

# Regular Meeting

<b>Agenda Item #</b>	4
<b>Meeting Date</b>	March 24, 2014
<b>Prepared By</b>	Jessie Carpenter City Clerk
<b>Approved By</b>	Brian T. Kenner City Manager

<b>Discussion Item</b>	Second Reading Ordinance Providing for the Ward 3 Special Election and Appointment of Election Judges
<b>Background</b>	<p>Ward 3 Councilmember Kay Daniels-Cohen passed away on February 20, 2014, leaving a vacancy on the City Council. Pursuant to Section 308 of the City Charter, if a vacancy on the Council occurs more than 240 days before the next regularly scheduled City election, a special election shall be held to fill the vacancy. The next regularly scheduled City election will be held on November 3, 2015.</p> <p>Section 308(b) of the City Charter specifies that the remaining members of the Council shall, by resolution, establish a date for the special election which shall be not less than 45 days nor more than 60 days from the date of the vacancy. The City Council adopted Resolution 2014-10 setting the date of the election as April 8, 2014.</p> <p>Pursuant to Section 610 of the Charter: “All special City elections shall be conducted by the Council in the same manner [as regular City elections], as far as practicable, as set forth in this Charter.”</p> <p>The draft ordinance presented for first reading sets forth the details of the special election, including the requirements set out in the City Code and Charter. The ordinance sets the location of the special election as the Takoma Park Fire Station, 7201 Carroll Avenue. The polling place will be in the lower level multipurpose room. There is direct entry to the room from the lower level parking lot. The polling place will be open from 7:00 a.m. to 8:00 p.m.</p> <p>Early voting would take place at the Takoma Park Community Center, 7500 Maple Avenue, on Sunday, April 6, from 12 noon to 4:00 p.m., and on Monday, April 7, from 4:00 p.m. to 8:00 p.m. The Senior Room in the Computer Learning Center has been reserved for early voting.</p> <p>There is no nominating caucus for a special election. Candidates’ names are placed on the ballot by a petition signed by at least 10 qualified voters of Ward 3. Three valid petitions were received by the March 19, 2014 deadline.</p> <p>The ordinance provides for use of paper ballots. Ballots will be hand counted after the polls close. As in all City elections, ballots will include a space for a write-in candidate. Absentee balloting will be available as set forth in the City Charter.</p> <p>Finally, the ordinance sets a special meeting of the City Council on Wednesday, April 9, 7:30 p.m. to receive the certification of the election results from the Board of Elections.</p>

	<p>For this election, some members of the Board of Elections will serve as election judges but it is anticipated that two to three additional judges will be needed to cover early voting and election day voting. Those names are included in the ordinance for appointment.</p> <p>First reading of the ordinance was held on March 18, 2014. Since that time, a pay rate for election judges who serve as closing judges has been added to the ordinance. Staff recommends that this amendment be included in the ordinance to be adopted at second reading.</p>
<b>Policy</b>	City Charter and Takoma Park Code, Chapter 5 - Elections
<b>Fiscal Impact</b>	It is expected that the election will cost under \$2,500. There are funds remaining in the election budget sufficient to cover the expenditures.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Second Reading Ordinance</li> <li>• Election Calendar</li> </ul>
<b>Recommendation</b>	Adopt the amended ordinance at second reading.
<b>Special Consideration</b>	The new Ward 3 City Councilmember will be sworn in on Monday, April 21, 2014.

Introduced by: Councilmember Male

First Reading: March 18, 2014

Second Reading:

Effective Date:

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE 2014-11**

**(Ward 3 Special Election of April 8, 2014)**

WHEREAS, the City Charter, in Section 607, states that the Council has the power to provide by Ordinance for the conduct of City elections generally and shall designate a convenient polling place, the manner of holding City elections, and the voting system to be used for the City election; and

WHEREAS, Section 308 of the City Charter provides that if a vacancy on the Council occurs more than 240 days before the next regularly scheduled City election, a special election shall be held to fill the vacancy; and

WHEREAS, Ward 3 Councilmember Kay Daniels-Cohen passed away on February 20, 2014; and

WHEREAS, Section 308 of the City Charter sets forth procedures for setting the date of the special election and provides a process for candidates to have their names placed on the ballot by petition; and

WHEREAS, by Resolution 2014-10, adopted March 3, 2014, the City Council established April 8, 2014 as the date of the Ward 3 special election; and

WHEREAS, Section 611 of the City Charter provides that all special City elections shall be conducted by the Council in the same manner [as regular City elections], as far as practicable, as set forth in the Charter.

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

SECTION 1. A Ward 3 Special Election shall be held at the Takoma Park Volunteer Fire Department, 7201 Carroll Avenue, on Tuesday, April 8, 2014, between the hours 7:00 a.m. and 8:00 p.m. for the purpose of electing a Ward 3 Councilmember, as follows:

- A. The Ward 3 Councilmember shall be elected by the voters of that ward only;
- B. Votes shall be cast in the special election by paper ballots; and
- C. Absentee voting shall be permitted as set forth in Chapter 5.20, Absentee Voting, of the Takoma Park Code; and

D. If eligible, an individual shall be permitted to cast a provisional ballot as set forth in Chapter 5.22, Provisional Ballots, of the Takoma Park Code.

SECTION 2. Section 609 of the City Charter provides that early voting locations, days, hours and mechanisms shall be established for all elections. For the April 8, 2014 special election, early voting shall be held at the Takoma Park Community Center on Sunday, April 6, from 12 noon to 4:00 p.m. and Monday, April 7, from 4:00 p.m. to 8:00 p.m. The early voting experience shall be substantially the same as election day voting.

SECTION 3. If the qualification requirements of Section 304 of the City Charter are met, a person may have his or her name listed on the special election ballot as a candidate by filing a petition with the City Clerk no later than 5:00 p.m. on March 19, 2014. The petition shall clearly state that its purpose is to place a specific person's name on the ballot for the Ward 3 special election to be held on April 8, 2014. The petition shall be signed by at least 10 qualified voters of the ward. Each qualified voter shall both sign and print his/her name and shall include his/her address and the date of his/her signature on the petition.

SECTION 4. Before listing a person's name on the special election ballot, the City Clerk shall verify that sufficient signatures on the petition are from qualified voters of Ward 3. The invalidation of one signature on a petition shall not serve to invalidate any other signatures on the petition.

SECTION 5. The City Clerk shall provide paper ballots for the special election and sufficient voting stations for use by voters of the ward. The names of candidates shall be arranged alphabetically on all ballots.

SECTION 6. If any person registers as a write-in candidate in accordance with Section 605 of the City Charter, the City Clerk shall arrange to have her/his name posted in the voting booths for the purpose of identifying her/him as a candidate for office.

SECTION 7. The City Clerk shall arrange for a space on the ballot for write-in votes.

SECTION 8. The City Clerk shall supply voter lists bearing the names and addresses of all eligible voters, as certified by the Montgomery County Board of Elections, and shall supply such lists to the Board of Elections on election days. The voter registration information for all voters registered through the City Clerk's Office shall be incorporated into the voter lists.

SECTION 9. Eligible Takoma Park residents may register up to and including the day of the election, pursuant to Section 603 of the City Charter.

SECTION 10. The following individuals, all registered voters of the City of Takoma Park, are hereby appointed to serve as judges in the special election:

Board of Elections members

Marilyn Abbott, Ward 1  
James Roberts, Ward 2  
April Kissel, Ward 4  
Oliver Njong, Ward 4  
Paras Shah, Ward 6

Other City residents

Gene Herman, Ward 1  
Beverly Toler, Ward 1

SECTION 11. Election judges shall receive the following stipend for service:

Election Day Judges - \$140 (full day)  
Early Voting Judges - \$40 (per day of service)  
Closing Judges - \$40 (per day of service)

SECTION 12. Following the closing of the polls, the Election Judges shall tabulate the paper ballots cast using procedures to ensure the secrecy of the ballot, rejection of all votes when the number of votes cast by a voter exceeds the number that the voter is entitled to cast, correct counting of votes on ballots on which the proper number of votes has been indicated, the tabulating and recording of votes, and the prompt reporting of election returns after the official closing of the polls.

SECTION 11. The candidate receiving a majority of votes shall be declared elected. An instant runoff voting system shall be used to allow voters to rank candidates in order of choice. 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 as set out in Section 606(e) through 606(h) of the City Charter. Instructions provided to voters shall conform substantially to the specifications of Section 606(c) of the City Charter.

SECTION 12. The Board of Elections shall meet in the Takoma Park Community Center, at 7:00 p.m. on Wednesday, April 9, 2014, and shall determine and certify the results of the election, as provided in City Charter Section 613.

SECTION 13. The City Council shall hold a Special Meeting in the Community Center – Sam Abbott Citizens Center at 7:30 p.m. on Wednesday, April 9, 2014, to receive the certification of the election results from the Board of Elections.

SECTION 14. This Ordinance shall become effective upon adoption.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BY ROLL-CALL VOTE AS FOLLOWS:

AYE:  
NAY:  
ABSTAIN:  
ABSENT:

**City of Takoma Park, Maryland**  
**Election Calendar for April 8, 2014 Special Election**

**Tuesday, March 18**

- Takoma Park residency must be met by March 18 (21 days prior to the election) in order to vote in the election.
- Voter registration through the Montgomery County Board of Elections closes at 5:00 p.m. on March 18. After this date, all residents should register at the City Clerk's Office.

**Wednesday, March 19, 5:00 p.m.**

- Petitions to place a candidate's name on the ballot for the Special Election must be received by the City Clerk by 5:00 p.m. on this date.
- Candidate profile form due.

**Monday, March 24, 5:00 p.m.**

- Candidates' Financial Disclosure Statements due to City Clerk.

**Wednesday, March 26, 5:00 p.m.**

- Photo and 150-word statement due to City Clerk.

**Friday, March 28, 5:00 p.m.**

- Candidates' Initial Campaign Contribution Reports due to City Clerk.

**Tuesday, April 1, 4:00 p.m.**

- Last day to make application for regular Absentee Ballot by mail.

**Wednesday, April 2**

- Late absentee balloting begins.

**Friday, April 4, 5:00 p.m.**

- Any write-in candidate who wishes to be pre-registered as a write-in candidate and to have his/her name posted in the voting booth for the purpose of identifying him/her as a candidate for office, must file his/her name with the City Clerk by this deadline. A pre-registered write-in candidate's Financial Disclosure Statement must be filed at the same time or before preregistering as a write-in candidate.

**Sunday, April 6 – Early voting. Polls open 12 noon to 4:00 p.m.**

- Early voting will take place at the Takoma Park Community Center, 7500 Maple Avenue.

**Monday, April 7, Early voting. Polls open 4:00 p.m. to 8:00 p.m.**

- Early voting will take place at the Takoma Park Community Center, 7500 Maple Avenue.

**Tuesday, April 8 – ELECTION DAY. Polls open 7:00 a.m. to 8:00 p.m.**

- The election will be held at the Takoma Park Fire Station, 7201 Carroll Avenue.
- Absentee ballots must be received by the City Clerk prior to the official closing of the polls on the day of the election.

**Wednesday, April 9, 7:30 p.m.**

- Special meeting of the City Council to receive the certification of the election results.

**Monday, April 14, 4:00 p.m.**

- Final Campaign Contribution Report due to City Clerk.

**Monday, April 21**

- New Ward 3 Councilmember takes office. Swearing-in at 7:30 p.m.