

Introduced by: Councilmember Snipper

Introduction and First Reading: February 23, 2009
Second Reading and Adoption: March 9, 2009

**CITY OF TAKOMA PARK
CHARTER AMENDMENT RESOLUTION NO. 2009-1**

**A Resolution to Amend the Elections Procedures of the City of Takoma Park
Municipal Charter, Section 601 Qualifications of Voters, Section 602 Lists of Registered
Voters, Section 603 Registration, Section 608 Absentee Ballots, Adding a New Section 609
Provisional Voting, and Renumbering Current Sections 609-614**

WHEREAS, the *City of Takoma Park Municipal Charter*, Article VI, sets forth procedures for registration, nominations and elections in the City; and

WHEREAS, the Takoma Park Board of Elections reviewed the election procedures and has recommended amendments to Section 608 Absentee Ballots to allow a voter to cast an absentee ballot without stating a reason; and

WHEREAS, the Board recommended the addition of a new Section 609 to allow for provisional ballot voting if the person's name does not appear on the list of qualified voters of the City or if the person's eligibility to vote, identification or identity is challenged; and

WHEREAS, the Council desires to adopt these amendments and to make additional amendments to the Charter as follows: Section 601(a) of the Charter is revised to more closely parallel State of Maryland qualifications of voters; Section 602 Lists of Registered Voters is revised to add flexibility to the time for requesting and receiving lists of registered voters from the Montgomery County Board of Elections; Section 603 Registration is revised for clarity and to note that voter registration closes 30 days preceding an election; and Sections 609-614 are renumbered.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, pursuant to Article XI-E of the *Constitution of the State of Maryland*, Article 23A of the *Annotated Code of Maryland*, and Article V, Amendment Procedures of the *City of Takoma Park Municipal Charter*, that the *City of Takoma Park Municipal Charter* is amended as follows:

Section 601 Qualifications of Voters

(a) Every person who (1) is a resident of Takoma Park, (2) is at least eighteen years of age or will be eighteen years of age on or before the date of the next City election, (3) has resided within the corporate limits of the City for 30 days immediately preceding the City election, (4) has not been convicted of a felony without having completed any court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction ~~[theft or other infamous crime, unless~~

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~~the person has been pardoned or, in connection with a first conviction, has completed the sentence imposed for the conviction, including probation], (5) has not been convicted of buying or selling votes, (6) is not under guardianship for mental disability, and (7) is registered to vote in accordance with the provisions of this charter, is a qualified voter of the City. Every qualified voter of the City is entitled to vote in all City elections.~~

(b) * * * * *

**Section 602 Lists of Registered Voters: Certification by ~~[Supervisors of Elections]~~
Montgomery County Board of Elections**

(a) ~~[On the third Monday in September, p]~~Prior to ~~[the]~~ each City election, City Clerk shall request from the Montgomery County Board of Elections ~~[supervisors for Montgomery County]~~ a certified~~[-, alphabetical]~~ list of the names and addresses of those people residing in the City and registered to vote.

(b) On or before one week before each City election, ~~[F]~~ the Montgomery County Board of Elections ~~[supervisors]~~ shall~~[-, on or before the last Monday in October falling at least thirty (30) days prior to the election of each second year,]~~ certify to the ~~[Council]~~City any revisions to~~[-, if any, in]~~ the list of registered voters in the City previously provided to the City~~[so certified theretofore by them].~~

(c) Names of persons added by such revisions shall be deemed to have been certified originally, and those persons shall be entitled to vote in the next succeeding City election; and names of persons removed by such revisions shall be deemed not to have been certified originally, and those persons shall not be entitled to vote in the next succeeding City election~~[-notwithstanding the original certification of their names].~~

(d) ~~[In the event of a special election, including but not limited to special elections to fill Council vacancies and recall elections, at least thirty (30) days prior to the date of the election, the City Clerk shall request from the Board of Elections supervisors for Montgomery County certified, alphabetical lists of the names and addresses of those people residing in the City and registered to vote.~~

(e) ~~The right to vote in City elections under this Charter shall depend entirely upon whether or not a person claiming such right shall have been certified in accordance with the provisions of this section and be a resident of the City at the time of the election.]~~A person who feels aggrieved by an action of the Montgomery County Board of Elections regarding voter registration for a City election may file an administrative complaint with the County Board of Elections under the procedures established by the State Board of Elections.

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~~[(f) Right of appeal to the Circuit Court of Montgomery County is hereby given any person who shall consider herself/himself aggrieved by the omission of his/her name from any list of voters certified hereunder or revision thereof.]~~

Section 603 Registration

(a) Any resident of the City [Takoma Park] who is a United States citizen must be properly registered to vote with the Montgomery County Board of Elections in accordance with state law in order to vote in City elections. ~~[may register to vote at the Board of Elections supervisors for Montgomery County any time these offices are open for business or by mail. Registration shall be permanent unless such registration shall be canceled as provided by state law. No person is entitled to vote unless properly registered.]~~

(b) Any resident of the City [Takoma Park] who is not a United States citizen, but [and] who is otherwise qualified to be a registered [as a] voter in the State of Maryland [any election pursuant to Article I, Section I of the Constitution of Maryland, and Section 3-102 of Article 33, as amended, or any equivalent provision(s) of the Annotated Code of Maryland,] may register with the City Clerk to vote in City elections. The City Clerk ~~[-, who-]~~ shall maintain a supplemental [separate] voter roll, separate from the list of registered voters in the City [existing voter roll] generated by the Montgomery County Board of Elections, which shall [to] include the names of those non-United States [€]citizens who are registered to vote in City Elections. The City Clerk shall promptly send notice to any jurisdiction in the United States ~~[-, if any,]~~ where the new registrant was formerly registered, requesting the cancellation of said voter's prior registration.

(c) Voter registration for City elections shall close at 5:00 p.m. on the 30th day preceding a City election.

Section 604 Nominations

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Section 605 Write-In Candidates

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Section 606 Election of Mayor and Councilmembers

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Section 607 Conduct of Elections Generally

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Section 608 Absentee Voting[Ballots**]**

[The Council, by ordinance, shall arrange for voting by absentee ballot for any qualified voter who is unable to cast a ballot during regularly scheduled hours on election day by reason of physical condition or necessary absence.]Any qualified voter may vote by absentee ballot in a City election.

Section 609 Provisional Voting

A person may cast a provisional ballot in a City election if the person’s name does not appear on the lists of qualified voters of the City or if the person’s eligibility to vote, identification or identity is challenged.

Section [~~609~~]610 Special Elections

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Section [~~610~~]611 Advisory Referendums

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Section [~~611~~]612 Vote Count

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Section [~~612~~]613 Recall Elections

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Section [~~613~~]614 Regulation and Control by Council

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Section [~~614~~]615 Penalties

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SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the date of adoption of this Charter Amendment Resolution is March 9, 2009, and the amendment of the *City of Takoma Park Municipal Charter* enacted by this Resolution shall become effective on April 28, 2009 (50 days after its passage), unless a proper petition for referendum shall be filed as permitted by Section 502 of the *City of Takoma Park Municipal Charter* and *Annotated Code of Maryland*, Article 23A, Section 13. A complete and exact copy of

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this Charter Amendment Resolution shall be continuously posted on a bulletin board at the Takoma Park Community Center – Sam Abbott Citizens’ Center from March 10, 2009, until April 28, 2009 (a period of at least 40 days following its adoption), and a fair summary of the proposed Charter amendment shall be published in a newspaper of general circulation in the City of Takoma Park once a week for four weeks within 40 days after passage of this Charter Amendment Resolution.

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. 2009-1 which was passed at a meeting of the Council of the City of Takoma Park, Maryland, on the 9th day of March, 2009, seven members of the Council voting in the affirmative, no members of the Council voting in the negative, no members of the Council abstaining, and no members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on the 28th day of April, 2009.

THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THIS 9TH DAY OF MARCH, 2009, BY ROLL CALL VOTE AS FOLLOWS:

Aye: Williams, Barry, Clay, Robinson, Seamens, Snipper, Wright
Nay: None
Abstain: None
Absent: None

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[signature page for Charter Amendment Resolution No. 2009-1]

COUNCIL OF THE CITY OF TAKOMA PARK

Bruce R. Williams, Mayor

Josh Wright, Councilmember, Ward 1

Colleen Clay, Councilmember, Ward 2

Dan Robinson, Councilmember, Ward 3

Terry Seamens, Councilmember, Ward 4

Reuben Snipper, Councilmember, Ward 5

Doug Barry, Councilmember, Ward 6

ATTEST:

Jessie Carpenter, City Clerk

Date: _____

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