Regular Meeting

Agenda Item #	7
Meeting Date	September 26, 2005
Prepared By	Jessie Carpenter City Clerk
Approved By	Barbara B. Matthews City Manager BBM

Discussion Item	Second Reading Ordinance Setting Forth the 2005 Nominating Caucus and City Election
Background	As per Section 607 of the City Charter (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.* The ordinance presented for first reading sets forth the election procedures as defined by the Charter and Code. In addition, it designates the Municipal Building as the polling place for the election and establishes that the election will be conducted using paper ballots. At first reading on September 12, Section 1B of the draft ordinance was amended to have the nominations for Mayor follow the nominations for Councilmembers at the Nominating Caucus. Council asked staff to review the Charter and Code to ensure that this amendment is in compliance with them. Staff concluded that the amendment is in compliance with the Code and Charter. Following first reading, the City Manager conducted a random drawing of ward numbers to determine the order of nominations at the Nominating Caucus. The order of nominations will be Ward 5, Ward 1, Ward 2, Ward 6, Ward 4, Ward 3.
Policy	City Charter and Takoma Park Code, Chapter 5 - Elections
Fiscal Impact	The FY06 Budget includes $20,000 for conduct of the election.
Attachments	Second Reading Ordinance - 2005 Takoma Park City Election, as amended.
Recommendation	Council to adopt the ordinance.
Special Consideration	

Introduced by: Councilmember Williams

First Reading: September 12, 2005
Second Reading:
Effective Date:

ORDINANCE NO. 2005-27
(2005 Takoma Park City Election)

WHEREAS, Section 606 of the City Charter provides that an election shall be held on the first Tuesday after the first Monday in November in odd-numbered years for the election of a Mayor and six Councilmembers; and

WHEREAS, the City Charter, in Section 613, further provides that the Council has the power to provide by Ordinance for matters not covered by the provisions of the Charter relating to the conduct of City elections.

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

SECTION 1. The City Clerk shall call a Nominating Caucus of citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, October 4, 2005, at 7:30 p.m., in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; said Nominating Caucus to be conducted as follows:

A. On September 12, 2005, the City Clerk shall select by random drawing, ward numbers 1 through 6 in order to determine the order in which ward nominations are received; and

B. Nominations for Mayor shall ~~immediately precede~~ follow all ward nominations.

SECTION 2. A City Election shall be held at the Municipal Building on Tuesday, November 8, 2005, between the hours of 7:00 a.m. and 8:00 p.m. for the purpose of electing a Mayor and six Councilmembers, as follows:

A. The Mayor shall be elected at large and one Councilmember for each ward shall be elected by the voters of that ward only;

B. Votes shall be cast in the City Election by paper ballots; and

C. Absentee voting shall be permitted as set forth in Title 5, Elections, Chapter 5.20, Absentee Voting, of the Takoma Park Code.

SECTION 3. The City Clerk shall provide paper ballots for the City Election and sufficient voting booths for use by voters of each of the six wards. The names of candidates for Mayor, arranged alphabetically, shall appear first on all ballots, followed by the names of candidates for

Councilmember, arranged alphabetically, with each ward ballot displaying the names of candidates for that ward only. The names of any candidates nominated at the Nominating Caucus who, within three days of the Nominating Caucus, files a written declination of candidacy with the City Clerk shall not appear on the ballot.

SECTION 4. If any person registers as a write-in candidate for Mayor or Councilmember in accordance with Section 605 of the City Charter, then the City Clerk shall arrange to have her/his name posted in the appropriate voting booth for the purpose of identifying her/him as a candidate for office.

SECTION 5. The City Clerk shall arrange for a space on the ballot for write-in votes.

SECTION 6. The City Clerk shall include on all ballots any advisory referendum question so adopted by resolution passed by a majority of the Council pursuant to Section 610 of the City Charter. Any advisory referendum question shall appear last on all ballots, after the names of the candidates for Mayor and Councilmember.

SECTION 7. Notice of the Nominating Caucus of citizens and the City Election shall be published at least once in The Takoma Park Gazette during the two weeks prior to October 4, 2005. In addition, the City Clerk shall have arranged a facsimile of the arrangements of the candidates' names, offices, Councilmember wards, and any advisory referendum questions which will appear on the City Election ballot published in a newspaper of general circulation in the City during the week preceding the election.

SECTION 8. The City Clerk shall prepare separate voter lists for each ward bearing the names and addresses of all eligible voters in each ward, as certified by the Board of Supervisors of Election for Montgomery County, and shall supply such lists to the Election Judges on election day. The voter registration information for all eligible non-United States citizens (names and addresses) who have registered with the City Clerk's office to vote in City elections shall be incorporated into the respective ward voter lists.

SECTION 9. The City Clerk shall recommend to the Council the names of persons for designation by the Council as Election Judges to serve for the 2005 City Election.

SECTION 10. Following the closing of the City Election polls, the Election Judges shall tabulate the paper ballots cast using procedures to ensure the secrecy of the ballot, rejection of all votes for any office or ballot question 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, and the tabulating and recording of votes by ward for or against any candidate or question, and the prompt reporting of election returns after the official closing of the polls.

SECTION 11. The Election Judges shall meet in the Municipal Building as a Board of Election at 7:00 p.m. on Wednesday, November 9, 2005, and shall determine and certify the results

of the election, as provided in City Charter Section 611.

SECTION 12. The Council shall meet in Special Session in the Municipal Building at 7:30 p.m. on Wednesday, November 9, 2005, to receive the certification of the election results from the Election Judges.

SECTION 13. This Ordinance becomes effective upon adoption.

ADOPTED THIS ____ DAY OF SEPTEMBER, 2005, BY ROLL CALL VOTE AS FOLLOWS:

AYE:
NAY:
ABSTAIN:
ABSENT:

Additions made since first reading are indicated by underlining.

Deletions made since first reading are indicated by ~~strikeout~~.