



Takoma Park City Council Meeting – June 24, 2020 Agenda Item 3

Work Session

Election Update

Recommended Council Action

Receive the update, provide feedback and ask questions.

Context with Key Issues

On June 17, 2020, the City Board of Elections provided its recommendation to the City Council to change the format of the November 3, 2020 City Election to a vote by mail election, to protect the health of voters and election workers due to the concerns related to the COVID-19 pandemic. The City Council expressed no objections to planning for a vote-by-mail election.

While we would hope and anticipate that most ballots will be mailed or dropped off, some voters will need to vote in person. This would include voters who need to use a ballot marking device, voters who do not receive a ballot in the mail or misplace the ballot received, and voters who are not yet registered. For this purpose, we anticipate opening one location on election day.

To effectively conduct an election by mail, several amendments to the City Code and City Charter will be needed. A proposed schedule for Council action on Charter and Code amendments is attached.

City Charter sections that will likely need to be amended by the City Council:

- Article III The Council, Section 301, Number, Selection, Term, Wards: "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 Council-recognized religious holiday, they will take office on the next day, Thursday." *(Staff recommends extending the time between the election and the day the new Council takes office so that there is sufficient time to canvass ballots and certify the election results.)*
- Article III The Council, Section 305 Meeting of the Council: "The newly elected Council shall meet on the second Wednesday following its election for the purpose of organization . . ." *(Staff recommends extending the time between the election and the day the new Council holds its first meeting so that there is sufficient time to canvass ballots and certify the election results.)*
- Article VI Registration, Nominations, and Elections, Section 605, Write-In Candidates: "(a) Any write-in candidate for Mayor or Councilmember who wishes to pre-register as a write-in candidate to have their name posted in the voting booth, must file their name with the City Clerk by 5:00 p.m. three business days prior to the start of early voting." *(Staff recommends deleting the pre-registration for write-in candidates. Alternatively, allow the pre-registration but post names of pre-registered write-in candidates on the website no later than the next business day after pre-registration is completed.)*

- Article VI Registration, Nominations, and Elections, Section 613 Vote Count: "(a) Within 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 and certify the results to the Council." *(Staff recommends adding time after election day to certify the election results. Staff will consult with the Board of Elections to develop a reasonable schedule for completing the canvass and certifying results.)*

City Code sections that will likely need to be amended by the City Council:

- Chapter 5.20 Absentee Voting, Section 5.20.060(B): "Only absentee ballots received by the City Clerk prior to the official closing of the polls on election day shall be tabulated. An absentee ballot that is received after the official closing of the polls on election day shall not be counted." *(Staff recommends extending the time for ballots to be received to allow ballots postmarked on or before election day to be counted.)*
- Chapter 5.20 Absentee Voting, Section 5.20.060(D): "If more than one legally sufficient absentee ballot is received, in separate envelopes from the same voter, then the election judges shall count only the ballot with the latest properly signed oath and shall reject any other absentee ballot received from the voter." *(Staff recommends counting the first ballot received in the unlikely event that two ballots are received from a voter.)*

Council Priority

Engaged, Responsive & Service-oriented Government

Environmental Considerations

Staff does not anticipate any significant environmental impact from the election.

Fiscal Considerations

The FY21 Budget includes \$57,000 for the election. The estimated cost of the election is being revised to incorporate vote by mail. The cost related to vote by mail will include printing of ballots, envelopes, and instructions, and inserting and mailing ballots to all Takoma Park registered voters. Postage for return ballots will be paid. Staff is consulting with and seeking quotes from potential vendors to print, insert, and mail ballots and related materials.

Racial Equity Considerations

A reason for the change in election date to coincide with presidential and gubernatorial elections is to encourage more residents to vote in Takoma Park elections. It has been particularly difficult to draw in voters from Wards 4, 5, and 6, the wards with larger numbers of people of color and people who live in multifamily housing. We believe that people who are interested in voting in the presidential election will be more likely to use the opportunity to vote in the City election at the same time.

Attachments and Links

- [Statement from the Takoma Park Board of Elections on Election Planning \(June 17, 2020\)](#)
- City Election Calendar indicating dates that will need to change for vote by mail election
- Election Charter Amendment and Code Amendment Schedule

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**CITY OF TAKOMA PARK, MARYLAND
2020 ELECTION CALENDAR**

Date	Time	Event/Description	Computation	Legal Authority
Monday June 8, 2020		First day to register as a candidate or political committee for the City election.	Second Monday in June of an election year.	City Code 5.10.020
Wednesday August 26, 2020		Apartment building access for County/State/Federal candidates.	During the 90-day period preceding the next election.	City Code 6.04.040
Tuesday September 15, 2020	7:30 PM	Nominating Caucus for City election.	Second Tuesday after Labor Day of an election year.	Charter Sec. 604(a)
Wednesday September 16, 2020		Apartment building access permitted for qualified City candidates	City candidates qualified as of this date.	City Code Section 6.04.040
Friday September 18, 2020		Rosh Hashanah begins at Sundown.		
Friday September 18, 2020	5:00 PM	Deadline for City candidates nominated at Caucus to withdraw. Declination must be filed in writing with the City Clerk's office.	Candidates shall be placed upon the official ballot unless the nominated person files a declination with the City Clerk within 3 days after the nomination	Charter 604(b)
Friday September 18, 2020	5:00 PM	If not already registered, nominated City candidates must complete candidate registration by this time.	Within 3 days of nomination.	City Code 5.10.020(C)
Saturday September 19, 2020		Rosh Hashanah		
<i>Saturday September 19, 2020</i>		<i>Deadline MCBOE to transmit presidential absentee ballots to certain voters unless the Federal Voting Assistance Program grants the State a waiver of the deadline. (Military and Overseas absentee ballots.)</i>	<i>No later than 45 days before an election.</i>	<i>52 USC § 20302(a)(8)</i>
Monday September 21, 2020	5:00 PM	City candidates' Financial Disclosure Statements due to City Clerk (if not already filed).	On or before the Monday following the candidate's nomination.	City Code 3.04.080(D)
Wednesday September 23, 2020	12:00 PM	Deadline to provide City candidate's statement and photo to the City Clerk (via e-mail) for publication in the Takoma Park Newsletter	Deadline dependent upon Takoma Park Newsletter schedule.	
Sunday September 27, 2020		Yom Kippur begins at sundown.		

Date	Time	Event/Description	Computation	Legal Authority
Monday September 28, 2020		Yom Kippur.		
Monday October 5, 2020	4:00 PM	City Candidates' Post Nomination (First) Campaign Finance Report	No later than 4:00 p.m. of the third Monday after the City nominating caucus.	City Code 5.12.022(B)(1)
Monday October 12, 2020		Columbus Day (Indigenous Peoples Day) – City facilities open.		
Monday October 12, 2020	4:00 PM	City Candidates' Pre-Election (Second) Campaign Finance Report.	No later than 4:00 p.m. of the Monday at least seven days preceding the start of early voting.	City Code 5.12.022(B)(1)
<i>Tuesday October 13, 2020</i>	<i>5:00 PM MCBOE Office/ 11:59 PM SBE Online</i>	<i>Deadline to register to vote with MCBOE for the presidential election. After this time, voters may register at the time of voting.</i>	<i>21st day preceding an election.</i>	<i>EL § 3-302(a)</i>
Monday October 19, 2020	5:00 PM	Deadline to pre-register as a write-in candidate to have their name posted in the voting booth for the purpose of identifying them as a candidate for City office. Such candidate's Financial Disclosure Statement must be filed at the same time or before.	3 business before the start of early voting.	Charter Section 605. City Code 3.04.080(D)(6)
<i>Wednesday October 21, 2020</i>	<i>5:00 PM</i>	<i>Beginning of period when campaign signs must be allowed at early voting centers.</i>	<i>The day before early voting starts.</i>	<i>EL § 10-101(a)(3)(iii)(2)</i>
<i>Thursday October 22, 2020</i>	<i>8:00 AM – 8:00 PM</i>	<i>Early Voting</i>	<i>2nd Thursday before an election through the Thursday before an election.</i>	<i>EL § 10-301.1</i>
<i>Friday October 23, 2020</i>	<i>8:00 AM – 8:00 PM</i>	<i>Early Voting</i>	<i>2nd Thursday before an election through the Thursday before an election.</i>	<i>EL § 10-301.1</i>
<i>Saturday October 24, 2020</i>	<i>8:00 AM – 8:00 PM</i>	<i>Early Voting</i>	<i>2nd Thursday before an election through the Thursday before an election.</i>	<i>EL § 10-301.1</i>

Date	Time	Event/Description	Computation	Legal Authority
<i>Sunday October 25, 2020</i>	<i>8:00 AM – 8:00 PM</i>	<i>Early Voting</i>	<i>2nd Thursday before an election through the Thursday before an election.</i>	<i>EL § 10-301.1</i>
<i>Monday October 26, 2020</i>	<i>8:00 AM – 8:00 PM</i>	<i>Early Voting</i>	<i>2nd Thursday before an election through the Thursday before an election.</i>	<i>EL § 10-301.1</i>
<i>Tuesday October 27, 2020</i>	<i>8:00 AM – 8:00 PM</i>	<i>Early Voting</i>	<i>2nd Thursday before an election through the Thursday before an election.</i>	<i>EL § 10-301.1</i>
<i>Tuesday October 27, 2020</i>	<i>4:00 PM</i>	<i>Last day to request that a City election absentee ballot be mailed.</i>	<i>4:00 PM on the 7th calendar day before the election.</i>	<i>City Code 5.20.020(B)</i>
<i>Tuesday October 27, 2020</i>	<i>8:00 PM (Mail) 11:59 PM (Fax/ Email)</i>	<i>Deadline for a registered voter to request an absentee ballot for the presidential election to be delivered by mail or fax.</i>	<i>Tuesday before an election</i>	<i>EL § 9-305(c)(1); COMAR 33.11.02.02E</i>
<i>Wednesday October 28, 2020</i>	<i>8:00 AM – 8:00 PM</i>	<i>Early Voting</i>	<i>2nd Thursday before an election through the Thursday before an election.</i>	<i>EL § 10-301.1</i>
<i>Wednesday October 28, 2020</i>		<i>Beginning this day through election day, City absentee ballot applications must be presented in person.</i>	<i>7th calendar day preceding election day.</i>	<i>City Code 5.20.020(C)</i>
<i>Thursday October 29, 2020</i>	<i>8:00 AM – 8:00 PM</i>	<i>Early Voting</i>	<i>2nd Thursday before an election through the Thursday before an election.</i>	<i>EL § 10-301.1</i>
<i>Friday October 30, 2020</i>	<i>8:00 AM</i>	<i>Campaign Signs End of period when campaign signs must be allowed at early voting centers.</i>	<i>The day after early voting ends.</i>	<i>EL § 10-101(a)(3)(iii)(2)</i>
<i>Friday October 30, 2020</i>	<i>5:00 PM (mail) 11:59 PM</i>	<i>Deadline for a registered voter to request an electronic absentee ballot for the presidential election (delivered via Internet).</i>	<i>Friday before an election</i>	<i>EL § 9-305(c)(2)</i>

Date	Time	Event/Description	Computation	Legal Authority
Friday October 30, 2020	5:00 PM	Any write-in candidate for Mayor or Councilmember who wishes to be pre-registered as a write-in candidate and to have their name posted in the voting booth for the purpose of identifying them as a candidate for office, must file their name with the City Clerk by 5:00 pm. A pre-registered City write-in candidate's Financial Disclosure Statement must be filed at the same time or before pre-registering as a write-in candidate.	3 business days prior to the start of early voting.	Charter Sec. 605 City Code 3.04.080(D)(6)
Monday November 2, 2020	5:00 P:M	<i>Beginning of period when campaign signs must be allowed at polling places (or Election Day vote centers).</i>	<i>The day immediately preceding election day.</i>	<i>EL § 10-101(a)(3)(iii)(2)</i>
Monday November 2, 2020	9:00 AM – 5:00 PM	Walk in "absentee" voting for the City election.	After the 7th calendar day preceding election day, through election day, a qualified voter or the voter's authorized agent may submit a written request in person to the City Clerk for an absentee ballot.	City Code 5.20.020(C)
Tuesday November 3, 2020	7:00 AM – 8:00 PM	Election day.	First Tuesday after the first Monday in even-numbered years.	Charter Sec. 606(a)
Tuesday November 3, 2020	8:00 PM	Deadline for City absentee ballots to be received by the City Clerk.	Before the closing of polls on election day.	City Code 5.16.060(B)(1)
Tuesday November 3, 2020	8:00 PM	<i>Extended deadline for receipt of SBE voter registration applications sent by mail for voting in general election. An application received by mail after the close of registration is timely if it is properly postmarked.</i>		<i>EL § 3-302(c); COMAR 33.05.04.01C, D</i>
Tuesday November 3, 2020	8:00 PM	<i>Deadline for a registered voter or voter's agent to request a presidential absentee ballot in person at MCBOE.</i> <i>Deadline for MCBOE receipt of presidential absentee ballot delivered by hand.</i>	<i>No later than the close of polls on election day.</i>	<i>EL § 9-305(b)(3); COMAR 33.11.02.04A</i> <i>COMAR 33.11.03.08B(1)</i>
Wednesday November 4, 2020		City Election Canvass (City ballot reconciliation)	Within 48 hours after the closing of the polls.	Charter Sec. 613(b)

Date	Time	Event/Description	Computation	Legal Authority
Wednesday November 4, 2020	8:00 AM	End of period when campaign signs must be allowed at polling places (or vote centers on Election Day).	The day immediately after election day.	EL § 10-101(a)(3)(iii)(2)
Wednesday November 4, 2020 OR Thursday November 5, 2020	TBD	Board of Elections certification meeting	The judges of the election shall meet within two days following the election, and shall therefore determine and declare what persons have been elected and certify the results to the Council.	
Thursday November 5, 2020	7:30 PM	Special meeting of the City Council to receive the certification of the election results.	Within 2 days following the election.	Charter Sec. 613
Monday November 9, 2020		Deadline for filing City election challenge or appeal.	Two days after certified results presented to Council.	City Code 5.16.070(A)
Monday November 9, 2020	4:00 PM	Final (Third) City Campaign Finance Report due to City Clerk.	No later than 4:00 p.m. of the Monday following the election.	City Code 5.12.020(A)(2)
Monday November 9, 2020		Any anonymous contributions received to be contributed to the City general fund by this date.	No later than 4:00 p.m. of the Monday following the election.	City Code 5.12.020(D)
Wednesday November 11, 2020		Veterans Day		
Thursday November 12, 2020	7:30 PM	Swearing-In of the Mayor and Councilmembers	The newly elected Council shall meet on the second Wednesday following its election for the purpose of organization. If the second Wednesday following its election conflicts with Veterans Day or a recognized religious holiday, the Council shall meet the next day, Thursday.	Charter Sec. 305

Date	Time	Event/Description	Computation	Legal Authority
Wednesday February 3, 20201		Minimum retention for voted paper ballots and printed or electronic voting machine records.		City Code 5.16.060(D)

**Entries in italics refer to the presidential election and State Board of Elections requirements. They are listed here because of their importance for City voters.*
Highlighted dates indicate where City Charter or Code amendments will be needed to accommodate vote by mail.

Version: 2020-06-21

Election Charter Amendment and Code Amendment Schedule (June 19, 2020)

Wednesday, June 24 Washington Post Public Hearing Notice - Publication
(Submit ad to Wash Post by 3:00 PM on Monday, June 22)

Wednesday, July 1 Washington Post Public Hearing Notice - Publication

Wednesday, July 8 Work Session on Charter Amendment and Election Code
Amendment *(post agenda item June 29)*

Wednesday, July 15 Charter Amendment Public Hearing

First Reading Charter Amendment Resolution

First Reading Amendment (Election Code)

(post agenda items July 7)

Wednesday, July 22 Second Reading Amendment (Election Code)
(post agenda item July 14)

Wednesday, July 29 Second Reading Charter Amendment Resolution
(post agenda item July 21)

Thursday, August 6 Publication of Fair Summary
(Submit to Wash Post by August 3)

Thursday, August 13 Publication of Fair Summary

Thursday, August 20 Publication of Fair Summary

Thursday, August 27 Publication of Fair Summary

Thursday, September 17 Charter Amendment Effective Date

Send to Department of Legislative Services
