

# Work Session

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| <b>Agenda Item</b>  | 4  |
| <b>Meeting Date</b> | March 4, 2013                            |
| <b>Prepared By</b>  | Jessie Carpenter<br>City Clerk           |
| <b>Approved By</b>  | Suzanne R. Ludlow<br>Acting City Manager |

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| <b>Discussion Item</b> | Discussion of Proposed Charter Amendments (Elections)   |
| <b>Background</b>      | <p>Two election initiatives discussed by the Council on January 22, 2013 would require an amendment to the City Charter. Because of the time required to adopt and reach the effective date of a Charter Amendment, finalization of the text is time sensitive if the changes are to be implemented in advance of the November 2013 City election. On March 4, 2013, the Council is scheduled to focus on and discuss the details of the Charter Amendment. The two initiatives requiring an amendment to the City Charter are:</p> <p><b>1. Same Day Voter Registration</b></p> <p>The proposal is to allow unregistered residents of Takoma Park to register after the voter registration deadline for a City election and vote in that election. Registration could occur after the deadline up to and including election day. An amendment to the City Charter would be required to enact same day voter registration. If a Charter Amendment is enacted, certain amendments to the City Code may be recommended.</p> <p>A related issue would be whether to allow signers of petitions authorized by the City Charter to register and sign a petition on the same day. Such petitions authorized by the City Charter include recall petitions, petitions to initiate advisory referendums, and petitions to require a referendum on a Charter Amendment adopted by the City Council.</p> <p><b>2. Lower the Voting Age to 16</b></p> <p>The proposal would allow for registration and voting in City elections by residents who are 16 or would turn 16 on or before election day. An amendment to the City Charter would be required to lower the voting age for City elections. If a Charter Amendment is enacted, certain amendments to the City Code may be recommended.</p> <p><b>Draft Charter Amendment</b></p> <p>Draft language revising the City Charter is included in this agenda packet. In addition to the amendments that would enable the initiatives, other revisions are recommended by staff related to early voting, provisional voting, and voter qualifications.</p> <p>A related attachment provides a few comments on the amendments and highlights decision points for the Council's attention.</p> <p>After the Council review on March 4, the City Attorney will review and recommend</p> |

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|                              | <p>final language for Council consideration. The proposed schedule is as follows:</p> <p>April 1 – Council final review of Charter Amendment language</p> <p>April 8 – Charter Amendment Public Hearing</p> <p>April 15 – First Reading Charter Amendment Resolution</p> <p>April 22 – Second Reading Charter Amendment Resolution</p> <p>June 11 – Effective Date of the Charter Amendment (if not petitioned to referendum)</p> <p>Staff anticipates that amendments to the City Code related to the Charter Amendment would be prepared for presentation to the Council in late May.</p> <p><b>Other Election Initiatives</b></p> <p>This Charter Amendment is part of a package of initiatives proposed by Councilmembers. More information on these initiatives is included with this agenda item for the Council’s reference: Draft “Whereas” clauses for this Charter Amendment; Right to Vote Ordinance; and draft amendments to the Landlord-Tenant Code related to civic inclusion and obligations of landlords.</p> <p>These items are to be scheduled for detailed review by the City Council at a later date.</p> |
| <b>Policy</b>                | Annotated Code of Maryland, Article 23A; Takoma Park Charter, Article V, Amendment Procedures; Takoma Park Code, Chapter 5.04 Elections, General Provisions: The City Council provides for the conduct of registration, nominations and voting in City elections and for the prevention of fraud in connection with such elections.  |
| <b>Fiscal Impact</b>         | For discussion only at this time. A Charter Amendment incurs legal expenses, costs for advertising the public hearing and fair summary, and the cost of codification of the amendment.   |
| <b>Attachments</b>           | <ul style="list-style-type: none"> <li>• Comments and Questions on City Charter Revisions</li> <li>• Draft revisions to the City Charter</li> <li>• Fact Sheet “Requiring Provisional Ballots for Same Day Registration: Few Benefits, Additional Costs” provided by Councilmember Grimes</li> <li>• Draft “Whereas” clauses for the Charter Amendment “Expanding the Vote”</li> <li>• Draft Right to Vote Ordinance</li> <li>• Draft Landlord-Tenant Code Amendments</li> </ul>   |
| <b>Recommendation</b>        | Discuss the proposals.   |
| <b>Special Consideration</b> | The Takoma Park Board of Elections continues to review and follow all of these Council initiatives. At its meeting on February 28, 2013, the Board made a general recommendation that the Council consider providing more election staff and extending the time between the election and the certification of the election if same day registration is implemented and results in larger numbers of provisional ballots.   |

**COMMENTS AND QUESTIONS ON CITY CHARTER REVISIONS**  
**February 28, 2013**

**ARTICLE III**  
**THE COUNCIL**

**Section 302 Qualifications and Salary of the Mayor**

(a) . . . The Mayor . . . must be a qualified voter of the City.

Does the Council want to establish a minimum age given that the voting age may be reduced?

**Section 304 Qualifications and Salary of the Councilmembers**

(a) The Councilmembers . . shall be qualified voters of the City.

Does the Council want to establish a minimum age given that the voting age may be reduced?

**Section 308 Vacancies on the Council**

Does the Council wish to have previously unregistered voters register and sign petitions to fill vacancies on the Council?

Will the age of qualified voters remain at 16? 16 by the date of the special election? 16 by the next regular election?

**ARTICLE VI**  
**REGISTRATION, NOMINATIONS, AND ELECTIONS**

**Section 601 Qualifications of Voters**

(a) and (b) Revised to track the State's qualifications more closely.

(c) Suggested addition to maintain conformance with the State without the need to amend the Charter.

*Need to confirm what information can be obtained by the County BOE regarding young voters.*

Voting Age: is listed at 16 or at least 16 on or before the next City election.

There are options for setting the voting age. What is the Council's preference?

1) 16 on or before the date of the next City election.

2) 18 on or before the date of the next City election

3) 18 on or before the date of the next general election (gubernatorial or presidential)

4) no change

5) other?

### **Section 602 Lists of Registered Voters: Certification by Montgomery County Board of Elections**

*Need to confirm how preregistration works with the state and what lists are available.*

*Need to check what “certified” means in this context.*

### **Section 603 Registration**

(c) The term “regular” added to differentiate it from same day registration.

Does the Council wish to reduce the 30 days to 21 days (matching the state)?

Does the Council wish to change the 30-day residency requirement for voting? (See 601(a)(3))

(e) Added this to allow for the specifics of same day registration to be placed in the Code.

Alternatively, track the Rockville language and add to the Charter (Rockville has the language in code, not charter.)

Does the Council wish to have same day registrants vote provisionally?

If so, does the Council wish to wait to have the election certified for the amount of time it would take for the County BOE to verify the registrations?

Alternatively, same day registration voters could be told that their voter registration is not valid for primary and general elections unless and until the registration is verified by the County BOE.

*Need to find out how long it would take for the County BOE to verify registrations to set a different certification date*

### **Section 604 Nominations**

Does the Council wish to have same day registrants participate in the nominating meeting?

If so, should the registrants be required to show that they were residents for 30 days before the meeting?

### **Section 606 Election of Mayor and Councilmembers**

*Tentatively suggest removal of “certified” from 606(a). Need to find out what certified means in this context.*

### **Section 609 Early Voting**

Section added to make it clear that early voting is permissible. The section also establishes a date when early voting can begin.

Given our short election season, does the Council wish to set a day before the election when early voting may commence.

### **Section 610 Provisional Voting**

Revised pursuant to potential adoption of same day voter registration. If same day voters are provisional, then the section can remain unchanged.

### **Section 612 Advisory Referendums**

Does the Council wish to have same day registration apply for petition signers?

### **Section 613 Vote Count**

Does the Council wish to consider extending the time before the election must be certified? Whether or not same day voter registrations are provisional will determine what may be possible.

### **Section 614 Recall Elections**

Does the Council wish to have same day registration apply for petition signers?

## **SECTION FROM ROCKVILLE CITY CHARTER**

### **Section 1. - Voters.**

Every citizen of the City of Rockville residing therein and who is qualified to register as a voter at the next succeeding State or Congressional election, and who is or shall be eighteen (18) years of age on or before the date of any City election, and who is registered in accordance with the provisions of this Charter, shall be a qualified voter of the City. In addition to citizens of the City of Rockville, every member of the United

States Uniformed Services and each spouse and child of such a member shall be a qualified voter of the City provided such person resides in the City of Rockville; would be qualified to register as a voter at the next succeeding State or Congressional election in the City if such person maintained his or her domicile in the City; is or shall be eighteen (18) years of age on or before the date of any City election; and is registered in accordance with the provisions of this Charter. Every qualified voter of the City shall be entitled to vote at any or all City elections.

## SECTION FROM CITY OF ROCKVILLE CODE

### Voter registration.

- (a) The City shall, to the extent possible, use the County voting rolls. Registration with the County of persons eligible to vote in City elections shall be deemed registration with the City. Persons not registered with the County but eligible to vote in City elections shall be registered with the City pursuant to procedures to be adopted by the Board of Supervisors of Elections. Persons registered with the City pursuant to the foregoing sentence shall be removed from the City voting roll upon any subsequent registration with Montgomery County; upon losing eligibility to vote in City elections; or, as of the 1st day of January of the next calendar year, upon failing to vote in any City election in the preceding five year period. City voter rolls shall be closed thirty (30) days before a City election.
- (b) Any person eligible to register to vote in any City election may register and vote on the date of the election involved at City Hall. Election day registration must be done in person by the registrant at City Hall.
- (c) Any person who registers to vote on the date of any City election in accordance with subsection (b) shall establish such person's identity, place of residence and qualifications at the time of such registration by:
  - (1) Completing a County or City voter registration form;

(2)

Submitting either:

a.

A form or forms of identification which have been approved by the Board of Supervisors of Elections establishing the identity and place of residence of such person; or

b.

An affidavit in a form which has been approved by the Board of Supervisors of Elections attesting to the identity and place of residence of the person desiring to register to vote which is executed by a person who:

1.

Is registered to vote;

2.

Registered to vote on a previous date;

3.

Is present with such individual; and

4.

Has personal knowledge of the actual residence of the individual seeking to register to vote.

Such affidavit shall be executed under the penalties of perjury.

(d)

The effective period, for City elections, of any election day registration shall be the same as for registration made by any other method or procedure.

(e)

The ballots of those registering on election day shall be kept separate from those previously registered and voting, until such time, not to exceed seven (7) days, as the registration of each such person voting on election day at such polling place has been checked and it is determined to the satisfaction of the Board of Supervisors of Elections that all such votes have been cast properly by qualified registrants or the votes not properly cast have been identified and separated.

## Draft Charter Amendment (February 28, 2013)

*In this draft, the titles of sections that have proposed changes or have decision points or questions for Council are highlighted in yellow. Areas of note are shaded.*

*Added language is shown by underlining; deleted language is shown by strikeout.*

### ARTICLE III THE COUNCIL

#### Section 301 Number, Selection, Term

(a) All legislative powers of the City are vested in a body designated as the Council of the City of Takoma Park, consisting of seven (7) members. Six (6) of these members are elected by ward and are called Councilmembers, and one (1) is elected at large and is called the Mayor. The regular term of the Councilmembers and the Mayor is two (2) years or until their successors have been elected and duly sworn. Newly elected Councilmembers and the Mayor take office on the second Monday following their election. Each Councilmember and the Mayor holding office at the time this Charter becomes effective will continue to hold office for the term for which the Councilmember or the Mayor was elected and until a successor takes office under the provisions of this Charter.

(b) If no one is elected to fill any position on the Council, or if the candidate elected for any position on the Council is unable to take office, the Clerk shall declare the position to be vacant.

#### Section 302 Qualifications and Salary of the Mayor

(a) The Mayor must have resided in the City for at least six months immediately preceding his/her election, and must be a qualified voter of the City. The Mayor must maintain principal residence in the City during his/her term of office. If the Mayor changes his/her principal residence from the City, the Mayor's term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. The Mayor is prohibited from holding other publicly elective offices during his/her term of office, and is prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes.

(b) The Mayor, who during his/her term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Mayor's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.



(c) The Mayor may receive an annual salary as set from time to time by an ordinance passed by the Council in regular course of business; provided, however, that no change may be made in the salary of the Mayor, either by increase or decrease during the term for which he/she was elected. The ordinance making any change in the salary paid to the Mayor, either by way or increase or decrease, shall be adopted prior to the next municipal election and shall take effect only as to the next succeeding Mayor.

### **Section 303 Powers and Duties of the Mayor.**

(a) General. As the chief elected official of the City, the Mayor shall be recognized as head of the City government for all intergovernmental affairs and ceremonial purposes, by the Courts for service and receipt of civil process, and by the governor for purpose of military law.

(b) Council meetings. The Mayor shall be a member of the Council and shall set an agenda in accordance with the Council rules and preside at all meetings of the Council.

(c) Mayor Pro Tempore. The Mayor shall appoint a member of the Council as the Mayor Pro Tempore who shall serve as the Mayor in the absence of the Mayor.

### **Section 304 Qualifications and Salary of the Councilmembers**

(a) The Councilmembers shall have resided in the City (and ward from which they are elected) for at least six (6) months immediately preceding their election and shall be **qualified voters of the City**. The Councilmembers shall maintain their principal residence in the City and in their ward during their term of office. If a Councilmember changes his/her principal residence from the City or from the ward from which the Councilmember was elected, the Councilmember's term shall be immediately terminated and the vacancy shall be filled as provided in Section 308 of this Charter. The Councilmembers are prohibited from holding other publicly elected offices during their term of office, and are prohibited from serving on any City board, commission, or other body that has authority to adjudicate or otherwise resolve disputes.

(b) Any Councilmember, who during his/her term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony or which is a misdemeanor related to the Councilmember's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be removed from office pursuant to Section 2 of Article XV of the Constitution of Maryland.

(c) Each Councilmember may receive an annual salary which shall be equal for all Councilmembers and may be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office may not be changed during the period for which the Council was elected. The ordinance making any change in the salary paid to the Councilmembers either by way of increase or decrease shall be adopted prior to the next municipal election, and shall take effect only as to the members of the next succeeding Council.

### **Section 305 Meeting of the Council**

The newly elected Council shall meet on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules, but generally not less frequently than once each calendar month. However, the Council may recess as it deems necessary.

Special meetings may be called by the Mayor, or a majority of the members of the Council. All meetings of the Council shall be open to the public unless the meeting is closed by the Council in accordance with the provisions of the Open Meetings Act, Subtitle 5 of Title 10 of the State Government Article, Annotated Code of Maryland, as amended. The rules of the Council shall provide that residents of the City shall have a reasonable opportunity to be heard at any regular public meeting in regard to any municipal question.

### **Section 306 Quorum**

A majority of the Council shall constitute a quorum for the purpose of transacting business except as otherwise provided in this Charter.

### **Section 307 Procedure of the Council**

The Council shall determine its own rules and order of business. It shall keep written minutes of its meetings. The minutes shall reflect each item that the council considered; the action that the Council took on each item; and each vote that was recorded. The minutes of regular public meetings shall be open to public inspection. If the council meets in closed session, then, in accordance with the provisions of the Open Meetings Act, Subtitle 5 of Title 10 of the State Government Article, Annotated Code of Maryland, as amended, the minutes for its next regular public meeting shall include: (1) a statement of the time, place, and purpose of the closed meeting; (2) a record of the vote of each member of the council as to closing the meeting; (3) a citation of the authority under the Open Meetings Act for closing the meeting; and (4) a listing of the topics of discussion, persons present, and each action taken during the closed meeting.

### **Section 308 Vacancies on the Council**

(a) Method of Filling Vacancies. Should a vacancy on the Council occur more than two hundred and forty (240) days before the next regularly scheduled City election, a special election shall be held to fill the vacancy. If the vacancy occurs less than two hundred and forty (240) days before the next regularly scheduled City election, the remaining members of the Council by a majority vote shall, within sixty (60) days, appoint a person who is qualified in accordance with Section 302 or Section 304, as applicable, to fill such vacancy for the remainder of the unexpired term.

(b) Special Election. If a vacancy is to be filled by special election, the remaining members of the Council shall, by resolution, establish a date for the special election which shall be not less than forty-five (45) days nor more than sixty (60) days from the date of the vacancy.

(c) Ballot. If the requirements of Section 302 or Section 304, as applicable, are met, a person may have his/her name listed on the special election ballot as a candidate to fill a vacancy on the Council by submitting a petition to the City Clerk with a sufficient number of valid signatures at least twenty (20) days prior to the date scheduled for the special election.

(d) Petition. The petition must clearly state that its purpose is to place a specific person's name on the ballot at a special election to fill a vacancy on the Council of the City of Takoma Park, the office and/or ward that the election is being held to fill, and the date of the special election.

(1) For a Mayoral vacancy, a person must have the signatures of at least 30 qualified voters of the City in order to be listed on the special election ballot as a candidate.

(2) For a Councilmember vacancy, a person must have the signatures of at least 10 qualified voters of the ward in which there is a vacancy in order to be listed on the special election ballot as a candidate.

(3) A qualified voter may sign the petition of more than one person to fill a vacancy on the Council. Each qualified voter shall print his/her name under the signature and shall include his/her address and the date of his/her signature on the petition.

(4) Before listing a person's name on a special election ballot as a candidate to fill a vacancy on the Council, the City Clerk shall verify that sufficient signatures on a petition are from qualified voters of the City and for a Councilmember vacancy of the ward in which there is a vacancy. The invalidation of one signature on a petition shall not serve to invalidate any other signatures on a petition.

(e) Voting. For a Mayoral vacancy, all qualified voters of the City may vote in the special election to fill a vacancy on the Council. For a Councilmember vacancy, only qualified voters of the ward in which there is a vacancy may vote in the special election to fill a vacancy on the Council.

(f) Write-Ins Permitted. A qualified voter also may write in the name of a candidate on the special election ballot to fill a vacancy on the Council.

(g) Results of Special Election. The candidate who meets the qualifications for office as specified in Section 302 or Section 304, as applicable, and who receives a majority of votes in accordance with Section 606 in the special election to fill a vacancy on the Council shall be the winner and shall serve on the Council for the remainder of the unexpired term for which his/her predecessor was elected.

### **Section 309 Ordinances**

- (a) In order to enable the Council to exercise fully the power conferred upon them by this Charter and to enable them to better promote and preserve the public health, safety and welfare, the Council may pass all ordinances, resolutions, or by-laws that are from time to time necessary.
- (b) An ordinance may be passed, amended, rejected or have its consideration deferred at any regular or special Council meeting held not less than five (5) days after the meeting at which it was introduced.
- (c) Any ordinance introduced but upon which no final action is taken shall expire at the end of the Council's term as defined by Section 301.
- (d) Every ordinance passed shall become effective at the expiration of twenty (20) calendar days following approval of the Council unless otherwise stated in the ordinance.
- (e) Upon a finding that an emergency exists, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the Council. An emergency ordinance shall become effective on the date specified in the ordinance.

### **Section 310 Appointments**

The Council shall make appointments to such standing committees, ad hoc committees, and boards and commissions as are necessary from time to time.

### **Section 311 Files of Ordinances**

Ordinances shall be permanently filed and shall be kept available for public inspection.

**ARTICLE VI  
REGISTRATION, NOMINATIONS, AND ELECTIONS**

**Section 601 Qualifications of Voters**

(a) Every person who (1) is a resident of the City of Takoma Park as of the date the individual seeks to register, (2) is at least 16 eighteen years of age or will be 16eighteen 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, and (4) is registered to vote in accordance with the provisions of this charter, is a qualified voter of the City except as provided in subsection (b) of this section. Every qualified voter of the City is entitled to vote in all City elections.

(b) An individual is not qualified to be a registered voter if the individual (1) has not been convicted of a felony and is actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction, (2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process, or (3) without having completed any court ordered sentence of imprisonment, including any term of parole or probation, for the conviction, (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.

(c) Any change in the qualifications of voters in the State of Maryland shall be automatically incorporated by reference into sections (a) and (b) above.

~~(d)~~ The City of Takoma Park shall be divided into six (6) wards for municipal voting purposes. The ward boundaries shall be established by ordinance and shall be reviewed after each decennial census. The boundary descriptions of the six (6) wards shall be kept on file for public view at all times in the office of the City Clerk.

(Res. No. 2009-1, § 1, 3-9-09)

**Section 602 Lists of Registered Voters: Certification by Montgomery County Board of Elections**

(a) Prior to each City election, City Clerk shall request from the Montgomery County Board of Elections a certified list of the names and addresses of those people residing in the City and registered to vote or pre-registered to vote, being at least 16 years of age but not yet 18 years of age.

(b) On or before one week before each City election, the Montgomery County Board of Elections shall certify to the City any revisions to the list of registered and pre-registered voters in the City ~~previously provided to the City~~.

(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.

(d) 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.

### **Section 603 Registration**

(a) Any resident of the City who is a United States citizen must be properly registered or pre-registered to vote with the Montgomery County Board of Elections in accordance with state law in order to vote in City elections.

(b) Any resident of the City who is not a United States citizen, but who is otherwise qualified to be a registered or pre-registered voter in the State of Maryland and the City of Takoma Park may register with the City Clerk to vote in City elections. The City Clerk shall maintain a supplemental voter roll, separate from the list of registered voters in the City generated by the Montgomery County Board of Elections, which shall 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 where the new registrant was formerly registered, requesting the cancellation of said voter's prior registration.

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

(d) City residents qualified to register pursuant to section 601 of this charter but who have not yet registered or pre-registered to vote may register by filing a voter registration form with the City Clerk or a representative designated by the City Clerk from the 29<sup>th</sup> day preceding a City election up to and including the day of the City election, until the close of voting that day.

(e) The Council shall, by ordinance, establish procedures for the prevention of fraud in connection with same day voter registration.

(Res. No. 2009-1, § 1, 3-9-09)

## Section 604 Nominations

(a) Nominations for Mayor and Councilmembers shall be made at a meeting of citizens called by the City Clerk at the direction of the Council. Such meeting shall be held at a convenient place within the City to be designated by the Council and notice thereof shall be given through a newspaper or newspapers of general circulation within the City and/or by handbills generally distributed and posted throughout the City. The meeting shall be held on the Tuesday evening five weeks prior to the election, but if this date conflicts with Rosh Hashanah (Jewish New Year) or with Yom Kippur (Jewish Day of Atonement), then the meeting shall be scheduled for the next weekday evening after the end of the second day of Rosh Hashanah or after the end of Yom Kippur. The City Clerk shall preside at the meeting; a qualified voter of the City shall be chosen as secretary of the meeting by the qualified voters of the City present; the secretary shall keep a record of the proceedings of the meeting and file the same in the office of the City Clerk.

(b) Nominations of candidates for Mayor shall be made on motion by any qualified voter of the City, and if such nomination is seconded by a qualified voter of the City, the persons so nominated shall be considered a candidate. Nomination of each candidate for Councilmember shall be made on motion of any qualified voter of her/his ward, and if such nomination is seconded by a qualified voter of his/her ward, the person so nominated shall be considered a candidate. Any nominated candidate may decline a nomination during the nomination meeting. A person may only accept a nomination of one City office. The name of each person nominated for the office of Mayor and Councilmember shall be placed upon the official ballot unless he/she shall file a declination with the City Clerk within three (3) days after his/her nomination.

(c) The Council shall develop such rules and procedures as are necessary relating to nomination proceedings consistent with the provisions of this Charter.

(d) Any person nominated as a candidate must meet the qualifications of the office for which she/he is nominated.

(e) City residents qualified to register pursuant to section 601 of this charter and having resided in the City for 30 days before the nominating meeting, but who are not yet registered or pre-registered to vote, may register and participate in the nominating meeting by filing a voter registration form with the City Clerk or a representative designated by the City Clerk any time before the start of the nominating meeting. Procedures for such registrations shall be, as far as practicable, the same procedures established pursuant to section 603, subsection (b) of this charter.

## **Section 605 Write-In Candidates**

- (a) Any write-in candidate for Mayor or Councilmember who wishes to be pre-registered as a write-in candidate and to have her/his name posted in the voting booth for the purpose of identifying her/him as a candidate for office, must file her/his name with the City Clerk by 5:00 p.m. on the Friday prior to the election.
- (b) A voter in a City election may write-in the name of any [candidate] person for the office of Mayor or Councilmember in the method provided by the City Clerk on election day.
- (c) A voter may only write-in one candidate for each office.
- (d) Only those write-in candidates who are qualified to serve for the office for which they are written-in as Mayor or Councilmember as provided by this Charter shall be eligible to hold said office.

## **Section 606 Election of Mayor and Councilmembers**

- (a) On the first Tuesday after the first Monday in November in every odd-numbered year, the ~~certified~~ voters of the City shall elect its governing body of seven (7) members. Six (6) of these members are elected by ward and are called Councilmembers, and one (1) is elected at large and is called Mayor. Each of those elected shall reside in the City and be voters of the City, and in the case of the Councilmembers, be residents of the areas from which they are so elected consistent with the provisions of Section 304, Article III of this Charter.
- (b) The candidate receiving a majority of votes for Mayor shall be declared elected. The candidate for Council receiving a majority of votes in each ward shall be declared elected.
- (c) An instant runoff voting system shall be used in order to elect the Mayor and Councilmembers with a majority of votes by allowing voters to rank candidates in order of choice. Instructions on instant runoff voting provided to voters shall conform substantially to the following specifications, although subject to modification based on ballot design and voting system: "Vote for candidates by indicating your first-choice candidate, your second-choice candidate, and so on. Indicate your first choice by marking the number '1' beside a candidate's name, your second choice by marking the number '2' beside that candidate's name, your third choice by marking the number '3,' and so on, for as many choices as you wish. You are free to rank only one candidate, but ranking additional candidates cannot help defeat your first-choice candidate. Do not mark the same number beside more than one candidate. Do not skip numbers."
- (d) The first choice marked on each ballot shall be counted initially by the judges of election as one vote. If any candidate receives a majority of the first choices, that candidate shall be declared elected.



(e) If no candidate receives a majority of first choices, the judges of election shall conduct an instant runoff consisting of additional rounds of ballot counting. In every round of counting, each ballot is counted as one vote for that ballot's highest ranked advancing candidate. "Advancing candidate" means a candidate for that office who has not been eliminated. A candidate receiving a majority of valid votes in a round shall be declared elected. If no candidate receives a majority of valid votes in a round, the candidate with the fewest votes shall be eliminated, and all ballots shall be recounted. This process of eliminating the candidate with the fewest votes and recounting all ballots shall continue until one candidate receives a majority of the valid votes in a round.

(f) To facilitate ballot counting in any round, the judges of election may eliminate all candidates with no mathematical chance of winning. A candidate has no mathematical chance of winning if the sum total of all votes credited to that candidate and all candidates with fewer votes is less than the number of votes credited to the candidate with the next greatest number of votes.

(g) If a ballot has no more available choices ranked on it, that ballot shall be declared "exhausted" and not counted in that round or any subsequent round. Ballots skipping one number shall be counted for that voter's next clearly indicated choice, but ballots skipping more than one number shall be declared exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall be declared exhausted when such duplicate rankings are reached unless only one of the candidates with the duplicate ranking is an advancing candidate.

(h) In the event of a tie that affects the outcome of the election, the tie shall be broken by comparing the votes of the tied candidates in the previous rounds of counting, starting with the count immediately preceding the round in which the tie occurs. If one of the tied candidates had more votes than the remaining tied candidates in the preceding round or an earlier round of counting, then that candidate shall advance and the others shall be eliminated. If the candidates were tied in each preceding round, then the tie shall be resolved by lot. In the event that this tie occurs between or among all remaining candidates, then a runoff election between or among the tied candidates shall be held within forty-five (45) days after the date of the election.

(i) The Council may modify the form of the ballots, the instructions to voters, and the details with respect to the method of marking, sorting, counting, invalidating, and retaining ballots and the tabulating and recounting of votes pursuant to this section, provided that no change shall be made that will alter the intent or principles of instant runoff voting as set forth in this section.

### **Section 607 Conduct of Elections Generally**

(a) The Council, by ordinance, shall provide for said elections; shall designate in said ordinance a convenient polling place or places; shall appoint judges of election; shall designate the

manner of holding said election; shall designate and provide the voting system to be used; and shall conduct said elections in accordance with the provisions of this section.

(b) Elections shall be conducted by the judges appointed by the Council under the supervision of the City Clerk, and shall be held at some convenient place or places to be designated by the Council; any vacancy in the list of judges occurring between their appointment and the election shall be filled by the Mayor. The polls shall be opened at 7:00 A.M. and closed at 8:00 P.M.

### **Section 608 Absentee Voting**

Any qualified voter may vote by absentee ballot in a City election.

(Res. No. 2009-1, § 1, 3-9-09)

### **Section 609 Early Voting**

The Council may, by ordinance, establish locations, days, and hours for early voting in any City election. The period of early voting shall not begin sooner than the Wednesday prior to election day.

### **Section ~~610609~~ 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 register and vote, or identification or identity is challenged.

(Res. No. 2009-1, § 1, 3-9-09)

### **Section ~~611610~~ Special Elections**

All special City elections shall be conducted by the Council in the same manner, as far as practicable, as set forth in this Charter.

(Res. No. 2009-1, § 1, 3-9-09)

### **Section ~~612611~~ Advisory Referendums**

(a) A question for referendum or a legislative initiative, not otherwise provided for in this Charter and regarding a matter over which the Council has authority, may be placed on the ballot in any regular or special City election. All such referendum questions or initiatives, unless they are made binding on the Council by any other section of this Charter or by other applicable city, county, state or federal law, shall be advisory only and shall not bind or obligate the Council or the City to enact any ordinance or resolution or to perform any act or function.

(b) Advisory referendum questions or legislative initiatives may be placed on the ballot in any City election in the following manner:

(1) The Council may, by resolution passed by a majority of the Council, provide for an advisory referendum question or legislative initiative to be placed on the ballot at any regular municipal election or at a special election.

(2) Twenty percent (20%) or more of the qualified voters of the City may sign a petition to the Council to place an advisory referendum question or legislative initiative on the ballot. The petition shall contain the language to be placed on the ballot. Each qualified voter signing the petition shall indicate on the petition the person's name and residence address. Within thirty (30) days after receiving the petition, the City Clerk shall verify that any person who signed the petition is a qualified voter of the City and that the petition contains the required number of signatures.

(3) Provided the City Clerk has certified that the petition contains the required number of signatures, the Council shall, by resolution passed by a majority of the Council, order the advisory referendum question or legislative initiative to be placed on the ballot and specify the day and hours for the election at which the advisory referendum question or legislative initiative shall be voted on. This may be either at the next regular municipal election or at a special election, in the discretion of the Council.

(4) In the event a special election is designated, the special election shall be held within a period of not less than forty (40) days nor more than sixty (60) days after the final passage of the resolution providing for the advisory referendum question or legislative initiative.

(5) Any resolution providing for the placement of an advisory referendum question or initiative on a ballot shall specify the exact wording which is to be submitted to the voters of the City.

(Res. No. 2009-1, § 1, 3-9-09)

### **Section ~~613612~~ Vote Count**

(a) Within twenty-four (24) hours after the closing of the polls, the judges of the election shall canvass the voting machines or other voting system, and count any paper ballots, regular and absentee, to determine the vote cast for each candidate or any questions on the ballot.

(b) The judges of the election shall meet the day following the election, and shall therefore determine and declare what persons have been elected, issue certificates of election to such persons, and certify the results to the Council.

(Res. No. 2009-1, § 1, 3-9-09)

## Section ~~614613~~ Recall Elections

(a) Removal of Elected Officials. The Mayor and any Councilmember of the City of Takoma Park may be removed from office by the affirmative vote of a majority of those voting in a special recall election.

(b) Recall Petition. A petition for the removal of the Mayor or any Councilmember from office (a "recall petition") shall state the name, office, and/or ward of the elected official whose recall is sought and that its purpose is to require a special recall election to vote on whether that elected official should be removed from office. A recall petition may, but does not have to, state a reason or reasons for the recall.

(1) A recall petition for the Mayor must have the signatures of at least 1,500 qualified voters of the City of Takoma Park or at least 20% of the qualified voters of the City, whichever is greater.

(2) A recall petition for a Councilmember must have the signatures of at least 100 qualified voters of the ward the Councilmember represents or at least 20% of the qualified voters of that ward, whichever is greater.

(3) A qualified voter of the City may sign a recall petition for the removal of more than one elected official. Each qualified voter shall print his/her name under the signature and shall include his/her address and the date of his/her signature on the recall petition.

(c) Recall Election. A special recall election shall be held not less than thirty (30) days and not more than forty-five (45) days from the date the City Clerk determines that a valid recall petition containing a sufficient number of signatures from qualified voters has been submitted. The Council shall establish the date for the recall election by resolution. If the elected official who is sought to be removed is a Councilmember, then only qualified voters of that Councilmember's ward may vote in the recall election.

(d) Form of Question on Ballot. The ballot for a special recall election shall have the following question: "Should [name of elected official] be removed from the office of [name of office]? Vote 'yes' or 'no'."

(e) Results of Recall Election. If a majority of those voting in the special recall election vote "yes," the elected official shall be removed from office immediately without the necessity of further Council action and the office shall be considered vacant. The resulting vacancy on the Council shall be filled in accordance with Section 308. An elected official who has been removed from the Council in a recall election may apply for reappointment to the Council or may petition to be listed as a candidate on a special election ballot to fill a vacancy on the Council. In the event the number of "yes" and "no" votes in the special recall election are the same, or a majority of those voting in the recall election vote "no," then the recall shall fail and the elected official shall remain in office.

(Res. No. 2009-1, § 1, 3-9-09)

**Section 615614 Regulation and Control by Council**

The Council has the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. The Council further has the power to create and appoint an Elections Board and to specify the functions and duties of an Elections Board. The Election Board's functions may include enforcing the City's elections laws and resolving complaints, disputes, and challenges on election matters. Ordinances heretofore adopted by the Council pertaining to election matters shall remain in force and effect until repealed or amended by the Council but only as to such provisions as are not inconsistent with the provisions of this Article.

(Res. No. 2009-1, § 1, 3-9-09)

**Section 616615 Penalties**

Any person who (1) fails to perform any duty required of him/her under the provisions of this subheading or any ordinances passed thereunder, (2) in any manner willfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or (3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or City election, is guilty of a misdemeanor. Any official, officer or employee of the City government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold office or employment.

(Res. No. 2009-1, § 1, 3-9-09)

# Dēmos Fact Sheet:

## REQUIRING PROVISIONAL BALLOTS FOR SAME DAY REGISTRATION: FEW BENEFITS, ADDITIONAL COSTS

### **Provisional Ballots for Same-Day Registration votes are unnecessary for safeguarding the integrity of elections.**

Over 1.5 million votes were cast by Same-Day registrants in the 2008 presidential elections. None of these votes were provisional.

Voting fraud at the polling place is very rare today. Elections experts have found little evidence of voter fraud in SDR states over the past several election cycles.<sup>1</sup>

Administered effectively, SDR can actually provide more security for the ballot. In the words of Minnesota Secretary of State Mark Ritchie, "EDR [Election Day Registration] is much more secure because you have the person right in front of you—not a postcard in the mail... We have 35 years of experience with this."<sup>2</sup>

### **Treating the votes of same-day registrants as provisional eliminates one of the chief benefits of Same-Day Registration - a sharp reduction in the number of provisional ballots.**

While provisional balloting has given many individuals whose names have been left off the voter rolls a real chance to participate in elections, the practice of Same Day Registration has been a far superior remedy for faulty voter lists. SDR has allowed any eligible person to simply submit a new voter registration form at the time of the election, and vote a regular ballot.

Same Day Registration has drastically reduced the number of provisional ballots that need to be processed - a costly and time consuming activity for elections administrators. SDR also avoids disappointing thousands of provisional voters whose ballots are rejected because no records of their prior registration are found, often due to administrative error.

Iowa Secretary of State Michael A. Mauro cites

the reduction in provisional balloting as a distinct benefit of Same-Day Registration.

- » *Provisional ballots are a necessary and vital part of every election. However, provisional ballots do take time and require additional paperwork while having the potential to frustrate voters. For those reasons, reducing the number of provisional ballots cast through procedural and legislative changes has been a priority.<sup>3</sup>*
- » *EDR promotes voter turnout, allows voters to update their voter registration records after the voter registration deadline, and reduces the number of provisional ballots cast at the polling place.<sup>4</sup>*

### **Provisional balloting declined sharply in the 2008 presidential election in Iowa and North Carolina, the two newest SDR states.**

Iowa and North Carolina, the two newest SDR states, treat the ballots of Same Day registrants no differently than those cast by pre-registered voters. Both saw significant reductions in provisional balloting in the 2008 presidential election.

Two-thirds fewer provisional ballots were cast in the 2008 presidential election in Iowa, as compared to the 2004 presidential election (before SDR had been enacted). Iowa recorded 4,725 provisional ballots in the November 2008 presidential vote, as compared to 14,661 provisional ballots four years earlier.<sup>5</sup>

More than 23,000 fewer provisional ballots were cast in the 2008 presidential election in North Carolina than in the 2004 presidential vote (before SDR had been enacted). Had it not been for SDR, provisional balloting might well have risen in North Carolina in November 2008, tracking the 8 percent increase in voter turnout from the previous presidential race.<sup>6</sup>

Guilford County, NC Elections Director George Gilbert cited Same Day Registration as the primary reason for the decline in provisional voting in recent congressional testimony.

» *North Carolina experienced a substantial increase in voters from 2004 to 2008... [Nevertheless], we experienced a decline in provisional voting. This decline can be attributed to several factors. Chief among these was, as mentioned above, the institution of "same-day-registration." Many voters who failed to register prior to the close of books were able to register and vote during early-voting rather than being required to cast a provisional ballot (which in most cases would not have been counted).*<sup>7</sup>

**Same Day Registration, as currently practiced in SDR states, offers a real-time, simplified process for correcting faulty voter registration lists. Designating SDR ballots as provisional unnecessarily complicates an otherwise straightforward system.**

The administration of Same Day Registration is easier, less time consuming and less labor intensive than provisional balloting. The tabulation of provisional ballots can also delay the close of an election.

Designating as provisional the votes cast by individuals who use Same Day Registration creates in effect a new ballot type – the “provisional SDR ballot” – in addition to those already in use (e.g., regular ballots, absentee ballots, emergency ballots, and provisional ballots). Local officials would need to develop and implement new procedures to handle these distinct new set of votes.

**If there had been provisional SDR balloting in Minnesota’s 238-day, 2008 Senate race saga, it could have stretched elections systems there to the breaking point.**

Minnesota has allowed individuals to register and vote on Election Day since 1975. Only Maine has a longer history with SDR. Minnesota’s same day registrants vote regular, not provisional, ballots, as is the case with every state with SDR.

Over 540,000 votes were cast by same-day

registrants in Minnesota’s 2008 general election.<sup>8</sup> The highly-contested race for the U.S. Senate seat took seven months and multiple court appearances to resolve. The post-election proceedings primarily focused on the proper count of absentee paper ballots. The saga would have been even more arduous had Minnesota designated the votes cast by same-day registrants as provisional: added costs, greater delay, and even more aggressive partisan fighting.

## Endnotes

1. Lorraine Minnite, Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security (2007), at 5, available at [http://www.demos.org/pubs/edr\\_fraud.pdf](http://www.demos.org/pubs/edr_fraud.pdf).
2. Sen. Russ Feingold and Rep. Keith Ellison, “D.C. Takes Up Same Day Registration, So should Congress,” Huffington Post (Nov. 3, 2009)(quoting Minnesota Secretary of State Mark Ritchie), available at [http://www.huffingtonpost.com/sen-russ-feingold/dc-takes-up-same-day-regi\\_b\\_343765.html](http://www.huffingtonpost.com/sen-russ-feingold/dc-takes-up-same-day-regi_b_343765.html).
3. Iowa Secretary of State 2008 Report, Iowa Secretary of State website, at 6, available at [www.sos.state.ia.us/pdfs/2008report.pdf](http://www.sos.state.ia.us/pdfs/2008report.pdf).
4. Id. at 4.
5. Id. at 6.
6. U.S. Election Project, 2004 and 2008 General Election Voter Turnout Rates, available at [http://elections.gmu.edu/voter\\_turnout.htm](http://elections.gmu.edu/voter_turnout.htm).
7. Testimony of George Gilbert, Director of Elections Guilford County, NC, Before the House Committee on Administration Subcommittee on Elections, US House of Representatives, March 26, 2009, at 7 (emphasis in the original), available at [http://cha.house.gov/UserFiles/197\\_testimony.pdf](http://cha.house.gov/UserFiles/197_testimony.pdf).
8. E-mail from Gary Poser, Director of Elections, Office of the Minnesota Secretary of State, to Regina Eaton, Deputy Director, Demos: A Network for Ideas and Action (January 21, 2009)(on file with author).



For more information, see [www.demos.org](http://www.demos.org)

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## Dēmos Fact Sheet:

**REQUIRING PROVISIONAL BALLOTS FOR SAME DAY REGISTRATION: FEW BENEFITS, ADDITIONAL COSTS**

## CITY OF TAKOMA PARK, MARYLAND

### Resolution 2013-

#### Expanding the Vote

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WHEREAS, November 2011 Takoma Park voter registrations totaled 6,744 in homeowner-dominated Wards 1, 2, and 3, and 4,024 in renter-rich Wards 4, 5, and 6<sup>1</sup>;

WHEREAS, expanding opportunities for non-partisan voter registration beyond the requirements of the National Voter Registration Act would promote greater electoral participation by city residents in both municipal and county, state, and national elections;

WHEREAS, awareness of municipal elections is often low, building only in the weeks immediately before a municipal election;

WHEREAS, the State of Maryland's voter-registration deadline is currently three weeks before an election;

WHEREAS, Takoma Park has a compressed official municipal election season of five weeks, between the biennial nominating caucus and the November municipal election, placing four-fifth of the campaign period for nominated candidates, the time when those new to Takoma Park and to voting are most likely to become aware of city elections and to meet candidates, after the current voter-registration cut-off date;

WHEREAS, ten states and the City of Rockville<sup>2</sup> offer Election Day voter registration to allow eligible individuals to register just prior to voting;

WHEREAS, the national organizations, or the Maryland chapters, of the ACLU, FairVote, the League of Women Voters, the NAACP, Progressive Maryland endorse Election Day voter registration; the ACLU, FairVote, and Progressive Maryland endorsing it specifically in Takoma Park;

WHEREAS, the City of Takoma Park wishes to extend the vote in municipal elections to individuals aged 16 years;

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<sup>1</sup> [https://s3.amazonaws.com/cityclerk\\_takomapark/public/2011cityelection/certification-of-election-results-2011.pdf](https://s3.amazonaws.com/cityclerk_takomapark/public/2011cityelection/certification-of-election-results-2011.pdf), retrieved February 10, 2013.

<sup>2</sup> <http://www.rockvillemd.gov/news/2011/11-november/11-01-11b.html>, retrieved February 10, 2013.



WHEREAS, the State of Maryland already preregisters 16-year-olds, and allows registered 17-year-olds to vote in primary elections if they will be 18 at the time of the following general election;

WHEREAS, Maryland municipalities may enact laws and procedures for their own municipal elections;

WHEREAS Takoma Park has a long history of innovative voting policies, including the adoption of instant runoff voting and provisions for non-citizen voting in municipal elections;

THEREFORE BE IT RESOLVED

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**February 13 DRAFT**

**CITY OF TAKOMA PARK, MARYLAND**

**Resolution 2013-**

**Takoma Park Right to Vote Ordinance**

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WHEREAS, the United States Elections Project reports that voter turnout in the 2012 presidential election was 59 percent of eligible voters and the Maryland Secretary of State reported turnout of 66 percent in Montgomery County;

WHEREAS, even though only 18 percent of registered voters voted in the 2011 Takoma Park municipal election, that percentage was higher than the two previous citywide elections;

WHEREAS, one reason for the country's low voter turnout is a faulty and outdated voter registration system that is inefficient in registering voters; and

WHEREAS, expanding opportunities at local agencies for voter education and non-partisan voter registration beyond the requirements of the National Voter Registration Act would promote more engaged city residents and increase civic participation; and

WHEREAS, ten states and the City of Rockville have established Election Day registration so that voters can register at the same time they cast their ballot and the State of Maryland is considering legislation to do so; and

WHEREAS, the State of Maryland already allows residents 17 years of age to register and vote in primary elections if they will be 18 at the time of the general election; and

WHEREAS local governments like ours have the power to enact laws and procedures for local elections that meet or surpass federal and state election standards, that create more accountable representation, that uphold voting rights, that encourage increased voter participation, and that promote greater awareness of our political process through civic education; and

WHEREAS Takoma Park has a long history of innovative voting policies, including the adoption of instant runoff voting and provisions for non-citizen voting in municipal elections; and

WHEREAS, an individual right to vote is a fundamental American right, fundamental rights should be guaranteed to all Americans in the U.S. Constitution; and

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WHEREAS, the U.S. Supreme Court wrote in *Bush v. Gore*, "the individual citizen has no federal constitutional right to vote" which assertion necessitates the creation of laws and practices that establish and promote voting,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT**

**SECTION 1.**

Title 5, Elections, Chapter 5.24.040, Duties of the Board of Elections, of the *Takoma Park Code* is amended as follows:

The Board of Elections shall:

- A. Plan and conduct regular and special City elections in coordination with the City Clerk;
- B. Encourage voter registration in the City including via election day voter registration;
- C. Conduct voter education programs and prepare and distribute voter outreach materials;
- D. Recommend to the Council amendments to the City's elections law and regulations when it deems such amendments are necessary and will provide for the improved conduct of elections;
- E. Periodically review City elections procedures;
- F. In coordination with the City Council and Administration, implement procedures for Election Day voter registration for regular and special City elections;
- ~~G.~~ Serve as election judges in City elections;
- ~~H.~~ Recommend additional qualified individuals to the Council for appointment as election judges during a regular or special City election;
- ~~I.~~ Perform such other duties as may be assigned to the Board of Elections by Charter, ordinances and resolutions, and by the direction of the Council. (Ord. 2006-36 (part), 2006)

**SECTION 2.**

1. That the Council does hereby affirm that the right to vote is a fundamental right to be cherished, protected and exercised.
2. That the over-arching intent of this Right to Vote ordinance is to strengthen the ties that connect residents, elected officials and City government.

3. We actively encourage and facilitate voter education and voter registration by the City, residents, and organizations active in our community, and commit to initiating voter registration drives (for citizens and non-citizens) focused on areas of the city with the lowest levels of registration.
4. In order to correct misinformation and encourage voter turnout on Election Day, we will communicate to all voters through means of mail, posters for apartment buildings, city television and online, social, and print media the following information: general information about voting on Election Day, information on early voting for municipal elections, the format of the ballot, and any new state and federal laws involving voting.
5. We encourage the recruitment of poll workers and effective training of election officials and poll workers to uphold the individual right to vote.

### **SECTION 3.**

1. A Task Force on Voting is established to make recommendations to the City Council on any policies or regulations needed to strengthen regular and special City elections.
2. Up to ten members of the Task Force may be appointed by the City Council.
3. Members shall be Takoma Park residents or shall represent organizations with expertise in election laws or policy, voting rights or voter registration.
4. The Task Force shall elect from among its members two Co-Chairs and a Secretary.
5. The City Manager may designate one or more staff members to assist the Task Force in its work.
6. The Task Force shall focus on the following in the course of its work:
  - Recommend to the City Council steps that would strengthen early voting efforts and extend early voting as practical and desirable.
  - Research and recommend practical steps that may be taken by the City and community organizations to boost electoral awareness and participation, particularly in neighborhoods and in types of residence, and among community segments, that have historically had the lowest participation rates.
  - Review all City laws, regulations, processes, and practices that may affect the right to vote and that may affect the power of voters to elect candidates and hold representatives accountable,

- Recommend changes to City law, regulations, processes, and practices that would better uphold voting rights, encourage increased electoral participation, promote greater awareness of our political process,
  - Make recommendations on a means to monitor and report on the effect of City Ordinances, regulations and practices on voting rights, voter participation and voter awareness over time;
  - Report on recommendations regarding state legislation the City Council could promote with our House of Delegate and State Senate members that would strengthen the right to vote in Maryland.
  - Identify needs for addition voter registration efforts designed to register eligible individuals who are at least 16 years old.
  - Recommend policies that would increase opportunities for civic engagement with tenants living in apartment buildings.
  - Recommend languages appropriate to Takoma Park into which all written and recorded City voter resources including ballots should be translated.
7. The Task Force shall report its finds and recommendation to the City Council by March 31, 2014 unless its term is extended by the Council.

#### **SECTION 4.**

1. We call on our Members of Congress to support an amendment to the U.S. Constitution that would grant an individual right to vote to every American citizen of voting age.
2. We call on our delegation to the Maryland Senate and General Assembly to promote legislation to establish instant runoff voting in state elections, similar to the instant runoff elections used in municipal elections in Takoma Park.
3. We call on Congress and our state government to take action to uphold voting rights, including ensuring that our nation has a modern voter registration system that meets the basic goal of complete and accurate voting rights, that citizens of the District of Columbia have congressional voting rights, that all jurisdictions have an option to purchase publicly owned or non-profit managed voting equipment and that all voters can be confident that their local jurisdiction meets certain minimum performance standards involving election administration.
4. We endorse a call for all elected officials to stand with voters by supporting actions to increase voter turnout and voter education, oppose tactics to game elections through manipulation of voting rights and election laws, and evaluate proposed electoral reforms based on whether they promote participation and a level political playing field rather than their impact on incumbent elected officials or political parties.

ADOPTED THIS xx DAY OF MAY, 2013.

ATTEST:

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Jessie Carpenter  
City Clerk

WHEREAS, November 2011 Takoma Park voter registrations totaled 6,744 in homeowner-dominated Wards 1, 2, and 3, and 4,024 in renter-rich Wards 4, 5, and 6<sup>1</sup>;

WHEREAS, expanding opportunities for non-partisan voter registration beyond the requirements of the National Voter Registration Act would promote greater electoral participation by city residents in both municipal and county, state, and national elections;

#### **6.16.035 Tenant rights to civic inclusion.**

A. Tenants shall have the right to participate fully in electoral processes and civic activities; to welcome visits to their units by candidates for elected office and candidates' campaign associates, by elected officials who represent the tenants, by individuals canvassing for voter registration purposes, and by representatives of political parties and civic and community organizations.

B. Candidates for elected office and candidates' campaign associates, elected officials who represent the tenants, voter-registration canvassers, and representatives of political parties and civic and community organizations, who have been credentialed by the city clerk, shall be afforded access to units in rental facilities during reasonable hours and upon reasonable notice to the landlord, for the purpose of civic and electoral canvassing. Reasonable hours shall normally include the hours 9 am to 9 pm Monday to Friday except federal holidays and 11 am to 9 pm on Saturdays, Sundays, and holidays. Reasonable notice shall normally be one business day, with notice delivered in person, by fax, or post, or by electronic means, to a building's owner or management.

C. Subsection B does not prohibit a tenant's denial of admittance into a particular residential unit or a landlord's denial of permission to visit certain persons for valid health reasons.

D. The city clerk shall grant canvassing credentials, of limited duration not less than two weeks and not more than three months, and for one or more of the city's wards, within three business days of acceptable application by eligible individuals, who are nominated candidates for office or certified by a candidate as representing the candidate's campaign, or certified by a political, civic, or community organization as representing that organization. The city clerk may deny credentials to any individual, or revoke credentials granted to any individual, who is deemed to have abused canvassing rights or not to represent a credible electoral, civic, or community initiative. Individuals denied credentials may petition the city council or city manager for redress.

E. Credentialed individuals shall produce their credentials, on demand by a landlord or tenant being visited. Credentialed individuals shall have the right to

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<sup>1</sup> [https://s3.amazonaws.com/cityclerk\\_takomapark/public/2011cityelection/certification-of-election-results-2011.pdf](https://s3.amazonaws.com/cityclerk_takomapark/public/2011cityelection/certification-of-election-results-2011.pdf), retrieved February 10, 2013.

freely distribute literature concerning electoral issues, provided that the literature is properly identified as to its origin.

**6.16.050 Obligations of landlords.**

M. Allow unhindered visits to all occupied units of a building, pursuant to the provisions of 6.16.35, excepting to those units whose residents have made clear in writing that they do not welcome such visits.

N. Distribute to each new tenant, within one week of the start of residence, a city supplied electoral and civic information packet, one copy for each member of the tenant's household who is 16 years of age or older. The packet shall include a voter-registration form and information on online voter registration, until such time as these voter-registration mechanisms are obsolete or obviated by a new registration mechanism. It may include other material. It is the landlord's responsibility to request a sufficient quantity of packets by request to the office of the city clerk or the Division of Landlord-Tenant Affairs.