

ARTICLE VI
REGISTRATION, NOMINATIONS AND ELECTIONS

Introduced by: Councilmember Dyballa Introduction and First Reading: November 6, 2019
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CITY OF TAKOMA PARK, MARYLAND

CHARTER AMENDMENT RESOLUTION NO. 2019-3

**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RESIDENCY REQUIREMENT FOR VOTERS; ELIMINATE OUTDATED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 early voting. ~~[on the~~
16 ~~Friday 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 November 13, 2019, and the amendment of the City of Takoma Park Municipal Charter enacted
32 by this Resolution shall become effective on January 2, 2020 (50 days after its passage), unless a
33 proper petition for referendum shall be filed as permitted by Section 502 of the City of Takoma
34 Park Municipal Charter and Annotated Code of Maryland, Local Government Article, Section 4-
35 304. A complete and exact copy of this Charter Amendment Resolution shall be continuously
36 posted on a bulletin board at the Takoma Park Community Center -- Sam Abbott Citizens'
37 Center from November 14, 2019 until December 31, 2019 (a period of at least 40 days following
38 its adoption), and a fair summary of the proposed Charter Amendment shall be published in a
39 newspaper of general circulation in the City of Takoma Park once a week for four weeks within
40 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. 2019-3 which was passed at a meeting of the Council of the City of
15 Takoma Park, Maryland, on the 13th day of November, 2019, seven members of the Council
16 voting in the affirmative, no members of the Council voting in the negative, no members of the
17 Council abstaining, and no members of the Council absent, and the said Charter Amendment
18 Resolution becomes effective in accordance with the law on the 2nd day of January, 2020.

19
20 **THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF**
21 **THE CITY OF TAKOMA PARK THIS 13TH DAY OF NOVEMBER, 2019, BY ROLL**
22 **CALL VOTE AS FOLLOWS:**

23
24 **Aye:** Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy
25 **Nay:** None
26 **Abstain:** None
27 **Absent:** None

28
29 **Explanatory Note**

- 30
31 1. Underlining indicates language being added to the Charter.
32 2. [Bold brackets and ~~striketrough~~] indicates language being deleted from the Charter.

33
34 **COUNCIL OF THE CITY OF TAKOMA PARK**

35
36
37 _____
38 Kate Stewart, Mayor

39
40
41 ATTEST:

42
43 _____
44 Jessie Carpenter, CMC
45 City Clerk

46
47 Date: _____