



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

AGENDA ITEM: 23-O-04

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 Ordinance 23-O-04, 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, §34-6, "Absentee Balloting"; And Article III, "Fair Election Practices", §34-11, "Appointment Of Treasurer By Candidates And Political Committees"; To Redefine Ballot And Electronic Signature And To Define Mail-In Ballot, Reflect Maryland Law With Respect To Mail-In Ballots And Absentee Ballots, Accept Certain Signatures Electronically, Set A Time By Which Applications For Mail-In Ballots Must Be Made, Make Provision That Qualified Voters Who Have Opted To Receive A Mail-In Ballot For Federal Or State Of Maryland Elections Will Automatically Receive A Mail-In Ballot For City Elections Without The Necessity Of Filing An Application And Clarify Who Can Be Appointed As A Treasurer For An Political Candidate.

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

Background:

This Ordinance is brought forward in follow-up to the January 31, 2023 discussion with the Board of Election Supervisors. It was introduced on March 14 and the Public Hearing is scheduled for April 11.

Proposed amendments to Chapter 34, Elections, of the City Code:

34-3 Definitions: Updates the term Ballot and provides a new definition for Mail-in Ballot. The definition for Electronic Signature is updated to specify that it refers to a candidate's signature on a form required by this chapter that is authorized to be filed electronically. At present, this will apply to Campaign Finance Reports that are authorized to be electronically filed. It does not apply to Financial Disclosure Statements which are required under Chapter 38, Ethics.

34-6 Absentee/Mail-in Voting: In general, updates references to absentee voting to include mail-in voting. In 34-6 C (1), (d) is added to allow a PDF or Fax of a hand-written signature on an application for an Absentee/Mail-in Ballot. Previously, an original signature was required. This conforms to state law. Just a note that a digital signature is different and is not allowed.

34-6 C (2) changes the last day to receive an application for a mail-in ballot to 10 business days prior to the Election. This will allow more time for a ballot that is mailed out to reach the voter.

34-6 C (3): This provision was previously called Late Application or Emergency Absentee voting. It allows a voter to apply in person and, if qualified, receive their absentee ballot at the same time. This is allowed from 10 business days to the last business day before the election, to correspond with the period during which we will no longer mail a ballot to a voter.

34-6 C (4): This provision is added to the Code to state that if a voter is on the State's permanent Vote By Mail list they will automatically receive a ballot in a City election without having to submit an application.

34-11: Clarifying language about when a candidate can serve as their own treasurer. No change to the law itself.

Fiscal Impact:

The cost of amendments to the City Code are based on the publisher's cost of updating and revising the City Code, and printing and shipping printed copies, and depend on the length of the revision.

Council Options:

1. Hold the Public Hearing and adopt the proposed Ordinance.
2. Hold the Public Hearing and amend the proposed Ordinance prior to adoption.
3. Hold the Public Hearing but delay adoption.
4. Decline to amend the Code at this time.

Staff Recommendation:

#1

Recommended Motion:

I move to adopt Ordinance 23-O-04, 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, §34-6, "Absentee Balloting"; And Article III, "Fair Election Practices", §34-11, "Appointment Of Treasurer By Candidates And Political Committees"; To Redefine Ballot And Electronic Signature And To Define Mail-In Ballot, Reflect Maryland Law With Respect To Mail-In Ballots And Absentee Ballots, Accept Certain Signatures Electronically, Set A Time By Which Applications For Main-In Ballots Must Be Made, Make Provision That Qualified Voters Who Have Opted To Receive A Mail-In Ballot For Federal Or State Of Maryland Elections Will Automatically Receive A Mail-In Ballot For City Elections Without The Necessity Of Filing An Application And Clarify Who Can Be Appointed As A Treasurer For An Political Candidate.

Attachments:

1. Ordinance 23-O-04 As Introduced