



Takoma Park City Council Meeting – July 8, 2020 Agenda Item 5

Work Session

Discussion regarding amending the City of Takoma Park Charter to accommodate mail-in ballot voting.

Recommended Council Action

Review and discuss the proposed revisions to Articles III and VI of the City Charter to accommodate mail-in ballot voting.

Context with Key Issues

The Board of Elections recommends that the November 3, 2020 election be conducted by mail to protect the health of election workers and voters in the context of the current global pandemic. Additionally, the Board recognizes that that State of Maryland may convert the November 2020 general election to vote by mail, which may cause voter confusion if the City is not able to proceed in the same manner.

The current version of the Charter provides that canvassing and counting of ballots shall be conducted within forty-eight hours and that the Board of Elections shall certify the election within that time period. The Board of Elections believes that canvassing and counting of the ballots will take more time in a mail-in ballot election and recommends extending the time for canvassing, counting, and certification to the second Wednesday after the election.

With the change of time required to certify an election conducted by mail, the date for the newly elected Mayor and Council to take their seats must also be extended. Pursuant to Sections 301 and 305 of the City Charter, the newly elected Mayor and Council take their seats on the second Wednesday after the election. To accommodate the change of date for certifying the election, one option would be to move the date for the new Council to take their seats to the third Wednesday after the election. Note that if there is a conflict with the day preceding Thanksgiving Day or a recognized religious holiday, the newly elected Council would take their seats the first Monday following the certification of the results.

Similarly, it is recommended that Section 613 of the Charter be changed from mandating that canvassing, counting, and certification take place within 48 hours to requiring that it take place by the end of the day on the second Wednesday after the election.

The City Clerk recommends changes to Sections 605 of the Charter. Section 605 clarifies the times for registration of write-in candidates, the process for the same, and establishes public notification requirements for the same in order to accommodate the mail-in ballot process. This amendment will provide more clarity for write-in candidates regardless of the format of the election.

Changes will need to be made to the Code and those recommended amendments are in progress.

Council Priority

Engaged, Responsive and Service-Oriented Government

Environmental Considerations

N/A

Fiscal Considerations

Staff is compiling information on costs related to a vote-by-mail election. Amendments to the City Charter require certain public notifications in a newspaper of general circulation. For this amendment, the estimated cost is \$3,500.

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.

The change to vote by mail could negatively impact the turnout anticipated when the election date was changed. In preparing for 2020, staff and the Board will be focused on outreach, education, and preparation for residents to vote.

Attachments and Links

- Resolution with Proposed Amendments to the Charter.

CITY OF TAKOMA PARK, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. 2020__

ENABLING THE CITY’S ELECTIONS TO BE CONDUCTED BY MAIL

AMENDING ARTICLE III OF THE CITY OF TAKOMA PARK CHARTER TO ADJUST THE TIME WHEN THE NEWLY ELECTED MAYOR AND COUNCIL ARE SEATED IN ORDER TO ACCOMMODATE THE ADDITIONAL TIME REQUIRED FOR CANVASSING AND COUNTING BALLOTS IN A VOTE BY MAIL ELECTION; AMENDING ARTICLE VI OF THE CITY OF TAKOMA PARK CHARTER TO EXPAND THE TIME FOR PRE-REGISTRATION OF WRITE-IN CANDIDATES; AMENDING ARTICLE VI OF THE CITY OF TAKOMA PARK CHARTER TO EXTEND THE TIME ALLOWED FOR THE JUDGES OF THE ELECTION TO CANVAS AND COUNT BALLOTS IN ORDER TO ACCOMMODATE THE ADDITIONAL TIME REQUIRED FOR THE SAME IN A IN A VOTE BY MAIL ELECTION; AND ADDRESS RELATED LANGUAGE IN ARTICLES III AND VI FOR CONSISTENCY.

WHEREAS, the Council recognizes that there is tremendous uncertainty about the course of the COVID-19 pandemic and that there is presently a resurgence of the disease across the globe and in many states in the United States of America; and

WHEREAS, the Council recognizes the potential for COVID-19 cases to increase when people gather as the fall and winter months approach, which may result in the State and local governments resuming more onerous restrictions on large gatherings; and

WHEREAS, the Council is committed to ensuring the 2020 election is accessible, secure, and safe, while minimizing, to the extent possible, the potential for exposure to COVID-19 to the voting public, City employees, and election workers; and

WHEREAS, due to the COVID-19 pandemic and health related concerns, the State of Maryland’s primary election in June, 2020, was conducted utilizing mail; and

WHEREAS, the Council has considered the recommendation of the Takoma Park Board of Elections to conduct the November 3, 2020, election by mail; and

WHEREAS, canvassing and counting the ballots in a mail in a vote-by-mail election will require more time than is currently permitted under the Charter; and

WHEREAS, the proposed amendments to the Charter will ensure that there will be sufficient time to certify the election results and seat the newly elected Mayor and Councilmembers.

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

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12 **Section 301 Number, Selection, Term, Wards**

13 (a) All legislative powers of the City are vested in a body designated as the Council of the City
14 of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward
15 and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The regular
16 term of the Councilmembers and the Mayor is two (2) years or until their successors have been
17 elected and duly sworn. The term of the Councilmembers and Mayor elected in the 2017 regular
18 election is three (3) years. Newly elected Councilmembers and the Mayor take office on the
19 ~~second~~ third Wednesday following their election, but if this is the day ~~conflicts with Veterans Day~~
20 before Thanksgiving Day or a Council-recognized religious holiday, they ~~will~~ shall take office on
21 ~~next day, Thursday~~ the first Monday following the certification of the results of the election.
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26 **Section 305 Meeting of the Council**

27 The newly elected Council shall meet on the ~~second~~ third Wednesday following its election for
28 the purpose of organization, after which the Council shall meet regularly at such times as may be
29 prescribed by its rules, but generally not less frequently than once each calendar month. However,
30 the Council may recess as it deems necessary. If the ~~second~~ third Wednesday following its election
31 is the day before Thanksgiving Day ~~conflicts with Veterans Day~~ or a recognized religious holiday,
32 the Council shall meet ~~the next day, Thursday~~ the first Monday following the certification of the
33 results of the election.
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37 **ARTICLE VI**
38 **REGISTRATION, NOMINATION, AND ELECTIONS**

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42 **Section 605 Write-in Candidates**

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44 (a) ~~Any write-in candidate for Mayor or Councilmember who wishes to pre-register as a write-~~
45 ~~in candidate to have their name posted in the voting booth, must file their name with the City Clerk~~
46 ~~by 5:00 p.m. three business days prior to the start of early voting.~~

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2 ~~(a) (b)~~ A voter in a City election may write in the name of any person for the office of Mayor or
3 Councilmember in the method indicated on the ballot.

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5 ~~(b) (c)~~ A voter may only write in one candidate for each office.
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7 ~~(c) (d)~~ Only those write-in candidates who are qualified to serve for the office for which they are
8 written in as Mayor or Councilmember as provided by this Charter shall be eligible to hold said
9 office.

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11 (d) Any eligible person may pre-register as a write-in candidate beginning the Monday after
12 the nominating meeting and ending on the Friday before election day.

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14 (e) Write-in candidates pre-register by filing a pre-registration form with the City Clerk.

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16 (f) The name of a pre-registered write-in candidate shall be maintained in the City Clerk’s
17 office, available on the City’s website, and posted in any City polling location prior to the opening
18 of the polling location where it shall remain until the polling location closes.

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20 * * *

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22 **Section 613 Vote Count**

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24 ~~(a) Within forty eight (48) hours after the closing of the polls~~ Between the closing of the polls
25 on election day and end of the day on the second Wednesday after the election, the judges of the
26 election shall canvass the voting machines or other voting system, and count any paper ballots,
27 regular and absentee, to determine the vote cast for each candidate or any questions on the ballot.
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29 (b) The judges of the election shall meet ~~within two days~~ the second Wednesday following the
30 election, and shall ~~therefore~~ determine and declare what persons have been elected and the
31 resolution of any ballot question and certify the results to the Council.
32

33 * * *

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35 **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
36 **TAKOMA PARK,** that the date of adoption of this Charter Amendment Resolution is July 29,
37 2020, and the amendment of the City of Takoma Park Municipal Charter enacted by this
38 Resolution shall become effective on September 17, 2020 (50 days after its passage), unless a
39 proper petition for referendum shall be filed as permitted by Section 502 of the City of Takoma
40 Park Municipal Charter and Annotated Code of Maryland, Local Government Article, Section 4-
41 304. A complete and exact copy of this Charter Amendment Resolution shall be continuously
42 posted on a bulletin board at the Takoma Park Community Center – Sam Abbott Citizens’ Center
43 from July 30, 2020 until September 7, 2020 (a period of at least 40 days following its adoption),
44 and a fair summary of the proposed Charter Amendment shall be published in a newspaper of
45 general circulation in the City of Takoma Park once a week for four weeks within 40 days after
46 passage of this Charter Amendment Resolution.

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

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

THE ABOVE CHARTER AMENDMENT was enacted by the foregoing Charter Amendment Resolution No. 2020-___ which was passed as a meeting of the Council of the City of Takoma Park, Maryland on the 29th day of July, 2020, ___ members of the Council voting in the affirmative, ___ members of the Council voting in the negative, ___ members of the Council abstaining, and ___ members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on the 17th day of September, 2020.

THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 29th DAY OF JULY, 2020, BY ROLL-CALL VOTE AS FOLLOWS:

- Aye:
- Nay:
- Abstain:
- Absent:

Explanatory Note

1. Underlining indicates language being added to the Charter.
2. [Bold brackets and ~~strikethrough~~] indicates language being deleted from the Charter.

COUNCIL OF THE CITY OF TAKOMA PARK

1 Kate Stewart, Mayor

2

3 ATTEST:

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5 _____

6 Jessie Carpenter, CMC

7 City Clerk

8

9 Date: _____

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