



**CITY OF COLLEGE PARK, MARYLAND
ACTION ITEM COVER REPORT**

AGENDA ITEM: 23-CR-01

Prepared By: Janeen S. Miller,
City Clerk

Meeting Date: 04/11/23

Presented By: Suellen Ferguson, City Attorney
Janeen S. Miller

Proposed Consent: N/A

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

Action Requested: Public Hearing and possible adoption of Charter Resolution 23-CR-01: A 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, §C4-2, "Registration Of Voters", §C4-3, "Supervisors Of Elections", §C4-4, "Other Election Officials", And §C4-5 "Petitions For Candidacy; Employees"; To Change The Date That A Petition For Candidacy For A Mayor Or Council Vacancy Must Be Withdrawn To Two Days After Said Petitions Are Due, Provide That Voter Registration For City Elections Shall Close 15 Days Prior To An Election, Provide That Supervisors Of Elections Will Be Appointed Or Re-Appointed On Or Before June 30 Of A Non-Election Year With Two Year Terms To Begin On July 1 Of That Year, Remove The Requirement That City Elections Be Conducted As Nearly As Practicable To Prince George's County Elections, And Change The Last Day Of Candidacy Withdrawal In A General Election To 49 Days Before The Election, And To Make Non-Substantive Corrections, Remove Unnecessary Provisions, And Clarify Other Provisions.

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

Background:

This Charter Amendment was introduced on March 14 and the public hearing is scheduled for April 11. The proposed amendments were brought forward in follow-up to the January 31, 2023, discussion with the Board of Election Supervisors.

Proposed amendments to the City Charter:

1. C3-5 Election: This amendment simply removes an outdated reference.
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 20th 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 2 days after the applications for candidacy are due. 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. This will allow the BOES enough time to remove the candidate's name from the ballot and still provide enough time for mail in voting.
3. C4-2 A and B: This amendment corrects the name of the Prince George's County Board of Elections.
4. C4-2 C: This amendment changes the day that voter registration closes for City elections from 28 days to 15 days prior to the election. *****(see below for update to this provision)***
5. C4-3 A and B: Updates the Charter to specify that the Board of Election Supervisors (BOES) is appointed in a non-election year for 2-year terms that begin on July 1. This provides additional time for the BOES to plan the elections. This update also states that their compensation will be set with the adoption of the budget rather than at the time they are appointed, to conform to how compensation for other committees is addressed.

6. C4-3 C and C4-4: The first part of this amendment simply moves a provision that was previously in C4-4 to C4-3 which is a more logical location in the Charter. The language has not changed. The second part of the amendment removes the reference to conduct elections as nearly as practicable to Prince George's County elections, which is an outdated reference. The amendment specifies that except as otherwise required by State law, City elections be conducted according to the City Charter and Code.
7. C4-5 F: This proposed amendment applies specifically to a candidate's date of withdrawal in a General 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 4 days after the names of the candidates are published for a candidate to decide to withdraw. That would be the 49th day before the election (53 days – 4 days = 49 days). This will provide more cushion for the printing and mailing of the ballots.

****Update to C4-2 C re the day that voter registration closes:** Prince George's County Board of Elections (PGCBOE) expressed concern about the 15-day closing date for voter registration because it doesn't give them enough time to do the administrative tasks necessary to support our election, and wouldn't allow enough time for Voter Notification Cards to reach the voter in time. We understand their concerns. At the same time, the City wants to shorten the voter registration date to 15 days to allow more residents to be eligible to vote in our elections.

The City Attorney and City Clerk had a phone call with the Acting Administrator and Senior Data Manager from the PGCBOE and discussed the dilemma between the administrative closing date (28 days) and the voter eligibility date (15 days).

Instead of having a single "close" date, we will have two dates, and refer to them differently: 1. The voter eligibility date will remain at 15 days as proposed in this amendment. Any voter registering before the 15th day prior to the election will be eligible to vote in that election. 2. The administrative close date will remain 28 days before the election, as requested by PGCBOE, for the election support tasks. It is possible to separate the two dates because the County's administrative close date is an operational deadline, is not included in City law, and is distinct from and does not limit registration eligibility for City voters.

This is how it will work, operationally: On the 28th day prior to Election Day, the County will "close the books" administratively, run the voter registration roster for the City and commence the other administrative tasks as they usually do, including issuance of the Voter Notification Cards. They will continue to process any voter registrations they receive up until the 15th day prior to Election Day. On the 15th day, we will request a supplemental roster to identify the additional registrants. The supplemental list will be the official voter list for the City election that follows. Here are the considerations: A person registering to vote between 15-28 days prior to the election will not receive a Voter Notification Card in the mail, and will not receive voter credit for that particular election. Depending on the exact timing of when their registration is processed, they may need to vote a provisional ballot subject to verification of their registration. They WILL show up on subsequent voter rosters. We believe those are minor issues and that the benefit outweighs those concerns.

In terms of this Charter Amendment, only the eligibility date needs to be codified, so there is no need to change the proposed amendment. The reference to the administrative close date is addressed in the amendment to the WHEREAS clause.

This Charter Amendment will not impact the Special Election.

Fiscal Impact:

Amendments to the City Charter cost approximately \$3,500 depending on their length that includes requirements for publishing.

Council Options:

1. Hold the Public Hearing and adopt the proposed Charter Amendment with the additional amendments proposed.
2. Hold the Public Hearing but delay adoption.

Staff Recommendation:

#1

Recommended Motion:

I move to adopt Charter Resolution 23-CR-01, A Charter Resolution of the Mayor And Council of the City of College Park to amend §C3-5, "Election" And §C3-6, "Vacancies"; And Article IV, §C4-2, "Registration Of Voters", §C4-3, "Supervisors Of Elections", §C4-4, "Other Election Officials", And §C4-5 "Petitions For Candidacy; Employees"; To Change The Date That A Petition For Candidacy For A Mayor Or Council Vacancy Must Be Withdrawn To Two Days After Said Petitions Are Due, Provide That Voter Registration For City Elections Shall Close 15 Days Prior To An Election, Provide That Supervisors Of Elections Will Be Appointed Or Re-Appointed On Or Before June 30 Of A Non-Election Year With Two Year Terms To Begin On July 1 Of That Year, Remove The Requirement That City Elections Be Conducted As Nearly As Practicable To Prince George's County Elections, And Change The Last Day Of Candidacy Withdrawal In A General Election To 49 Days Before The Election, And To Make Non-Substantive Corrections, Remove Unnecessary Provisions, And Clarify Other Provisions.

Attachments:

1. Charter Resolution 23-CR-01 with proposed amendment