

1 Introduced by: Councilmember Male Introduction and First Reading: April 26, 2017
2 Adoption: May 10, 2017
3

4 **CITY OF TAKOMA PARK, MARYLAND**

5
6 **CHARTER AMENDMENT RESOLUTION NO. 2017-1**

7
8 **NOMINATIONS AND ELECTIONS**
9

10 **WHEREAS,** pursuant to the Takoma Park Charter, regular City of Takoma Park municipal
11 elections take place the first Tuesday after the first Monday in November of every
12 odd-numbered year; and
13

14 **WHEREAS,** to have their names placed on the ballot, candidates for the office of Mayor or
15 City Councilmember are nominated at a nomination meeting which is scheduled
16 on a Tuesday evening five weeks before election day; and
17

18 **WHEREAS,** the City Board of Elections must complete the canvass and certify results of an
19 election within 24 hours of the closing of the polls; and
20

21 **WHEREAS,** the newly elected Mayor and City Councilmembers take office on the second
22 Monday following the election; and
23

24 **WHEREAS,** the City Charter includes a number of provisions to expand access to voting by
25 extending eligibility to residents who are not citizens of the United States,
26 residents who are 16 and 17 years old, and residents who have been convicted of a
27 felony if they are no longer incarcerated; and
28

29 **WHEREAS,** the City Charter also includes provisions to make voting in City elections more
30 convenient, including days of early voting and the option to vote by mail; and
31

32 **WHEREAS,** to ensure that eligible residents are allowed to vote, City Charter provisions allow
33 residents to register and vote on the same day and allows for provisional voting
34 in the event that a resident cannot cast a regular ballot; and
35

36 **WHEREAS,** the City Council has noted the low voter turnout for City elections despite efforts
37 to increase access and encourage participation; and
38

39 **WHEREAS,** voter turnout in Takoma Park elections is lowest in Wards 4, 5 and 6; and
40

41 **WHEREAS,** Wards 4, 5, and 6 are all majority minority wards while approximately 75 percent
42 of the White population lives in Wards 1, 2, and 3; and
43

44 **WHEREAS,** since voter turnout in all wards is greater in state and federal elections than in City
45 elections, the City Council has considered the change of election date to
46 encourage residents who are already voting in those elections to vote in the City
47 election at the same time; and

1 **WHEREAS,** since the Town of Ocean City, Maryland, changed its election date to coincide
2 with state and federal general elections and conducted its election co-located with
3 Worcester County at the Town’s single polling site beginning in 2012, turnout has
4 increased from under 25% in 2006, 2008, and 2010, to 48, 37, and 44 percent in
5 2012, 2014, and 2016 respectively; and
6

7 **WHEREAS,** the City Council placed an advisory question on the ballot for the 2015 regular
8 election: “Beginning with the election in November 2018, and providing that
9 voting rights can be maintained for City residents who are (1) 16-17 years old, (2)
10 non-citizens, or (3) on parole or probation for a felony conviction, and that instant
11 runoff voting and same day voter registration can be maintained, the City of
12 Takoma Park municipal elections for Mayor and Councilmembers should be
13 changed to the Tuesday following the first Monday in November in each even-
14 numbered year in order to coincide with Maryland statewide general elections,”
15 and
16

17 **WHEREAS,** of the 2552 voters who turned out for the election, 16 percent opposed the date
18 change and 76 percent supported it; and
19

20 **WHEREAS,** the City Board of Elections consulted with State of Maryland and Montgomery
21 County election officials about inclusion of Takoma Park election contests on the
22 State ballot for the presidential and gubernatorial general elections beginning in
23 2018; and
24

25 **WHEREAS,** Takoma Park’s inclusive election laws and instant runoff voting cannot be
26 accommodated by the State in 2018; and
27

28 **WHEREAS,** the City Council held a series of work sessions, three public hearings, and a public
29 forum to hear from residents about the change of date for City elections and co-
30 location at Montgomery County polling places in Takoma Park; and
31

32 **WHEREAS,** the City Council adopted Resolution 2016-36 on September 21, 2016 affirming its
33 intention to proceed with the date change providing that it is feasible and in the
34 best interest of Takoma Park residents; and
35

36 **WHEREAS,** the City Attorney negotiated a memorandum of understanding with the
37 Montgomery County Board of Elections to allow for shared use of polling sites in
38 2018, enabling City and State elections to be separate but co-located on election
39 day if the City election date is changed; and
40

41 **WHEREAS,** the change of election date necessitates an adjustment to the term of the Mayor
42 and Councilmembers elected in 2017; and
43

44 **WHEREAS,** this Charter Amendment provides for the Mayor and City Councilmembers
45 elected in 2017 to serve a ~~one~~three-year term, with resumption of the two-year
46 terms beginning with the 2018~~19~~20 election; and
47

1 **WHEREAS**, to allow additional time for the Board of Elections to complete the canvass and
2 certify the results of the election, this Charter Amendment extends the time from
3 24 hours after the closing of the polls to 48 hours after the polls close; and
4

5 **WHEREAS**, to accommodate the 2016 change in the City Council's regular meeting night
6 from Monday to Wednesday, this Charter Amendment adjusts the day when the
7 newly elected Mayor and City Councilmembers take office from the second
8 Monday after the election to the second Wednesday after the election; and
9

10 **WHEREAS**, to provide additional time for the preparation and mailing of absentee ballots, this
11 Charter Amendment moves the day of the nomination meeting in an election year
12 from the Tuesday five weeks before the election to the second Tuesday after
13 Labor Day; and
14

15 **WHEREAS**, Maryland municipalities may enact laws and procedures for conduct of their own
16 municipal elections.
17

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

24 * * *

25
26 **ARTICLE III**
27 **THE COUNCIL**
28

29 * * *

30
31 **Section 301 Number, Selection, Term, Wards**
32

33 (a) All legislative powers of the City are vested in a body designated as the Council of the City
34 of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward
35 and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The
36 regular term of the Councilmembers and the Mayor is two (2) years or until their successors have
37 been elected and duly sworn. The term of the Councilmembers and Mayor elected in the 2017
38 regular election is ~~one (1) year~~ three (3) years. Newly elected Councilmembers and the Mayor
39 take office on the second Wednesday [~~Monday~~] following their election, but if this day conflicts
40 with Veterans Day they will take office on the next day, Thursday. [~~Each Councilmember and~~
41 ~~the Mayor holding office at the time this Charter becomes effective will continue to hold office~~
42 ~~for the term for which the Councilmember or the Mayor was elected and until a successor takes~~
43 ~~office under the provisions of this Charter.~~]
44

45 * * *

46
47 **ARTICLE VI**

1 **SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY**
2 **OF TAKOMA PARK**, that the date of adoption of this Charter Amendment Resolution is May
3 10, 2017, and the amendment of the City of Takoma Park Municipal Charter enacted by this
4 Resolution shall become effective on June 29, 2017 (50 days after its passage), unless a proper
5 petition for referendum shall be filed as permitted by Section 502 of the City of Takoma Park
6 Municipal Charter and Annotated Code of Maryland, Article 23A, Section 13. A complete and
7 exact copy of this Charter Amendment Resolution shall be continuously posted on a bulletin
8 board at the Takoma Park Community Center and Sam Abbott Citizens' Center from May 11,
9 2017 until June 20, 2017 (a period of at least 40 days following its adoption), and a fair summary
10 of the proposed Charter Amendment shall be published in a newspaper of general circulation in
11 the City of Takoma Park once a week for four weeks within 40 days after passage of this Charter
12 Amendment Resolution.

13
14 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
15 **CITY OF TAKOMA PARK**, that the City Clerk is specifically directed to carry out the
16 provisions of Section 2 of this Resolution and, as evidence of this compliance, the City Clerk
17 shall maintain appropriate certificates of the publication of the newspaper in which the fair
18 summary of the Charter Amendment Resolution shall have been published. If a favorable
19 referendum is held on the proposed amendment, the Council shall proclaim the proposed Charter
20 Amendment hereby enacted to have been approved by the voters and the Charter Amendment
21 shall become effective on the date provided by law.

22
23 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
24 **CITY OF TAKOMA PARK**, that as soon as the Charter Amendment enacted by this
25 Resolution shall become effective, either as provided in this Resolution or following a
26 referendum, the City Clerk shall send to the Department of Legislative Services of Maryland the
27 following information concerning the Charter Amendment Resolution: (1) the complete text of
28 this Charter Amendment Resolution; (2) the date of the referendum election, if any; (3) the
29 number of votes, whether in the Council or in a referendum, cast for or against the Charter
30 Amendment enacted by this Resolution; and (4) the effective date of the Charter Amendment.

31
32 **THE ABOVE CHARTER AMENDMENT** was enacted by the foregoing Charter
33 Amendment Resolution No. 2017-01 which was passed at a meeting of the Council of the City of
34 Takoma Park, Maryland, on the 10th day of May, 2017, five (5) members of the Council voting
35 in the affirmative, two (2) members of the Council voting in the negative, no members of the
36 Council abstaining, and no members of the Council absent, and the said Charter Amendment
37 Resolution becomes effective in accordance with the law on the 29th day of June, 2017.

38
39 **THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF**
40 **THE CITY OF TAKOMA PARK THIS 10TH DAY OF MAY, 2017, BY ROLL CALL**
41 **VOTE AS FOLLOWS:**

42
43 **AYE:** **Stewart, Kovar, Male, Qureshi, Seamens**
44 **NAY:** **Smith, Schultz**
45 **ABSTAIN:** **None**
46 **ABSENT:** **None**

Explanatory Note

1. Underlining indicates language being added to the Charter.
2. [Bold brackets and ~~striketrough~~] indicates language being deleted from the Charter.
3. ***** indicates sections of the Charter that are not being amended and are not reproduced here.
4. Amendments made on May 10, 2017 prior to adoption of the Charter Amendment Resolution are shown as double underline for additions and ~~double striketrough~~ for deletions.

COUNCIL OF THE CITY OF TAKOMA PARK

Kate Stewart
Mayor

ATTEST:

Jessie Carpenter, CMC
City Clerk

Date: May 11, 2017