualifications of Voters**
29

30 (a) Every person who (1) is a resident of the City of Takoma Park, (2) is at least sixteen (16)
31 years of age or will be sixteen (16) years of age on or before the date of the next City election,
32 (3) ~~[has resided within the corporate limits of the City for 21 days immediately preceding the~~
33 ~~City election,~~ (4) does not claim voting residence or the right to vote in another jurisdiction, and
34 ~~[(5)](4)~~ is registered to vote in accordance with the provisions of this C[e]harter, is a qualified
35 voter of the City except as provided in subsection (b) of this section. Every qualified voter of the
36 City is entitled to vote in all City elections, to participate in the nominating meeting, and to sign
37 nominating, referendum, recall and other petitions authorized by this C[e]harter.
38

39 (b) An individual is not eligible to be a registered voter of the City if the individual: (1) has
40 been convicted of a felony and is currently ~~[actually]~~ serving a court-ordered sentence of
41 imprisonment for the conviction; (2) is under guardianship for mental disability and a court of
42 competent jurisdiction has specifically found by clear and convincing evidence that the
43 individual cannot communicate, with or without accommodations, a desire to participate in the
44 voting process; or (3) has been convicted of buying or selling votes.
45

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

3
4 ~~[(a)] A voter residing in the City who is included on the Statewide Voter Registration List at an~~
5 ~~address within the City is registered to vote in City elections. [Prior to each City election, the~~
6 ~~City Clerk shall request from the Montgomery County Board of Elections a certified list of the~~
7 ~~names and addresses of those people residing in the City and registered to vote.~~

8
9 ~~(b) On or before one week before each City election, the Montgomery County Board of~~
10 ~~Elections shall provide the City with any revisions to the list of registered voters in the City~~
11 ~~previously provided to the City.~~

12
13 ~~(c) Names of persons added by such revisions shall be deemed to have been certified~~
14 ~~originally, and those persons shall be entitled to vote in the next succeeding City election; and~~
15 ~~names of persons removed by such revisions shall be deemed not to have been certified~~
16 ~~originally, and those persons shall not be entitled to vote in the next succeeding City election.~~

17
18 ~~(d) A person who feels aggrieved by an action of the Montgomery County Board of Elections~~
19 ~~regarding voter registration for a City election may file an administrative complaint with the~~
20 ~~Montgomery County Board of Elections under the procedures established by the State Board of~~
21 ~~Elections.]~~

22
23 **Section 603 City-Only Voter Registration**

24
25 (a) All residents of the City who meet the voter qualifications set forth in Section 601 may
26 register with the City Clerk [~~Except as set forth in subsection (e), any resident of the City who is~~
27 ~~a United States citizen, is at least 16 years of age, and is eligible to register to vote in the State of~~
28 ~~Maryland must be properly registered to vote with the Montgomery County Board of Elections~~
29 ~~in accordance with state law in order]~~ to vote in City elections. The City Clerk shall promptly
30 send notice to any jurisdiction in the United States where the new registrant was formerly
31 registered to vote, requesting the cancellation of said voter's prior registration.

32
33 (b) [~~Any resident of the City who is not a United States citizen, but who meets the voter~~
34 ~~qualifications set forth in Section 601 may register with the City Clerk to vote in City elections.]~~
35 The City Clerk shall maintain a supplemental voter registry, separate from the list of registered
36 voters on the Statewide Voter Registration List in the City generated by the Montgomery County
37 Board of Elections, which shall include the names of those persons who registered with the City
38 Clerk [non-United States citizens who are registered] to vote in City elections. [~~The City Clerk~~
39 ~~shall promptly send notice to any jurisdiction in the United States where the new registrant was~~
40 ~~formerly registered to vote, requesting the cancellation of said voter's prior registration.]~~

41
42 ~~[(c) Any United States citizen or non-United States citizen resident of the City who has been~~
43 ~~convicted of a felony and is serving a term of parole or probation for the conviction but who~~
44 ~~meets the voter qualifications set forth in Section 601 may register with the City Clerk to vote in~~
45 ~~City elections. The City Clerk shall maintain a supplemental voter registry, separate from the list~~
46 ~~of registered voters in the City generated by the Montgomery County Board of Elections, which~~
47 ~~shall include the names of those registered under this subsection. The City Clerk shall promptly~~

1 send notice to any jurisdiction in the United States where the new registrant was formerly
2 registered to vote, requesting the cancellation of said voter's prior registration.]

3
4 ~~[(d) Voter registration through Montgomery County Board of Elections. Voter registration for
5 City elections with the Montgomery County Board of Elections shall close at 5:00 p.m. on the
6 21st day preceding a City election.]~~

7
8 ~~[(e)]~~ (c) ~~[Late registration; s]~~ Same day voter registration. City residents who are eligible to
9 register to vote pursuant to this Charter may register to vote in City elections up to and including
10 on election day ~~[, but who are not registered to vote, may register to vote in a City election]~~ by
11 completing a voter registration application and registering to vote with the City Clerk, or a
12 representative designated by the City Clerk ~~[, from the 20th day before a City election until the
13 close of voting on the day of the City election].~~

14 15 **Section 604 Nominations**

16
17 (a) Nominations for Mayor and Councilmembers shall be made at a meeting of Takoma Park
18 residents ~~[citizens]~~ called by the City Clerk at the direction of the Council. Such meeting shall be
19 held at a convenient place within the City to be designated by the Council and notice thereof
20 shall be given through a newspaper or newspapers of general circulation within the City and/or
21 by handbills generally distributed and posted throughout the City. The meeting shall be held on
22 the second Tuesday evening after Labor Day in the year of the election, but if this date conflicts
23 with ~~[Rosh Hashanah (Jewish New Year) or with Yom Kippur (Jewish Day of Atonement)]~~ a
24 Council-recognized religious holiday, then the meeting shall be scheduled for the next weekday
25 evening thereafter, ~~[the end of the second day of Rosh Hashanah or after the end of Yom~~
26 ~~Kippur.]~~ The City Clerk, or a representative designated by the City Clerk, shall preside at the
27 meeting; a qualified voter of the City shall be chosen as secretary of the meeting by the qualified
28 voters of the City present; the secretary shall keep a record of the proceedings of the meeting and
29 file the same in the office of the City Clerk.

30
31 (b) Nominations of candidates for Mayor shall be made on motion by any qualified voter of the
32 City, and if such nomination is seconded by a qualified voter of the City, the persons so
33 nominated shall be considered a candidate. Nomination of each candidate for Councilmember
34 shall be made on motion of any qualified voter of their ~~[her/his]~~ ward, and if such nomination is
35 seconded by a qualified voter of their ~~[her/his]~~ ward, the person so nominated shall be considered
36 a candidate. A candidate may nominate themselves or second their nomination. Any nominated
37 candidate may decline a nomination during the nomination meeting. A person may only accept a
38 nomination of one City office. The name of each person nominated for the office of Mayor and
39 Councilmember shall be placed upon the official ballot unless the nominated person ~~[he/she]~~
40 ~~[shall]~~ files a declination with the City Clerk within three (3) days after the ~~[his/her]~~ nomination
41 or fails to file a timely candidate's financial disclosure statement as required by the City of
42 Takoma Park Public Ethics Ordinance.

43
44 (c) The Council may ~~[shall]~~ adopt ~~[develop]~~ such rules and procedures as are necessary relating
45 to nomination proceedings consistent with the provisions of this Charter.

1 (d) Any person nominated as a candidate must meet the qualifications of the office for which
2 ~~[she/he is]~~ they are nominated.

3
4 (e) City residents who are eligible to vote in the next City election pursuant to this Charter, but
5 who are not yet registered ~~[to vote]~~, may participate in the nominating meeting by completing a
6 voter registration application and registering to vote with the City Clerk, or a representative
7 designated by the City Clerk, ~~[on the day of the nominating meeting,]~~ before the start of the
8 meeting.

9
10 **Section 605 Write-In Candidates**

11
12 (a) Any write-in candidate for Mayor or Councilmember who wishes to pre-register ~~[be pre-~~
13 ~~registered]~~ as a write-in candidate ~~[and]~~ to have their ~~[her/his]~~ name posted in the voting booth
14 ~~[for the purpose of identifying her/him as a candidate for office]~~, must file their ~~[her/his]~~ name
15 with the City Clerk by 5:00 p.m. three business days prior to the start of voting. ~~[on the Friday~~
16 ~~prior to the election.]~~

17
18 (b) A voter in a City election may write in~~[write in]~~ the name of any person for the office of
19 Mayor or Councilmember in the method indicated on the ballot. ~~[provided by the City Clerk on~~
20 ~~election day.]~~

21
22 (c) A voter may only write in~~[write in]~~ one candidate for each office.

23
24 (d) Only those write-in candidates who are qualified to serve for the office for which they are
25 written in~~[written in]~~ as Mayor or Councilmember as provided by this Charter shall be eligible to
26 hold said office.

27
28 **Section 606 Election of Mayor and Councilmembers**

29
30 (a) On the first Tuesday after the first Monday in November ~~[of 2017, and in]~~ of every even-
31 numbered year ~~[commencing in 2020]~~, the qualified voters of the City shall elect its governing
32 body of seven (7) members. Six (6) of these members are elected by ward and are called
33 Councilmembers, and one (1) is elected at large and is called Mayor. Each of those elected shall
34 reside in the City and be voters of the City, and in the case of the Councilmembers, be residents
35 of the areas from which they are so elected consistent with the provisions of Section 304, Article
36 III of this Charter.

37
38 (b) The Mayor and Councilmembers shall be elected using a ranked choice voting system
39 allowing voters to rank in order of their preference the candidates for each office appearing on
40 the ballot. If, after counting all voters' first choice listed on their ballots for an office, no
41 candidate receives a majority of votes cast, the candidate with the fewest votes shall be
42 eliminated. Each ballot shall be tallied again for that office counting the vote from each ballot for
43 the highest ranked candidate who has not been eliminated. If still no candidate for that office
44 receives a majority, the process shall be repeated until a candidate receives a majority of the
45 votes for that office. The candidate receiving a majority of votes for Mayor shall be declared
46 elected. The candidate for Council receiving a majority of votes in each ward shall be declared
47 elected.

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

12
13 ~~(d) The first choice marked on each ballot shall be counted initially by the judges of election as~~
14 ~~one vote. If any candidate receives a majority of the first choices, that candidate shall be declared~~
15 ~~elected.~~

16
17 ~~(e) If no candidate receives a majority of first choices, the judges of election shall conduct an~~
18 ~~instant runoff consisting of additional rounds of ballot counting. In every round of counting, each~~
19 ~~ballot is counted as one vote for that ballot’s highest ranked advancing candidate. “Advancing~~
20 ~~candidate” means a candidate for that office who has not been eliminated. A candidate receiving~~
21 ~~a majority of valid votes in a round shall be declared elected. If no candidate receives a majority~~
22 ~~of valid votes in a round, the candidate with the fewest votes shall be eliminated, and all ballots~~
23 ~~shall be recounted. This process of eliminating the candidate with the fewest votes and~~
24 ~~recounting all ballots shall continue until one candidate receives a majority of the valid votes in a~~
25 ~~round.]~~

26
27 ~~[(f)](c) To facilitate ballot counting by hand in any round, the judges of election may eliminate~~
28 ~~all candidates with no [mathematical] chance of winning. A candidate has no [mathematical]~~
29 ~~chance of winning if the sum total of all votes credited to that candidate and all candidates with~~
30 ~~the same or fewer votes is less than the number of votes credited to the candidate with the next~~
31 ~~greatest number of votes.~~

32
33 ~~[(g)](d) If a ballot has no more available choices ranked on it, that ballot shall be declared~~
34 ~~“exhausted” and not counted in that round or any subsequent round. Ballots skipping one number~~
35 ~~shall be counted for that voter’s next clearly indicated choice, but ballots skipping more than one~~
36 ~~number shall be declared exhausted when this skipping of numbers is reached. Ballots with two~~
37 ~~or more of the same number shall be declared exhausted when such duplicate rankings are~~
38 ~~reached unless only one of the candidates with the duplicate ranking is an advancing candidate.~~

39
40 ~~(e)](h) In the event of a tie that affects the outcome of the election, the tie shall be broken by~~
41 ~~comparing the votes of the tied candidates in the previous rounds of counting, starting with the~~
42 ~~count immediately preceding the round in which the tie occurs. If one of the tied candidates had~~
43 ~~more votes than the remaining tied candidates in the preceding round or an earlier round of~~
44 ~~counting, then that candidate shall advance and the others shall be eliminated. If the candidates~~
45 ~~were tied in each preceding round, then the tie shall be resolved by lot. ~~In the event that this tie~~~~
46 ~~occurs between or among all remaining candidates, then a runoff election between or among the~~
47 ~~tied candidates shall be held within forty five (45) days after the date of the election.]~~

1
2 ~~[(+)](f)~~ The Council may modify the form of the ballots, the instructions to voters, and the
3 details with respect to the method of marking, sorting, counting, invalidating, and retaining
4 ballots and the tabulating and recounting of votes pursuant to this section, provided that no
5 change shall be made that will alter the intent or principles of ranked choice ~~[instant runoff]~~
6 voting as set forth in this section.
7

8 **Section 607 Conduct of Elections Generally**

9

10 (a) The Council, by ordinance, shall provide for said elections; shall designate in said
11 ordinance a convenient polling place or places; ~~[shall appoint judges of election;]~~ shall designate
12 the manner of holding said election; shall designate and provide the voting system to be used;
13 and shall conduct said elections in accordance with the provisions of this section.
14

15 (b) Elections shall be conducted by the Takoma Park Board of Elections, members of which
16 serve as judges of elections. ~~[appointed by the Council under the supervision of the City Clerk,~~
17 ~~and] Elections~~ shall be held at some convenient place or places to be designated by the Council.
18 ~~[; any vacancy in the list of judges occurring between their appointment and the election shall be~~
19 ~~filled by the Mayor.]~~ On election day, [F]the polls shall be opened at 7:00 a.m. [A.M.] and
20 closed at 8:00 p.m. [P.M.]
21

22 **Section 608 Absentee Voting**

23

24 Any qualified voter may vote by absentee ballot in a City election.
25

26 **Section 609 Early Voting**

27

28 The Council shall, by ordinance, establish locations, days, hours and mechanisms for early
29 voting in all City elections.
30

31 **Section 610 Provisional Voting**

32

33 A person may cast a provisional ballot in a City election if the person's name does not appear on
34 the lists of qualified voters of the City or if the person's eligibility to register to vote and/or to
35 vote ~~[City residency, identification or identity]~~ is challenged.
36

37 **Section 611 Special Elections**

38

39 All special City elections shall be conducted by the ~~[Council]~~ Board of Elections in the same
40 manner, as far as practicable, as set forth in this Charter.
41

42 **Section 612 Advisory Referendums**

43

44 (a) A question for referendum or a legislative initiative, not otherwise provided for in this
45 Charter and regarding a matter over which the Council has authority, may be placed on the ballot
46 in any regular or special City election. All such referendum questions or initiatives, unless they
47 are made binding on the Council by any other section of this Charter or by other applicable

1 [e]City, county, state or federal law, shall be advisory only and shall not bind or obligate the
2 Council or the City to enact any ordinance or resolution or to perform any act or function.

3
4 (b) Advisory referendum questions or legislative initiatives may be placed on the ballot in any
5 City election in the following manner:

6
7 (1) The Council may, by resolution passed by a majority of the Council, provide for an
8 advisory referendum question or legislative initiative to be placed on the ballot at any regular
9 municipal election or at a special election.

10
11 (2) Qualified City voters at least equal in number to [T]twenty percent (20%) of registered
12 voters at the time of the most recent general City election [or more of the qualified voters of
13 the City] may sign a petition to the Council to place an advisory referendum question or
14 legislative initiative on the ballot. The petition shall contain the language to be placed on the
15 ballot. Each qualified voter signing the petition shall indicate on the petition the person's
16 name and residence address. Within thirty (30) days after receiving the petition, the City
17 Clerk shall verify that any person who signed the petition is a qualified voter of the City and
18 that the petition contains the required number of signatures.

19
20 (3) Provided the City Clerk has certified that the petition contains the required number of
21 signatures, the Council shall, by resolution passed by a majority of the Council, order the
22 advisory referendum question or legislative initiative to be placed on the ballot and specify
23 the day and hours for the election at which the advisory referendum question or legislative
24 initiative shall be voted on. This may be either at the next regular municipal election or at a
25 special election, [in] at the discretion of the Council.

26
27 (4) In the event a special election is designated, the special election shall be held within a
28 period of not less than forty (40) days nor more than sixty (60) days after the final passage of
29 the resolution providing for the advisory referendum question or legislative initiative.

30
31 (5) Any resolution providing for the placement of an advisory referendum question or
32 initiative on a ballot shall specify the exact wording which is to be submitted to the voters of
33 the City.

34
35 **Section 613 Vote Count**

36
37 (a) Within forty-eight (48) hours after the closing of the polls, the judges of the election shall
38 canvass the voting machines or other voting system, and count any paper ballots, regular and
39 absentee, to determine the vote cast for each candidate or any questions on the ballot.

40
41 (b) The judges of the election shall meet within two days following the election, and shall
42 therefore determine and declare what persons have been elected[~~, issue certificates of election to~~
43 ~~such persons,~~] and certify the results to the Council.

1 **Section 614 Recall Elections**

2
3 (a) **Removal of Elected Officials.** The Mayor and any Councilmember of the City of Takoma
4 Park may be removed from office by the affirmative vote of a majority of those voting in a
5 special recall election.

6
7 (b) **Recall Petition.** A petition for the removal of the Mayor or any Councilmember from
8 office (a “recall petition”) shall state the name, office, and/or ward of the elected official whose
9 recall is sought and that its purpose is to require a special recall election to vote on whether that
10 elected official should be removed from office. A recall petition may, but does not have to, state
11 a reason or reasons for the recall.

12
13 (1) A recall petition for the Mayor must have the signatures of qualified City voters at least
14 equal in number to twenty percent (20%) of the registered City voters at the time of the most
15 recent general City election. [~~at least 1,500 qualified voters of the City of Takoma Park or at~~
16 ~~least 20% of the qualified voters of the City, whichever is greater.~~]

17
18 (2) A recall petition for a Councilmember must have the signatures of qualified voters of
19 the ward the Councilmember represents at least equal in number to twenty percent (20%) of
20 the ward’s registered voters at the time of the most recent general City election. [~~at least 100~~
21 ~~qualified voters of the ward the Councilmember represents or at least 20% of the qualified~~
22 ~~voters of that ward, whichever is greater.~~]

23
24 (3) A qualified voter of the City may sign a recall petition for the removal of more than
25 one elected official. Each qualified voter shall print their [~~his/her~~] name under the signature
26 and shall include their [~~his/her~~] address and the date of their [~~his/her~~] signature on the recall
27 petition.

28
29 (4) All signatures on a recall petition must be obtained after the most recent general
30 election and submitted at least 180 days prior to the next general election.

31
32 (c) **Recall Election.** A special recall election shall be held not less than thirty (30) days and not
33 more than forty-five (45) days from the date the City Clerk determines that a valid recall petition
34 containing a sufficient number of signatures from qualified voters has been submitted. The
35 Council shall establish the date for the recall election by resolution. If the elected official who is
36 sought to be removed is a Councilmember, then only qualified voters of that Councilmember’s
37 ward may vote in the recall election.

38
39 (d) **Form of Question on Ballot.** The ballot for a special recall election shall have the
40 following question: “Should [name of elected official] be removed from the office of [name of
41 office]? Vote ‘yes’ or ‘no’.”

42
43 (e) **Results of Recall Election.** If a majority of those voting in the special recall election vote
44 “yes,” the elected official shall be removed from office immediately without the necessity of
45 further Council action and the office shall be considered vacant. The resulting vacancy on the
46 Council shall be filled in accordance with Section 308. An elected official who has been
47 removed from the Council in a recall election [~~may apply for reappointment to the Council or~~]

1 shall not be eligible for reappointment by the Council but may petition to be listed as a candidate
2 on a special election ballot to fill a vacancy on the Council. In the event the number of “yes” and
3 “no” votes in the special recall election are the same or a majority of those voting in the recall
4 election vote “no,” then the recall shall fail and the elected official shall remain in office.

5
6 **Section 615 Regulation and Control by Council**
7

8 The Council has the power to provide by ordinance in every respect not covered by the
9 provisions of this [e]Charter for the conduct of registration, nomination, and City elections and
10 for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt
11 or fraud. The Council further has the power to create and appoint [~~an Elections Board~~] a Board
12 of Elections and to specify the functions and duties of the Board of Elections [~~an Elections~~
13 ~~Board~~]. The Board of Elections’ [~~Election Board’s~~] functions may include enforcing the City’s
14 elections laws and resolving complaints, disputes, and challenges on election matters.
15 Ordinances heretofore adopted by the Council pertaining to election matters shall remain in force
16 and effect until repealed or amended by the Council but only as to such provisions as are not
17 inconsistent with the provisions of this Article.
18

19 **Section 616 Penalties**
20

21 Any person who (1) fails to perform any duty required of them [~~him/her~~] under the provisions of
22 this subheading or any ordinances passed thereunder, (2) in any manner willfully or corruptly
23 violates any of the provisions of this subheading or any ordinances passed thereunder, or (3)
24 willfully or corruptly does anything which will or will tend to affect fraudulently any
25 registration, nomination, or City election, is guilty of a misdemeanor. Any official, officer or
26 employee of the City government who is convicted of a misdemeanor under the provisions of
27 this section shall immediately upon conviction thereof cease to hold office or employment.
28

29 **SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
30 **TAKOMA PARK**, that the date of adoption of this Charter Amendment Resolution is
31 _____, 2019, and the amendment of the City of Takoma Park Municipal Charter enacted by
32 this Resolution shall become effective on _____, 2020 (50 days after its passage),
33 unless a proper petition for referendum shall be filed as permitted by Section 502 of the City of
34 Takoma Park Municipal Charter and Annotated Code of Maryland, Local Government Article,
35 Section 4-304. A complete and exact copy of this Charter Amendment Resolution shall be
36 continuously posted on a bulletin board at the Takoma Park Community Center -- Sam Abbott
37 Citizens’ Center from _____ until _____ (a period of at least 40 days
38 following its adoption), and a fair summary of the proposed Charter Amendment shall be
39 published in a newspaper of general circulation in the City of Takoma Park once a week for four
40 weeks within 40 days after passage of this Charter Amendment Resolution.
41

42 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY**
43 **OF TAKOMA PARK**, that the City Clerk is specifically directed to carry out the provisions of
44 Section 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain
45 appropriate certificates of the publication of the newspaper in which the fair summary of the
46 Charter Amendment Resolution shall have been published. If a favorable referendum is held on
47 the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby

1 enacted to have been approved by the voters and the Charter Amendment shall become effective
2 on the date provided by law.

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

12
13 **THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter
14 Amendment Resolution No. 2019-____ which was passed at a meeting of the Council of the City
15 of Takoma Park, Maryland, on the ____ day of _____, 2019, ____ members of the
16 Council voting in the affirmative, ____ members of the Council voting in the negative, ____
17 members of the Council abstaining, and ____ members of the Council absent, and the said
18 Charter Amendment Resolution becomes effective in accordance with the law on the ____ day
19 of _____, 2020.

20
21 **THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF**
22 **THE CITY OF TAKOMA PARK THIS ____ DAY OF _____, 2019, BY ROLL**
23 **CALL VOTE AS FOLLOWS:**

24
25 **Aye:**

26 **Nay:**

27 **Abstain:**

28 **Absent:**

29
30 **Explanatory Note**

- 31
32 1. Underlining indicates language being added to the Charter.
33 2. [Bold brackets and ~~striketrough~~] indicates language being deleted from the Charter.

34
35 **COUNCIL OF THE CITY OF TAKOMA PARK**

36
37 _____
38 Kate Stewart, Mayor

39
40
41 **ATTEST:**

42
43 _____
44 Jessie Carpenter, CMC
45 City Clerk

46
47 Date: _____