



**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING AGENDA ITEM**

AGENDA ITEM: 21-CR-01

Prepared By: Janeen S. Miller,
City Clerk

Meeting Date: 03/23/2021

Presented By: Janeen S. Miller

Proposed Consent: N/A

Originating Department: City Clerk's Office for the Board of Election Supervisors

Action Requested: Amend and then Adopt Charter Resolution 21-CR-01, Amending Article III, "Mayor And Council", §C3-5, "Election" And §C3-6, "Vacancies", And Article IV, "Voting And Elections, §C4-5, "Petitions For Candidacy; Employees" And §C4-6, "Runoff Elections", To Require That On Or Before March 31 Of A General Election Year (Except In 2021, When The Date Is On Or Before May 31), The Mayor And Council Will Set By Motion The Date In November For The General Election, That If The Mayor And Council Fail To Set The Election Date, The General Election Will Be Held On The First Tuesday Following The First Monday In November, That Withdrawal As A Candidate For A Vacancy Must Be Filed No Later Than Noon On The 20th Calendar Day Before The Election, To Allow More Flexibility In Setting The Date Of Any Run-Off Election Within A 45 Day Time And To Change Certain Filing Deadlines To Accommodate The Additional Time Required To Vote By Mail And Make Conforming Changes

Strategic Plan Objective: Objective 1: Innovate and improve City services to enhance quality, value and accessibility for all our residents.

Background/Justification:

The City will hold an election for the office of Mayor and eight district Councilmembers in November. The Mayor and Council have held two Worksession discussions (February 2 and February 16) with the Board of Election Supervisors and have discussed changes to the election date and other matters related to the November election. Specifically, the Council is interested in holding the election on Sunday, November 7, and in having applications for absentee ballots mailed to all registered voters.

Changes in the City Charter (C3 and C4) and City Code (Chapter 34) are needed to effect the changes discussed. In addition, staff is recommending additional amendments to these sections of the Charter while we are making updates. Changes to Chapter 34 of the City Code were introduced on February 16 through Ordinance 21-O-04. Charter Resolution 21-CR-01 was introduced on February 23 with the amendments below.

Note: Staff is providing an Amended Charter Resolution that will allow the Mayor and Council until May 31 (in 2021 only) to set the date of the election. This amendment is necessary because the Charter amendment will not become effective until May 12, provided it is not petitioned to referendum. Staff will return in late May with a motion to set the date of this year's election to November 7.

1. C3-5: Council expressed interest in holding the City election on a Sunday to provide residents with a more convenient day to vote in the hope that it will increase voter participation. Residents also have the option to vote by mail (absentee ballot) to eliminate the need to go to the poll at all. To provide flexibility in changing the date of the election, this amendment will allow the Mayor and Council to set the election date by March 31 in an election year. If a date is not designated by March 31, the "first Tuesday following the first Monday in November" will be the default date. Section 34-5 of the City Code currently allows "Polling places and hours for election day shall be designated by the

Supervisors of Elections with approval of Mayor and Council.” The intent here is to allow the date of the election to be set in the same way if a change in the default date is desired.

2. C3-6 B (3)(a): The proposed change to this section applies specifically to a candidate’s date of withdrawal in a Special Election. As currently written, a candidate in a Special Election has until noon on the 11th calendar day before the election to withdraw their candidacy. The BOES feels this date is too close to the date of the election. The recommendation is to change this date to 4 days after the applications for candidacy are due. This way, staff has time to remove the candidate’s name from the ballot before it is printed. This ties the date of withdrawal to the date the field of candidates is known rather than tying it to the date of the election.
3. C4-5 C: This proposed amendment applies specifically to the situation where a candidate has submitted paperwork for both the office of Mayor and Councilmember, and must designate which office they want to move forward with. This date is tied to the date that petitions and other qualifying paperwork is due. Since we are recommending a change to that due date in “E” of this section, the corresponding change must also be made here.
4. C4-5 E: This proposed amendment applies to the deadline for candidate petitions and other qualifying paperwork. The first change is to move the deadline from 46 days before the election to 53 days before the election, which adds one week between the date the paperwork is due and the date of the election. The purpose for adding this additional week is to recognize that more residents may choose to vote by mail and therefore allow more time for ballots to move back in forth in the mail system. The second change in “E” relates to the specific circumstance where the deadline for candidate paperwork is extended “in the event that no qualified candidate files for office” by the due date. The proposal here is to shorten up this extension from 10 days to 7 days. The purpose for shortening up this time frame is because we can’t send the ballots for printing until this date has passed, and we don’t want to delay the printing of the ballots unnecessarily.
5. C4-5 F: This proposed amendment applies to the last day of withdrawal in a regular election. As currently written, a candidate has until 35 days prior to the election to withdraw. That would mean that we couldn’t send the ballots for printing until the 34th day prior to the election, which is too close to the election and does not allow enough time for ballots to move through the US mail. The proposal is instead to tie the withdrawal date to the date that candidacy paperwork is due. Our feeling is that most candidates will make the decision to withdraw when they see the other candidates in the field. This would allow four days after the names of the candidates are published to decide to withdraw. That would be the 49th day before the election (53 days – 4 days = 49 days). This would provide more cushion for the printing and mailing of the ballots.
6. C4-6: This proposed amendment applies only in the case of a runoff election when there is a tie vote. The way it is currently written in the Charter, a runoff election would have to be conducted on the fourth Tuesday after the election. We believe this is much too prescriptive, could force an election to be held during the Thanksgiving week, and generally doesn’t allow enough time to reset and prepare for a runoff election. Staff suggests an amendment to allow the date of a runoff election to be set by Mayor and Council that is no more than 45 days from the date that the election results were certified.

A sample timeline showing a comparison of the old and new dates is attached.

Fiscal Impact:

Amendments to the City Charter cost approximately \$3,500 in state mandated advertising fees and publishing.

Council Options:

1. Hold the Public Hearing and adopt the amended charter resolution.
2. Hold the Public Hearing but decline to adopt the charter amendment at this time.

Staff Recommendation:

#1

Recommended Motion:

I move to adopt Amended Charter Resolution 21-CR-01 to provide for determining the date for the election in any election year by a vote taken on or before March 31 (except in 2021 when the date is on or before May 31) with the default election date of the first Tuesday following the first Monday in November in the event the election date is not set, allow more flexibility in setting the date of any run-off election, and change the filing deadlines for candidate petitions and withdrawals to accommodate voting by mail and the ballot process.

Attachments:

1. Amended Charter Resolution 21-CR-01
2. Timeline comparison chart

AMENDED CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO
AMEND ARTICLE III, “MAYOR AND COUNCIL”, §C3-5, “ELECTION” AND
§C3-6, “VACANCIES”, AND ARTICLE IV, “VOTING AND ELECTIONS, §C4-5,
“PETITIONS FOR CANDIDACY; EMPLOYEES” AND §C4-6, “RUNOFF
ELECTIONS”, TO REQUIRE THAT ON OR BEFORE MARCH 31 OF A
GENERAL ELECTION YEAR (EXCEPT IN 2021, WHEN THE DATE IS ON OR
BEFORE MAY 31), THE MAYOR AND COUNCIL WILL SET BY MOTION
THE DATE IN NOVEMBER FOR THE GENERAL ELECTION, THAT IF THE
MAYOR AND COUNCIL FAIL TO SET THE ELECTION DATE, THE
GENERAL ELECTION WILL BE HELD ON THE FIRST TUESDAY
FOLLOWING THE FIRST MONDAY IN NOVEMBER, THAT WITHDRAWAL
AS A CANDIDATE FOR A VACANCY MUST BE FILED NO LATER THAN
NOON ON THE 20TH CALENDAR DAY BEFORE THE ELECTION, TO
ALLOW MORE FLEXIBILITY IN SETTING THE DATE OF ANY RUN-OFF
ELECTION WITHIN A 45 DAY TIME AND TO CHANGE CERTAIN FILING
DEADLINES TO ACCOMMODATE THE ADDITIONAL TIME REQUIRED TO
VOTE BY MAIL AND MAKE CONFORMING CHANGES

A Charter Resolution of the Mayor and Council of the City of College Park, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, §C3-5, “Election” currently requires that the general election for City elective offices is the first Tuesday following the first Monday in November; and

WHEREAS, § C4-6, “Runoff elections” currently requires that any run-off election for City elective offices must occur on the 4th Tuesday after the election; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to promote voter convenience and participation by allowing flexibility in setting the date for the general election and run-off elections; and

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Resolution.

CAPS :Indicate matter added in amendment

[Brackets] :Indicate matter deleted in amendment

WHEREAS, the Mayor and Council have determined that it is in the public interest to promote voter convenience and participation by changing certain time frames for filing of candidate petitions to accommodate voting by mail; and

WHEREAS, the Mayor and Council wish to make provision for determining the appropriate date for the election in any election year by a vote taken on or before March 31 in the election year (except in 2021, when it will be set on or before May 31, 2021), with the default election date of the first Tuesday following the first Monday in November in the event the election date is not set, allowing more flexibility in setting the date of any run-off election, and changing filing deadlines for candidate petitions to accommodate voting by mail.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-5, “Election” be repealed, re-enacted and amended to read as follows:

§ C3-5 Election.

The qualified voters of the City shall elect a Mayor to serve a term of two years. The voters within each district shall elect two Councilpersons for their respective districts, each to serve the term of two years. ~~The election for Mayor and Councilpersons shall be conducted on~~ ON OR BEFORE MARCH 31 OF A GENERAL ELECTION YEAR, THE MAYOR AND COUNCIL MAY BY MOTION SET THE DATE IN NOVEMBER FOR THE GENERAL ELECTION, ON A DATE THAT IS NOT A CITY, STATE, COUNTY OR FEDERAL ELECTION DAY OR HOLIDAY. IF THE MAYOR AND COUNCIL FAIL TO SET THE ELECTION DATE BY MARCH 31, THE GENERAL ELECTION SHALL BE HELD ON the first Tuesday following the first Monday in November. FOR THE 2021 GENERAL ELECTION ONLY, THE MAYOR AND COUNCIL MAY BY MOTION SET THE DATE ON OR BEFORE MAY 31, 2021.

Section 2. BE IT RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-6, “Vacancies” be repealed, re-enacted and amended to read as follows:

§ C3-6 Vacancies.

A. * * * *

B. Election or appointment to fill vacancies.

(1) – (2) * * * *

(3) Vacancy in office of Mayor or Council.

(a) Upon it becoming necessary to fill a vacancy in the office of Mayor or Council member pursuant to Subsection B(1) above, the City Clerk shall give public notice of the vacancy, containing the qualifications of the office, the geographical boundaries of the district(s) to be represented, the procedure to apply for appointment to the vacancy or to be placed on the special election ballot, as appropriate, and the deadline for applications. Applications for appointment shall be forwarded by the Clerk to the Mayor and Council. Applications to be placed on the special election ballot shall be forwarded by the Clerk to the Supervisors of Elections, who shall review the applications for the purpose of determining the qualifications of the candidates. The application shall include a petition in a form satisfactory to the Board of Election Supervisors containing the names, addresses and signatures of not less than 20 registered voters residing in the applicant's district or, in the case of the Mayor, not less than 15 registered voters from each district in the City, indicating support of the applicant's candidacy. The applicant's name and signature may appear and be counted toward the required number on any such petition. Any candidate wishing to withdraw [~~his or her~~] AN application must do so no later than noon on the [~~11~~th] 20TH calendar day before the election.

(b) – (c) * * * *

C. * * * *

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-5, “Petitions for candidacy; employees” be repealed, re-enacted and amended to read as follows:

§ C4-5 Petitions for candidacy; employees.

A. Any qualified person desiring to run for the office of Mayor of the City shall file, or cause to be filed, with the City Clerk a petition for candidacy containing the petition, including name, address, district and signature of at least 80 persons consisting of not less than 20 qualified voters from each of the four councilmanic districts. The candidate's name and signature may appear and be counted toward the required number on any such petition.

B. Any qualified person desiring to run for Councilperson from a district shall file, or cause to be filed, a petition for candidacy with the City Clerk containing the petition,

including name, address, district and signature, of at least 25 qualified voters in the candidate's district. The candidate's name and signature may appear and be counted toward the required number on any such petition.

- C. To qualify as a candidate for any elective office of the City, an individual must also file a written authorization of candidacy with the City Clerk on behalf of the Supervisors of Elections that is signed and dated by the candidate and identifies the office sought, and any financial disclosure statements required under the City's Code of Ethics. In the event that petitions and authorizations are filed by or in behalf of any person for both the office of Mayor and Council member, the candidacy for both offices shall be disqualified unless the candidate delivers a signed, written notice to the City Clerk, stating the office for which the individual will be a candidate, on or before ~~[46 days, including Saturdays, Sundays and legal holidays,]~~ 53 CALENDAR DAYS prior to the election.
- D. City employees who seek to qualify as a candidate are required to take an unpaid leave of absence upon the filing of the petition of candidacy for City elective office. The unpaid leave of absence shall be terminated upon withdrawal of the candidate's petition or loss in the election for City office, whichever event shall first occur. Any City employee who gains City elective office shall be terminated as a City employee upon the assumption of office.
- E. No candidacy petitions or authorizations shall be considered valid unless received by the City Clerk before 4:00 p.m. ~~[on the 46th day, including Saturdays, Sundays and legal holidays,]~~ 53 CALENDAR DAYS prior to the election. In the event that no qualified candidate files for the office of Mayor or one or more Council seats on or before the ~~[46th]~~ 53RD day prior to the election as required herein, then the deadline for receipt of candidate petitions and authorizations by the City Clerk is extended to 4:00 p.m. on the ~~[36th]~~ 46TH day prior to the election. No candidacy petitions or authorizations for an individual shall be considered valid unless that individual possesses all the required qualifications for the office sought by said date.
- F. The Supervisors of Elections shall cause to be published, in appropriate manner to give general publicity, the names of the candidates and the positions to which they aspire. Any candidate wishing to withdraw an authorization of candidacy must do so no later than 35 CALENDAR days ~~[, including Saturdays, Sundays and legal holidays,]~~ prior to the day of election.

Section 4. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IV, "Voting and Elections", §C4-6, "Runoff elections" be repealed, re-enacted and amended to read as follows:

§ C4-6 Runoff elections.

In the event of a tie vote in the election of Mayor and/or Council member, a runoff election of the tied candidates shall be conducted on ~~[the fourth Tuesday after the election]~~ A DATE TO BE DETERMINED BY THE MAYOR AND COUNCIL, BY MOTION, THAT IS NO MORE THAN 45 DAYS FROM THE DATE OF

CERTIFICATION OF THE ELECTION. [~~If, due to the date of a special election, a runoff election would occur on a City, state, county or federal election day or holiday, t~~]
 The runoff election shall be scheduled on a date THAT IS NOT A CITY, STATE, COUNTY OR FEDERAL ELECTION DAY OR HOLIDAY. [~~during the 4th week following that special election, such that it would not fall on the City, state, county, or federal election day or holiday.~~]

Section 5. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that this Charter Resolution was introduced on the 23rd day of **February**, 2021 and was considered for adoption after a public hearing. It is adopted as amended this 23rd day of **March**, 2021, after at least 21 days of prior public notice of the public hearing and shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Amended Charter Resolution shall be posted in the City offices located at 8400 Baltimore Avenue, Suite 375, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 6. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Amended Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this

Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 7. BE IT FURTHER RESOLVED that the City Manager of the City of College Park be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

Section 8: BE IT FURTHER RESOLVED that if any provision of this Charter Resolution or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Charter Resolution which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the 23rd day of February 2021.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the 23rd day of March, 2021.

EFFECTIVE the _____ day of _____, 2021.

ATTEST:

CITY OF COLLEGE PARK,

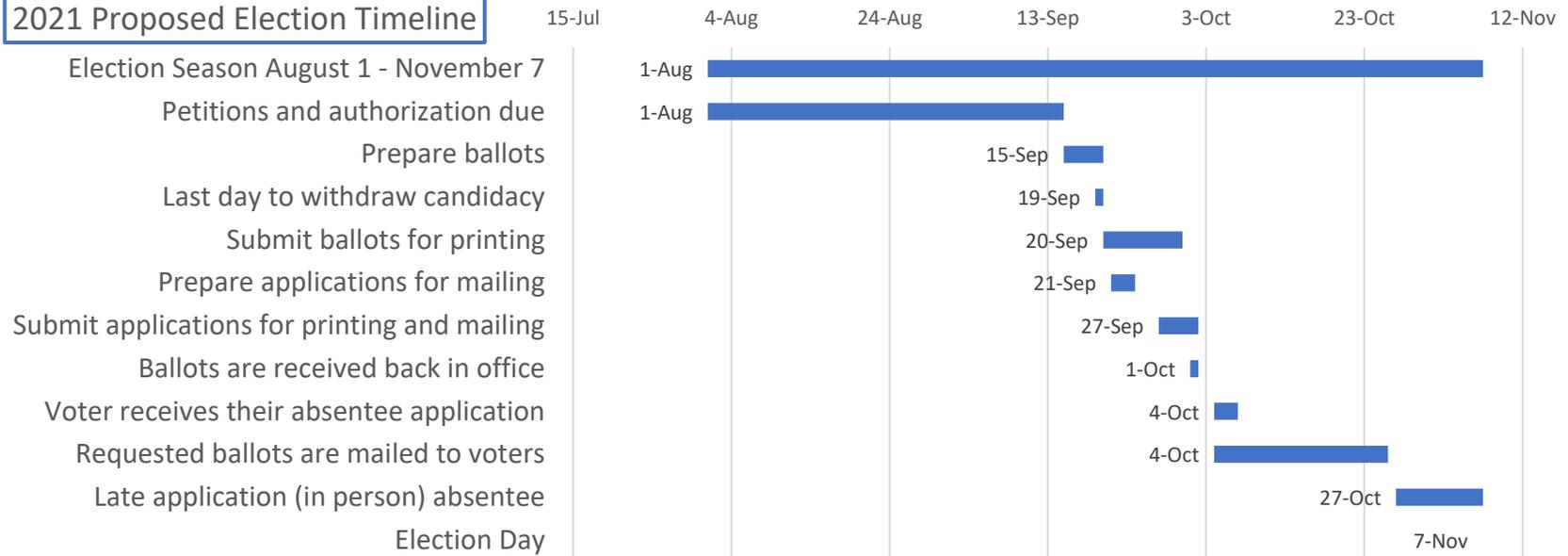
Janeen S. Miller, CMC, City Clerk

By _____
Patrick L. Wojahn, Mayor

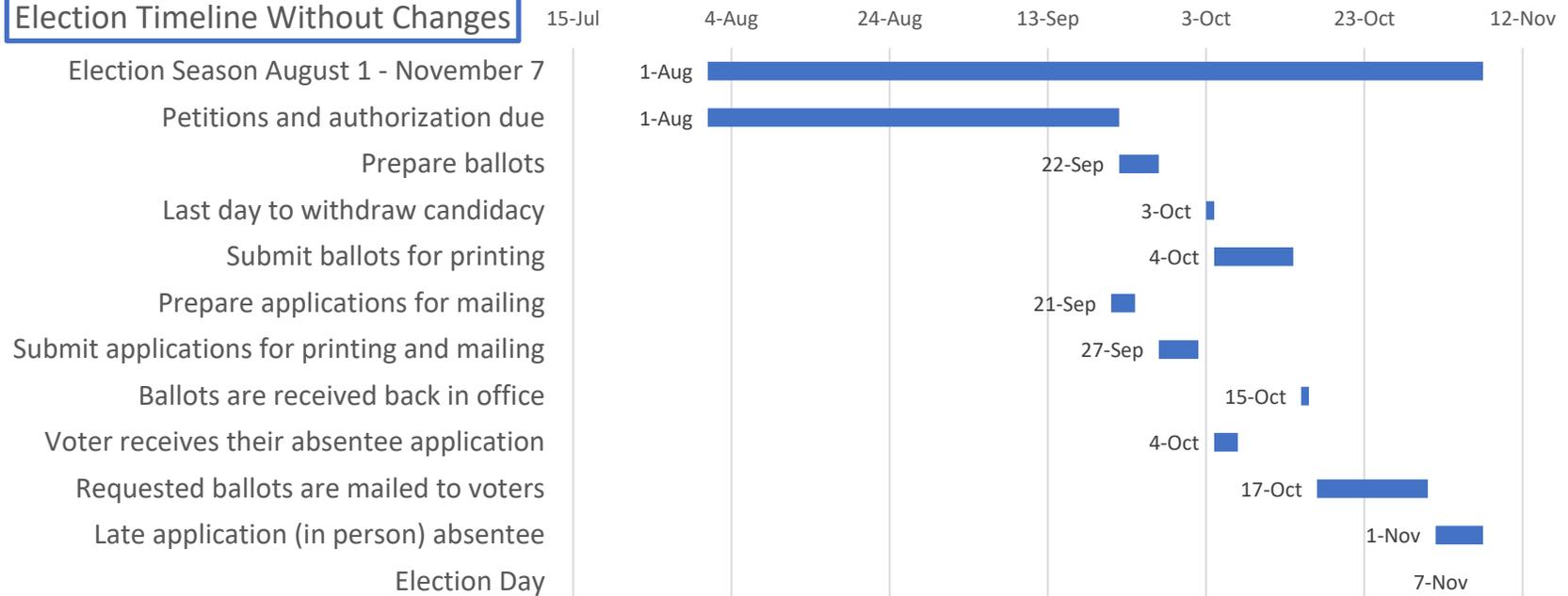
**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

2021 Proposed Election Timeline



Election Timeline Without Changes





CITY OF COLLEGE PARK

OFFICE OF THE CITY CLERK

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK, MD 20740 | 240.487.3501 | COLLEGEPARKMD.GOV

Notice of Public Hearing for Ordinance 21-CR-01, introduced on February 23, 2021:

- Posted to City Bulletin Board on February 25, 2021
- Posted to City Website on February 24, 2021
- Posted on Cable Television Channel on February 24, 2021
- Sent to Constant Contact LISTSERV on February 26, 2021
- Posted in the College Park Municipal Scene: March 2021

ATTEST:

Janeen S. Miller

Janeen S. Miller, City Clerk



NOTICE OF PUBLIC HEARING
[CHARTER RESOLUTION 21-CR-01](#)
MARCH 23, 2021
7:30 P.M.

Charter Resolution of the Mayor and Council of the City of College Park, To Amend Article III, "Mayor and Council", §C3-5, "Election" and §C3-6, "Vacancies", and Article IV, "Voting and Elections", §C4-5, "Petitions For Candidacy; Employees" and §C4-6, "Runoff Elections", To Require That On Or Before March 31 Of A General Election Year, The Mayor and Council Will Set, By Motion, The Date In November For The General Election, That If The Mayor And Council Fail To Set The Election Date, The General Election Will Be Held On The First Tuesday Following The First Monday In November, That Withdrawal As A Candidate In A General Election Must Be Filed No Later Than The 49th Day Prior To The Election, And In A Special Election Must Be Filed No Later Than Noon On The 4th Calendar Day After the Application Deadline, To Allow More Flexibility In Setting The Date Of Any Run-Off Election Within A 45 Day Time Period, To Reduce The Additional Time Allowed For Receipt Of Candidate Petitions and Authorizations When A Candidate Has Not Initially Qualified, and To Change Certain Filing Deadlines, To Accommodate The Additional Time Required To Vote By Mail And To Process The Ballots, And To Make Conforming Changes.

Charter Resolution 21-CR-01 was introduced at the Regular Meeting on February 23, 2021. The staff report that explains these proposed Charter amendments is posted [here](#).

The Public Hearing will be held virtually on Tuesday, March 23, 2021 at 7:30 p.m. To obtain the meeting link or phone number to join the meeting, please visit the [Mayor and Council Meeting page on our website](#). All interested parties will have the opportunity to be heard. Please note, participants will be muted during the meeting except during public comment.

Copies of this Charter Resolution may be obtained from the City Clerk's Office, 8400 Baltimore Avenue, Suite 375, College Park, MD 20740, by calling 240-487-3501, or from the City's website: www.collegeparkmd.gov.

If you are unable to participate in the meeting, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office and describe the assistance that is necessary.