



CITY OF TAKOMA PARK, MARYLAND

SB 89
Oppose

Senate Education, Health, and Environmental Affairs

February 18, 2021

SB 89: Municipalities - Vacancies in Elected Offices

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The City of Takoma Park respectfully opposes SB 89, which sets inflexible requirements on municipalities for filling vacancies in elected offices.

The City of Takoma Park has a process for filling vacancies on the City Council that has worked well for many years when vacancies have occurred. Requiring special or regular elections within 90 days in all circumstances will result in unnecessary expense and disruption for municipalities throughout the State that already have rules in place to manage special elections. We appreciate the desire to require a system to fill vacancies. However, without an exemption from this law, the City of Takoma Park would need to amend its charter (attached for reference) and establish new procedures to replace a working system, creating needless burdens. The City of Takoma Park supports the continued flexibility in State law that enables municipalities to develop election laws and procedures that best meet the needs of their communities.

Absent an exemption for municipalities with preexisting processes for filling vacancies in elected offices, **the City of Takoma Park must oppose SB 89, and urge an unfavorable vote.**

Attachment: Takoma Park City Charter, Section 308

Section 308 Vacancies on the Council

(a) *Method of Filling Vacancies.* Should a vacancy on the Council occur more than two hundred and forty (240) days before the next regularly scheduled City election, a special election shall be held to fill the vacancy. If the vacancy occurs less than two hundred and forty (240) days before the next regularly scheduled City election, the remaining members of the Council by a majority vote shall, within sixty (60) days, appoint a person who is qualified in accordance with Section 302 or Section 304, as applicable, to fill such vacancy for the remainder of the unexpired term.

(b) *Special Election.* If a vacancy is to be filled by special election, the remaining members of the Council shall, by resolution, establish a date for the special election which shall be not less than forty-five (45) days nor more than sixty (60) days from the date of the vacancy.

(c) *Ballot.* If the requirements of Section 302 or Section 304, as applicable, are met, a person may have their name listed on the special election ballot as a candidate to fill a vacancy on the Council by submitting a petition to the City Clerk with a sufficient number of valid signatures at least twenty (20) days prior to the date scheduled for the special election.

(d) *Petition.* The petition must clearly state that its purpose is to place a specific person's name on the ballot at a special election to fill a vacancy on the Council of the City of Takoma Park, the office and/or ward that the election is being held to fill, and the date of the special election.

(1) For a Mayoral vacancy, a person must have the signatures of at least 30 qualified voters of the City in order to be listed on the special election ballot as a candidate.

(2) For a Councilmember vacancy, a person must have the signatures of at least 10 qualified voters of the ward in which there is a vacancy in order to be listed on the special election ballot as a candidate.

(3) A qualified voter may sign the petition of more than one person to fill a vacancy on the Council. Each qualified voter shall print their name under the signature and shall include their address and the date of their signature on the petition.

(4) Before listing a person's name on a special election ballot as a candidate to fill a vacancy on the Council, the City Clerk shall verify that sufficient signatures on a petition are from qualified voters of the City and for a Councilmember vacancy of the ward in which there is a vacancy. The invalidation of one signature on a petition shall not serve to invalidate any other signatures on a petition.

(e) *Voting.* For a Mayoral vacancy, all qualified voters of the City may vote in the special election to fill a vacancy on the Council. For a Councilmember vacancy, only qualified voters of the ward in which there is a vacancy may vote in the special election to fill a vacancy on the Council.

(f) *Write-Ins Permitted.* A qualified voter also may write in the name of a candidate on the special election ballot to fill a vacancy on the Council.

(g) *Results of Special Election.* The candidate who meets the qualifications for office as specified in Section 302 or Section 304, as applicable, and who wins in accordance with Section 606 in the special election to fill a vacancy on the Council shall serve on the Council for the remainder of the unexpired term for which their predecessor was elected.