

# Regular Meeting

<b>Agenda Item #</b>	<b>3</b>
<b>Meeting Date</b>	April 10, 2006
<b>Prepared By</b>	Linda S. Perlman Asst. City Attorney
<b>Approved By</b>	Barbara B. Matthews City Manager

<b>Discussion Item</b>	Charter Amendment Resolution No. 2006-1: Amending the Election Procedures set forth in the City Charter to Adopt Instant Runoff Voting and to Provide Flexibility in Scheduling the Meeting for Nomination of Candidates for Mayor and Councilmember.
<b>Background</b>	<p>In the November 8, 2005, City election, an advisory question was placed on the ballot, asking citizens whether or not the Council should amend the Municipal Charter to adopt an instant runoff system of voting that would allow voters to rank candidates in order of choice to produce a majority vote winner for a candidate without a separate runoff election, in the event that no candidate received a majority of the first choice rankings. The results of the advisory referendum were strongly in favor of adopting instant runoff voting for City elections. Following this advisory referendum, the Council decided to proceed to amend the Municipal Charter to implement an instant runoff voting system for elections of the Mayor and Council.</p> <p>A public hearing on the proposed Charter Amendment was held at the Council meeting on March 27, 2006, followed by 1<sup>st</sup> reading of the Charter Amendment Resolution.</p> <p>In addition to the instant runoff voting provisions, Charter Amendment Resolution No. 2006-1 also includes an amendment to Charter Section 604(a). This Charter section states that the nominating caucus, <i>i.e.</i>, the meeting of citizens at which nominations for Mayor and Councilmember are made, shall be held “on the Tuesday evening five weeks prior to the election.” In 2005, the date of the nominating caucus conflicted with Rosh Hashanah (the Jewish New Year). The attached Charter Amendment Resolution allows the Council to schedule the nominating caucus for any day between four and five weeks prior to the biennial City election so that such conflicts can be avoided in the future.</p> <p>On March 27, 2006, at 1<sup>st</sup> reading of the Charter Amendment Resolution, several Councilmembers expressed interest in a more limited amendment to Charter Section 604(a) that would keep the date of the nominating meeting on the Tuesday evening five weeks before the election, but would provide that if the nominating meeting conflicted with the Jewish high holy holidays (Rosh Hashanah and Yom Kippur (Day of Atonement)), then the nominating meeting would be rescheduled to the next evening after such holiday. Alternate language for Charter Section 604(a) is attached for the Council’s consideration, along with a listing of the dates of the biennial City elections, nominating meetings, Rosh Hashanah, and Yom Kippur from 2007 - 2025.</p>
<b>Procedure for Amendment of Charter</b>	The procedure for the Council to initiate a Charter amendment is set forth in Article 23A, Section 13 of the Annotated Code of Maryland and Section 501 of the Municipal Charter. In short, this procedure requires the Council to hold a public

	<p>hearing on the Charter amendment prior to the passage of a Charter Amendment Resolution (this public hearing took place on March 27, 2006). The Charter Amendment Resolution then must be passed by the Council at two readings. After passage, the Charter Amendment Resolution must be posted at the Takoma Park Community Center (main municipal building) for a period of at least 40 days. A “fair summary” of the Charter amendment also must be published once a week, for four consecutive weeks, within 40 days after the date the Charter Amendment Resolution was adopted by the Council. The Charter amendment becomes effective on the 50<sup>th</sup> day after passage of the Charter Amendment Resolution—unless a valid Petition for Referendum is received. If a valid petition for referendum is signed by 20% or more of the qualified voters of the City and is presented to the Council on or before the 40<sup>th</sup> day after passage of the Charter Amendment Resolution, then a referendum election on the Charter amendment must be held.</p>
<b>Fiscal Impact</b>	<p>Publication costs for the notice of public hearing and fair summary of the Charter amendment will total approximately \$1,500.00.</p>
<b>Attachments</b>	<p>(1) City of Takoma Park Charter Amendment Resolution No. 2006-1.  (2) Alternate language for amendment of Charter Section 604, Nominations.  (3) List of Dates of City Elections, Nominating Meetings, Rosh Hashana, and Yom Kippur for 2007 - 2025.</p>
<b>Recommendation</b>	<p>Consider adoption of Charter Amendment Resolution No. 2006-1 at second reading.</p>
<b>Special Consideration</b>	

Introduced by: Councilmember Seamens

Introduction and First Reading: March 27, 2006  
Second Reading and Adoption:

**CITY OF TAKOMA PARK  
CHARTER AMENDMENT RESOLUTION NO. 2006-1**

**A Resolution to Amend the Elections Procedures of the City of Takoma Park  
Municipal Charter by Adopting a System of Instant Runoff Voting  
and by Providing for Flexibility in Scheduling the Nominating Caucus  
for Nominations for the Election of Mayor and Councilmembers.**

**WHEREAS**, the *City of Takoma Park Municipal Charter* currently allows for the election of the Mayor and Councilmembers by a plurality vote and provides for a runoff election in the event of a tie vote; and

**WHEREAS**, by Resolution No. 2005-77, the Council voted to place an advisory question on the November 8, 2005, City election ballot; and

**WHEREAS**, this advisory question asked voters whether or not the City should adopt an instant runoff system that would allow voters to rank candidates in order of choice (1, 2, 3, and so on) to produce a majority vote for a candidate without a separate runoff election in the event that no candidate received a majority of the first choice rankings; and

**WHEREAS**, among those who voted on the advisory question in the November 8, 2005, City election, 1992 voted in favor of instant runoff voting and 390 voted against instant runoff voting; and

**WHEREAS**, the Council desires to amend the election provisions for election of Mayor and Councilmember, set forth in the *City of Takoma Park Municipal Charter*, in order to ensure that the winning candidates for Mayor and Council have the support of a majority of the voters and to avoid the necessity of a runoff election in the event that no candidate receives more than 50% of the first choice rankings; and

**WHEREAS**, pursuant to Charter Section 604(a), the City's nominating caucus, *i.e.*, the meeting of citizens at which nominations for Mayor and Councilmember are made, is "held on the Tuesday evening five weeks prior to the election"; and

**WHEREAS**, in some election years, the date set for the nominating caucus has conflicted with religious holidays or other events that might impede public participation in the City's nominating caucus; and

**WHEREAS**, in order to avoid such conflicts, the Council wishes to amend the *City of Takoma Park Municipal Charter* to give the Council flexibility in the scheduling of the nominating caucus.

**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 308 Vacancies 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 [the largest number] 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 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. [and the] The meeting shall be held on [the Tuesday evening five] a date selected by the Council that is no more than five weeks and no less than four weeks prior to the election. 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.

\* \* \* \*

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

(a) \* \* \* \*

(b) The candidate receiving [the largest number] a majority of votes for Mayor shall be declared elected. The candidate for Council receiving [the largest number] a majority of votes in each ward shall be declared elected.

(c) [In the event of a tie vote resulting in the declaration of no elected candidate, a run-off election between the tied candidates shall be held within forty-five (45) days of that declaration.] 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.

Explanatory Note: \* \* \* \* indicates language of the Charter which is not being changed by this Charter Amendment and which is not set forth herein.  
Underlining indicates language being added to the Charter.  
**Bold** [brackets] indicates language being deleted from the Charter.

**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 \_\_\_\_\_, 2006, and the amendment of the *City of Takoma Park Municipal Charter* enacted by this Resolution shall become effective on \_\_\_\_\_, 2006 (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 this Charter Amendment Resolution shall be continuously posted on a bulletin board at the Takoma Park Community Center and Sam Abbott Citizens' Center from \_\_\_\_\_, 2006, until \_\_\_\_\_, 2006 (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. 2006-1 which was passed at a meeting of the Council of the City of Takoma Park, Maryland, on the \_\_\_\_ day of \_\_\_\_\_, 2006, \_\_\_\_ members of the Council voting in the affirmative, \_\_\_\_ members of the Council voting in the negative, \_\_\_\_ members of the Council abstaining, and \_\_\_\_ members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on the \_\_\_\_ day of \_\_\_\_\_, 2006.

**THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006, BY ROLL CALL VOTE AS FOLLOWS:**

**Aye:**

**Nay:**

**Abstain:**

**Absent:**

[signature page for Charter Amendment Resolution No. 2006-1]

**COUNCIL OF THE CITY OF TAKOMA PARK**

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Kathryn Porter, Mayor

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Joy Austin-Lane, Councilmember, Ward 1

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Colleen Clay, Councilmember, Ward 2

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Bruce Williams, Councilmember, Ward 3

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Terry Seamens, Councilmember, Ward 4

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Marc Elrich, Councilmember, Ward 5

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Douglas Barry, Councilmember, Ward 6

ATTEST:

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Jessie Carpenter, City Clerk

Date: \_\_\_\_\_

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