



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

**AGENDA ITEM: 21-O-04**

**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:** Adoption of Ordinance 21-O-04 to amend Chapter 34, Elections, to include electronic posting and messaging in the definition of political matter, to change the dates for filing an application for an absentee ballot and for a late absentee ballot to allow more time for transit through the US mail, to remove the requirement that the notice to candidates and treasurers concerning filing of finance reports and independent expenditure reports be given by ordinary mail, and make certain clarifying, conforming and numbering 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 all 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 to the City Charter were introduced on February 23 by way of Charter Amendment 21-CR-01. The attached companion ordinance with changes to City Code Chapter 34, Elections, was introduced on March 9, 2021. The Public Hearing is scheduled for March 23.

These proposed amendments to Chapter 34 of the City Code are detailed below.

1. **34-3 Definitions:** Add the word "Finance" to correct the title of the Campaign Finance Report. Change the reference from "Councilperson" to "Council Member" throughout the Chapter. Add additional descriptions to the definition of Political Matter.
2. **34-5 Polling places; hours of voting; early voting:** Removal of the word "City" is a non-substantive conforming change.
3. **34-6 C (2) Absentee balloting, Application:** The way it is written now, a voter may request an absentee ballot by mail until seven days before the election. Staff believes that seven days might not provide enough time for the ballot to reach the voter through the US mail. This amendment extends the number of days to 12 days before the election to allow more time for the ballot to reach the voter by mail and improve the chances that the voter can return it in time to be counted. This amendment also removes the reference to the day of the week.
4. **34-6 C (2) (a) - Renumbered to 34-6 C (3): Absentee balloting, Late application:** When the 'application for absentee ballot by mail' period has ended (12 days before the election), a voter may apply for an absentee ballot in person, which is called 'late application'. This amendment will adjust the timeline for late application to begin 11 days before election instead of 6 days before the election.

5. **34-15 A (4) Campaign finance reports; independent expenditure report:** Staff is requesting reconsideration of the requirement that written notices of Campaign finance report deadlines be sent “by ordinary mail” to allow staff to send such required notices by email.

**Fiscal Impact:**

None

**Council Options:**

1. Hold the Public Hearing and Adopt 21-O-04.
2. Hold the Public Hearing, and amend the ordinance prior to adoption.
3. Discuss but delay adoption.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move to adopt Ordinance 21-O-04 to amend Chapter 34, Elections, to include electronic posting and messaging in the definition of political matter, change the dates for filing of an application for an absentee ballot and a late filing for an absentee ballot, remove the requirement that the notice to candidates and treasurers concerning filing of finance reports and independent expenditure reports be given by ordinary mail, and make certain clarifying, conforming and numbering changes.*

**Attachments:**

1. Ordinance 21-O-04 as introduced

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING**  
**CHAPTER 34, "ELECTIONS", ARTICLE I, "GENERAL PROVISIONS" §34-3,**  
**"DEFINITIONS"; ARTICLE II, CONDUCT OF ELECTIONS, § 34-5, "POLLING**  
**PLACES; HOURS OF VOTING; EARLY VOTING", §34-6, "ABSENTEE**  
**BALLOTING", AND §34-7, "RUNOFF ELECTIONS"; AND ARTICLE III, "FAIR**  
**ELECTION PRACTICES", §34-15, "CAMPAIGN FINANCE REPORTS;**  
**INDEPENDENT EXPENDITURE REPORT"; TO INCLUDE ELECTRONIC POSTING**  
**AND MESSAGING IN THE DEFINITION OF POLITICAL MATTER, CHANGE THE**  
**DATES FOR FILING OF AN APPLICATION FOR AN ABSENTEE BALLOT AND A**  
**LATE FILING FOR AN ABSENTEE BALLOT, REMOVING THE REQUIREMENT**  
**THAT THE NOTICE TO CANDIDATES AND TREASURERS UNDER § 34-15A(2)**  
**AND (3) CONCERNING FILING OF FINANCE REPORTS AND INDEPENDENT**  
**EXPENDITURE REPORTS BE GIVEN BY ORDINARY MAIL, AND MAKE**  
**CERTAIN CLARIFYING, CONFORMING AND NUMBERING CHANGES.**

**WHEREAS**, pursuant to the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the "City") has the power to provide for elections for municipal purposes; and

**WHEREAS**, the City has adopted Chapter 34, "Elections", to regulate municipal elections; and

**WHEREAS**, the Mayor and Council have recently adopted amendments to the Charter to change the manner in which the general election date is set, to change certain deadlines for election filings, to allow more flexibility in setting the dates for a run-off election, and to accommodate the additional time required to vote by mail; and

**WHEREAS**, the said Charter amendments require conforming amendments to Chapter 34, "Elections".

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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 Ordinance
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 adopt the foregoing amendments to Chapter 34 required by the Charter amendments, and to make other clarifying changes.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 34 “Elections”, Article I “General Provisions” §34-3, “Definitions” be and it is hereby repealed, re-enacted and amended to read as follows:

**§ 34-3 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated below:

\* \* \* \* \*

**~~[CAMPAIGN REPORT]~~ CAMPAIGN FINANCE REPORT**

A report of contributions received and expenditures.

**CANDIDATE**

Any person who seeks election to the office of Mayor or Council[person] MEMBER of the City of College Park.

\* \* \* \* \*

**ELECTION**

The process by which the voters of the City of College Park vote for Mayor or Council[person] MEMBER, any Charter amendment, proposition or question, and, unless otherwise indicated, shall include all elections, general, special, runoff and referendum.

\* \* \* \* \*

**POLITICAL MATTER**

Any pamphlet, circular, card, sample ballot, poster, billboard, advertisement, button, ELECTRONIC POSTING OR MESSAGE, or any other printed, photographed, typewritten or written material or statement relating to any candidate or prospective candidate, or any matter or issue which has been submitted to a vote at an election or is in the process of being petitioned to referendum.

\* \* \* \* \*

**PUBLIC OFFICE**

The office of Mayor or Council[~~person~~] MEMBER of the City of College Park.

\* \* \* \* \*

**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 34 “Elections”, Article II “Conduct of Elections” §34-5, “Polling places; hours of voting; early voting” be and it is hereby repealed, re-enacted and amended to read as follows:

**§ 34-5 Polling places; hours of voting; early voting.**

Polling places and hours for election day shall be designated by the Supervisors of Elections with the approval of Mayor and Council. The polling places and hours for one or more early voting days shall be designated by the Supervisors of Elections with the approval of Mayor and Council. A voter may vote at a designated polling place on the day of the election or at a designated [City] early voting polling place. All qualified voters who are waiting in line to vote at the time of the official closing of the polls shall be permitted to vote.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 34 “Elections”, Article II “Conduct of Elections” §34-6, “Absentee balloting” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 34-6 **Absentee balloting.**

A. – B. \* \* \* \* \*

C. Applications for absentee ballots.

(1) \* \* \* \* \*

(2) Deadline for receipt of application. Except for a late application under Subsection ~~[(2)(a)]~~ C(3) of this section, application for an absentee ballot must be received by the Supervisors of Elections not later than ~~[the Tuesday or, if not on Tuesday, seven]~~ 12 CALENDAR days preceding the election, at the time specified by the Supervisors of Elections.

~~[(a)]~~ (3) Late application.

~~[(1)]~~ (A) Beginning ~~[six]~~ 11 CALENDAR days preceding the election, through the closing of the polls on Election Day, a registered voter or the voter's duly authorized agent may apply in person for an absentee ballot at the City Clerk's office.

~~[(2)]~~ (B) A special application for an absentee ballot issued under this subsection shall be supplied by the Supervisors of Elections or the City Clerk to the voter or the voter's duly authorized agent.

~~[(3)]~~ (C) After review of the application, if the Supervisors of Elections find that the voter qualifies for absentee voting, the City Clerk shall issue an absentee ballot to the voter or the voter's duly authorized agent.

**Section 4. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 34 “Elections”, Article II “Conduct of Elections” §34-7, “Runoff elections” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 34-7 Runoff elections.

In the event that an election results in a tie vote for Mayor or Council[~~person~~] MEMBER, a runoff election shall be conducted as provided in the Charter. The same rules and procedures that apply to regular elections shall apply to runoff elections, with the following additional provisions:

A. – C. \* \* \* \* \*

**Section 5. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 34 “Elections”, Article III “Fair Election Practices” § 34-15, “Campaign finance reports; independent expenditure report” be and it is hereby repealed, re-enacted and amended to read as follows:

**§ 34-15 Campaign finance reports; independent expenditure report**

A. Each candidate, the treasurer of each political committee, and any person making aggregate independent expenditures of \$100 or more in an election cycle for campaign material that is a public communication, shall file reports disclosing contributions and expenditures with the City Clerk for the Supervisors of Elections. Even if no contributions or expenditures have been made during the period covered by the report, a statement to that effect must be filed by a candidate and treasurer of each political committee. Candidate reports required under this section may be electronically filed in an acceptable format at an address designated by the City Clerk, if prior to filing the candidate has authorized electronic filing on a form provided by the Supervisors of Elections and has designated one or more e-mail or other addresses from which reports will be filed.

(1). – (3). \* \* \* \* \*

(4) At least 10 working days before the reports specified in § 34-15A(2) and (3) are required to be filed, the City Clerk shall send written notice[, ~~by ordinary mail~~] to all candidates and treasurers to remind them of the necessity of complying with the reporting requirements of § 34-15A(2) and (3) and setting forth the dates for filing; provided, further, that no penalty shall be assessed under Chapter 110 unless the City Clerk has sent such written notice to candidates and treasurers.

B. – E. \* \* \* \* \*

**Section 6. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the 23<sup>rd</sup> day of March, 2021, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on April 13, 2021 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of

its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 9<sup>th</sup> day of March 2021.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 23<sup>rd</sup> day of March 2021.

**EFFECTIVE** the 13<sup>th</sup> day of April, 2021.

**ATTEST:**

**CITY OF COLLEGE PARK**

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Patrick L. Wojahn, Mayor

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

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney



# CITY OF COLLEGE PARK

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## OFFICE OF THE CITY CLERK

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

Notice of Public Hearing for Ordinance 21-O-04, introduced on March 9, 2021:

- Posted to City Bulletin Board on March 11, 2021
- Posted to City Website on March 12, 2021
- Posted on Cable Television Channel on March 11, 2021
- Sent to Constant Contact LISTSERV on March 13, 2021
- Posted in the College Park Municipal Scene: N/A

ATTEST:

A handwritten signature in blue ink that reads "Janeen S. Miller".

Janeen S. Miller, City Clerk



## NOTICE OF PUBLIC HEARING

### [ORDINANCE 21-O-04](#)

MARCH 23, 2021

7:30 P.M.

**An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 34, "Elections", Article I, "General Provisions" §34-3, "Definitions"; Article II, Conduct Of Elections, § 34-5, "Polling Places; Hours Of Voting; Early Voting", §34-6, "Absentee Balloting", And §34-7, "Runoff Elections"; And Article III, "Fair Election Practices", §34-15, "Campaign Finance Reports; Independent Expenditure Report"; To Include Electronic Posting And Messaging In The Definition Of Political Matter, Change The Dates For Filing Of An Application For An Absentee Ballot And A Late Filing For An Absentee Ballot, Removing The Requirement That The Notice To Candidates And Treasurers Under § 34-15a(2) And (3) Concerning Filing Of Finance Reports And Independent Expenditure Reports Be Given By Ordinary Mail, And Make Certain Clarifying, Conforming And Numbering Changes.**

Ordinance 21-O-04 was introduced at the Regular Meeting on March 9, 2021. The Public Hearing will be held virtually on Tuesday, March 23, 2021 at 7:30 p.m.

This ordinance will update the City's election Code to change the timeline for a voter to request an absentee ballot by mail to allow more time for applications and ballots to move through the U.S. mail to help ensure that a voted ballot will be received in time. The revision also removes a requirement that a deadline notice be made by "ordinary" mail. Other non-substantive changes are outlined in the [staff report](#).

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 Ordinance 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](http://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](mailto: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.