

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

July 9, 2007

**CALL TO PODIUM:**

**Fred Felton  
Assistant City Manager**

**RESPONSIBLE STAFF:**

**Fred Felton  
Assistant City Manager**

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment (Reappointments)
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input checked="" type="checkbox"/>	Other: From Staff

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE:**

Guidance on a Memorandum Dated July 5, 2007 Concerning a Proposed Amendment to Section 27 of the City Charter

**SUPPORTING BACKGROUND:**

Staff will be seeking guidance on the attached memorandum.

**DESIRED OUTCOME:**

**Hear presentation and provide guidance.**

MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager *DH*

FROM: Frederick J. Felton, Assistant City Manager *FJF*

DATE: July 5, 2007

SUBJECT: Proposed Amendment to Section 27 of the City Charter

As outlined in the attached memorandum dated June 6, 2007, from Chairman More, the Board of Supervisors of Elections has recommended that the Mayor and City Council consider amending Section 27 of the City Charter to modify the procedures to register to vote in City Elections.

Prior to 1977, residents had to register with the City Board of Supervisors of Elections to participate in City Elections. In an effort to increase voter turnout, the Mayor and City Council amended Section 27 of the City Charter in 1977 to provide that any City resident registered to vote with Montgomery County could participate in City Elections.

As late as the mid-1990's, there were still a few City residents who remained on the City's voter registry; however, at this point there is no one on the City's voter registry.

The attached draft Charter Amendment would eliminate the City's voter registry to reflect current practices whereby all City residents who participate in City Elections are registered with the Montgomery County Board of Elections.

I will be seeking guidance as to whether the Mayor and City Council wish to advertise this Charter Amendment for public hearing during the July 9, 2007 Mayor and City Council meeting.

If you have any questions or wish to discuss this matter, please let me know.

Resolution No. \_\_\_\_\_

RESOLUTION OF THE MAYOR AND CITY COUNCIL TO AMEND  
SECTION 27 OF THE CITY CHARTER TO MODIFY THE PROCEDURES FOR  
REGISTERING TO VOTE IN CITY ELECTIONS

WHEREAS, prior to 1977, residents were required to register separately with the City to participate in City Elections; and

WHEREAS, in 1977, the City Charter was amended to provide that "any person who has domicile within the City may register to vote in City elections by registering to vote in Montgomery County elections..."; and

WHEREAS, there are currently no residents registered to vote on the City voter registration list; and

WHEREAS, the Board of Supervisors of Elections has recommended that the Charter be amended to reflect the current practice whereby all residents who participate in City Elections are registered to vote with the Montgomery County Board of Elections:

NOW, THEREFORE, BE IT RESOLVED that Section 27 of the City Charter is hereby amended to read as follows:

**Sec. 27. Qualifications of voters; registration.**

(a) Any person who has his domicile in the city and is qualified by law to vote in Montgomery County elections shall be qualified to vote in city elections. Any person who will be eighteen (18) years of age on or before the day of the next succeeding regular or special city election shall be qualified to vote in said election.

~~(b) Registration of qualified voters shall be permitted in the city offices during regular office hours every day such offices are open, and at such other times and places as the council may establish from time to time by resolution, except, that registration shall not be permitted within thirty (30) days immediately prior to any general or special city election, excluding runoff elections, in which case the same voter registration list used in the regular general or special election causing the runoff election shall be used. In addition to registration at the city offices, . Any person who has his domicile within the city may register to vote in city elections by registering to vote in Montgomery County elections; provided, that such registration must reflect that the registrant has a residential address located within the incorporated limits of the city on voting registration records with Montgomery County more than thirty (30) days prior to the date of the city election at which such person seeks to vote. The board of supervisors of elections is authorized to strike from the registration lists any person who has died, or who has become ineligible to vote in city elections, or who has not voted in a city election, general, primary, special or~~

~~referendum, within the five (5) preceding calendar years. Registration of any person shall be permanent until stricken pursuant hereto. Every person who has his domicile in the city and has registered to vote in city elections pursuant to this section shall be a qualified voter in the city.~~

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2007.

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SIDNEY A. KATZ, MAYOR  
and President of the Council

THIS IS TO CERTIFY that the foregoing  
Resolution was adopted by the City Council  
in public meeting assembled on the \_\_\_\_  
day of \_\_\_\_\_.

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David B. Humpton, City Manager

MEMORANDUM TO: Mayor and City Council

FROM: Joan More, Chairman   
Board of Supervisors of Elections

DATE: June 6, 2007

SUBJECT: Election Registration

As you may recall, during the Monday, May 7, 2007 regular meeting of the Mayor and City Council a resident request was made as to whether there is a system in place to insure that individuals who register to vote are United States citizens.

Prior to 1977, residents had to register with the City to participate in City elections. In 1977, the Mayor and City Council amended the City Charter to provide that "any person who has domicile within the City may register to vote in City elections by registering to vote in Montgomery County elections..."

As late as the mid 1990's, there were still a few City residents who remained on the City's voter registry who were not registered to vote with Montgomery County Board of Elections; however, at this point, there is no one on the City's voter registry.

Given that the City no longer has a voter registry, staff contacted Paul Valette who is the Election Operations Manager for the Montgomery County Board of Elections to determine if there is a system in place to insure individuals who are registered to vote are United States citizens. Mr. Valette informed staff that individuals registering to vote are required to sign a statement under the penalties of perjury that, among other things, they are United States citizens. This signed application is required pursuant to Section 3-202(a)(i) of the Elections Law of the Annotated Code of Maryland. No additional verification of citizenship is required or undertaken by the Board of Elections.

For your review, I have attached the applicable section of State law and a copy of the Maryland Voter Registration Application.

During the course of discussing this issue, the Board realized that it may be appropriate for the Mayor and City Council to consider amending the City Charter to eliminate the language that permits residents to register at City Hall. As stated above, no one is currently registered with the City and the prospect of maintaining a separate list in the future does not seem to make sense.

I hope this information is helpful. Assistant City Manager Felton will be seeking guidance on the concept of pursuing a Charter Amendment during the July 9 Mayor and City Council meeting.

jm/sp

Attachments

cc: David B. Humpton, City Manager  
Frederick J. Felton, Assistant City Manager