
Takoma Park Board of Elections

— Update to City Council —
October 20, 2021

2022 Election: Planning an all mail-in election

- For the 2022 election, the Board is in the preliminary stages of planning an all-mail election, similar to 2020.
 - The City Clerk and the Board are starting process of identifying and evaluating potential vendors and technologies for mailing, ballot tracking, poll books, mail scanning, and tabulation.
 - The Board is reviewing the City Code and Charter to determine whether any revisions may be necessary to facilitate an all mail-in election.
- Per the Charter requirements, there will be a polling center, (likely the Community Center), open on Election Day from 7am to 8pm.
- Similar to 2020, there will likely be early voting centers open.
- Montgomery County would like to place a ballot box at the same location (Community Center), which will have 24/7 video surveillance.

2022 Election Calendar (Current, subject to change)

Tuesday, September 13, 2022: Nominating Caucus

Monday, September 19, 2022: Candidate Financial Disclosure Deadline

Monday, September 26, 2022: Post-Nomination Campaign Finance Report Deadline

Monday, October 17, 2022: First Pre-Election Campaign Finance Report Deadline

Monday, October 31, 2022: Second Pre-Election Campaign Finance Report Deadline

Tuesday, November 8, 2022: Election Day

Monday, November 14, 2022: Post-Election Campaign Finance Report Deadline

Complaint-Handling Procedures: Authorities

The City Charter and Municipal Code authorizes the Board of Elections to “enforc[e] the City’s election laws and resolv[e] complaints, disputes, and challenges on election matters,” Takoma Park Municipal Charter Art. VI, Sec. 615, and to “investigate and decide allegations of violations” and “direct that corrective action be taken[.]” Takoma Park Municipal Code Sec. 5.24.040 (H)-(I).

The Board is authorized under the Code to “adopt administrative regulations and rules of procedure to further regulate the activities of the Board.” Code Sec. 5.24.030 (D).

The Board will follow the administrative law requirements under Takoma Park City Code Chapter 2.12.

Complaint-Handling Procedures: Administrative Regs

Pursuant to those authorities, BOE is in the preliminary stages of drafting administrative regulations to establish procedures and protocols for handling complaints and violations of the election code.

These procedures don't affect the substantive legal rights of any residents or candidates for office, but rather establish the internal procedures for how BOE will handle complaints.

The purpose of establishing procedures is to ensure that all complaints will be handled fairly, efficiently, and in a timely manner, rather than the current *ad hoc* process.

Complaint-Handling Procedures: Process and Enforcement

The administrative regulations would establish protocols (e.g., time frames, standards of review) for an initial inquiry into whether the complaint establishes a *prima facie* violation of election law, a subsequent factual investigation, and a release of a final report, which would include a determination or a finding (or a failure to find).

The current proposal for a primary enforcement mechanism is that the BOE will make its final reports public through the City website.

BOE currently believes that no further enforcement mechanisms are necessary for any egregious violations of the code that rise to the level of criminality, as the Charter and Code already establish that such violations are infractions or misdemeanors, which would be handled by a prosecuting attorney.

Campaign Finance Reports: Current Code

The current Code requires:

- Post-nomination report, filed by 2nd Monday after nominating caucus (Monday, September 26, 2022).
 - Per the Charter, the nominating caucus is on September 13, 2022.
- First pre-election report, filed by 4th Monday before Election Day (Monday, October 17, 2022).
 - Election Day is November 8, 2022.
- Second pre-election report, filed by 2nd Monday before Election Day (Monday, October 31, 2022).
- Post-election report, filed by 1st Monday after Election Day (Monday, November 14, 2022).

Campaign Finance Reports: Proposed Code Revisions

In order to simplify the process for candidates and residents, BOE is considering a variety of changes to this reporting schedule, including:

- Removing the first pre-election report period,
- Moving the post-nomination report to the 1st Monday after the nomination caucus (Monday, Sep 19, 2022) so that it aligns with the financial disclosure reporting deadline.
- Pushing back the post-election report to a later date.
- Clarifying the reporting period for each election report, so that the reports will not include contributions and expenditures made in the week immediately prior to the deadline for said report.

In order to ensure that the workload imposed by the reporting requirements on candidates is reasonable and manageable, BOE is reviewing the reporting requirements to ensure that the City is collecting only that information which is essential to a fair and open election.

BOE will finalize and present its recommendations to the City Council.

Campaign Finance Reports: FAQ, Candidate Guidance, Forms

BOE is preparing guidance information for candidates and residents for campaign finance reporting. Some current proposals include:

- An FAQ that is publicly available on the City website,
- Webinar hosted by BOE and City staff to explain the campaign finance reporting process and answer questions to residents, candidates, and prospective candidates,
- “Sample campaign finance reports” that provide demonstrations and examples for how to complete.

BOE is also working with the City Clerk to prepare easy-to-understand-and-complete stock forms for campaign finance reporting and certification.

- One proposal is to have candidates submit csv formatted spreadsheets with each row as an entry and each column with a specific value, along with a signed certification.

BOE is also interested in adopting technologies to ensure that campaign finance reports are immediately available to Takoma Park residents.

Attribution Lines and Disclaimers

BOE is reviewing the Fair Election Practices Chapter of the City Code, Code 5.12, to determine whether the attribution and disclaimer requirements and campaign contributions and expenditures provisions can be simplified or clarified.

Similar to the campaign finance reporting requirements, BOE will prepare guidance information (FAQs, webinars, online information) regarding attribution lines, disclaimers, and campaign contributions and expenditures.

Candidate & Resident “Election Training”

BOE is planning to host webinars before and during the election cycle to assist candidates, prospective candidates, and interested residents in the election process. These webinars would provide information about, but not limited to:

- Basic Takoma Park election information,
- The process for submitting a complaint,
- Takoma Park campaign finance reporting requirements,
- Takoma Park campaign expenditures and disbursements,
- How to access and understand the voter registration list (and the responsibilities and obligations when in possession of the voter registration list),
- The electoral process, including the nomination caucus, how the mail-in system works, the scanning and tabulation process.

BOE also plans to roll out a plain-language explanation of the Takoma Park electoral process that will be posted on the City website.