



Charter Amendment Resolution 20-03
Suspending Certain State Law Requirements and
Permitting Voting by Mail
Effective: April 15, 2020

CHARTER AMENDMENT RESOLUTION 20-03

A Resolution of the City of New Carrollton, Maryland for Purposes of Amending the Charter of the City of New Carrollton authorizing the City Council to amend, suspend, revise, alter, and add to certain provisions of the Charter including, but not limited to, instituting voting by mail, in the event of a state of emergency declared in Maryland or Prince George's County.

WHEREAS, Section 4-301, et seq. of the Local Government Article of the Annotated Code of Maryland authorizes the Mayor and Council from time to time, to amend, supplement or change, by resolution, the City Charter; and

WHEREAS, a state of emergency and catastrophic health emergency is currently in effect in the State of Maryland and Prince George's County in an attempt to control and prevent the spread of COVID-19; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe, with Prince George's County having the highest number of confirmed cases in Maryland; and

WHEREAS, to reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend social distancing and avoiding gatherings; and

WHEREAS, the currently known and available scientific evidence and best practices support limitations on gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions; and

WHEREAS, to reduce the threat to human health caused by transmission of the COVID 19 in the City of New Carrollton and the State of Maryland, and in order to save lives, it is necessary and reasonable that individuals in the City refrain from congregating; and

WHEREAS, the City election would ordinarily be conducted on the first Monday in May at a polling location or locations that, during the state of emergency and catastrophic health emergency, hinder social distancing, enable the transmission of the novel coronavirus, and pose risks to public health, welfare, and safety; and

WHEREAS, the holding of a municipal election at polling locations during or around the time of a state of emergency and catastrophic health emergency would potentially expose government buildings, voters, municipal officers, employees, and volunteers to the COVID 19; and

WHEREAS, the City election must be accessible, secure, and safe; and

WHEREAS, the City's Charter only provides for in-person voting; and

WHEREAS, the state of emergency and the catastrophic health emergency is impairing the ability of the municipal officials, employees, and volunteers of the City to safely hold an orderly in-person election on the date currently required by the Charter; and

WHEREAS, it is in the best interest of the public health and safety of the City, its citizens, officials, employees, and volunteers to be able to provide for voting by mail in the event of a state of emergency issued by the state or Prince George's County during a state of emergency and catastrophic health emergency such as the current COVID-19 pandemic; and

WHEREAS, it is in the best interest of the City to amend its Charter to provide for voting by mail; and

WHEREAS, Executive Order No. 20-03-30-03 of the Governor of the State of Maryland authorizes the City to suspend the effect of a provision of Title 4, Subtitle 3 of the Local Government of the Annotated Code of Maryland if the municipality provides notice to the Governor and finds that such suspension will not endanger the public health, welfare, or safety of the City, and is necessary to amend the date upon which a municipal election will be held or the method, conduct, or voting system of an election in a manner that ensures an accurate vote count and certification of election results; and the City has made such findings; and

WHEREAS, in accordance with the aforementioned Executive Order of the Governor, the City suspends the provisions of Section 4-301 et seq of the Local Government Article of the Annotated Code of Maryland pertaining to notice, public hearing, publication, referendum, effective date, and any other relevant matter so that this Charter Resolution may be passed, enacted, and effective on the same date upon which it is introduced.

NOW, THEREFORE, BE IT HEREBY RESOLVED this 15 day of April 2020, by the City Council of New Carrollton that Section C-7(A) and C-7(B) of the Charter of the City of New Carrollton be amended to read as set forth below:

§ C-7 Elections

A. Conduct and procedure. All elections to fill the office of Mayor and/or Councilmember shall be on a nonpartisan basis, shall be by secret ballot and shall be held on the first Monday in May, of every year in which there is an election, except a special election as provided in § C-3B(2), which may be held on any day as determined by the City Council. The City Council may adopt by ordinance any procedures and regulations consistent with the provisions of this Charter and with the applicable laws of the State of Maryland necessary to provide for the orderly conduct of municipal elections, including but not limited to provisions for absentee ballots and for write-in candidacies. No person shall be allowed to vote in any City election except those persons whose names shall appear upon the City voter registration list. The Council shall regulate, by ordinance,

the hours during which the polls shall be kept open. The Board of Elections shall conduct such elections, canvass the ballots and certify the results in the manner prescribed by the City Charter and/or City Code, except that the Board of Elections shall, within twenty-four (24) hours after each election, deliver into the hands of the Mayor one (1) certificate or return of the result of the canvass of the ballots as cast in the election, together with the tally sheet, and shall deliver another certificate or return of the result of said canvass, together with the other tally sheet, into the hands of the Mayor Pro Tem. When paper ballots are used, the Board of Elections shall deliver the ballot box containing the ballots, properly sealed, to the City Clerk, in person, who shall retain the same for six (6) months. The results of the election shall be received by the Council from the Mayor at the first regular meeting of the Council following the election. The Council shall determine all cases arising from the results of the elections, except as otherwise may be provided, and any voter who feels he or she has been aggrieved by any ruling as to the eligibility of his or her right to vote may file an appeal to the Circuit Court for Prince George's County, Maryland, and the same shall be determined by said Court. The provisions of this section shall apply to all annual general elections and to any special election conducted as provided elsewhere in this Charter, and to referendum petitions as provided for elsewhere in this Charter. **IN THE EVENT OF A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY, THE CITY COUNCIL, BY RESOLUTION, MAY AMEND, SUSPEND, REVISE, ALTER, AND ADD TO THE PROVISIONS OF THIS SECTION INCLUDING, BUT NOT LIMITED TO, INSTITUTING VOTING BY MAIL, OR POSTPONING AN ELECTION, IN ORDER TO PROVIDE FOR THE HEALTH AND SAFETY OF THE CITY, ITS VOTERS, OFFICIALS, EMPLOYEES, CANDIDATES, AND VOLUNTEERS.**

B. Nomination of candidates. Any qualified person desiring to run for any elective office of the City shall file with the Board of Elections, a nominating petition containing the valid signatures of at least ten (10) persons who are qualified voters of the City of New Carrollton. Nominating petitions may be filed with the City Clerk in any election year commencing the third Tuesday of February; however, such petitions shall be filed no later than 5:00 p.m. of the last business day of the month of March, **OR ON SUCH OTHER DATE ESTABLISHED BY THE CITY COUNCIL IF THE ELECTION IS POSTPONED DUE TO A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY.** If the aforementioned day is a legal holiday, then the nominating petition shall be submitted on the next business day. Each person signing a nominating petition shall indicate thereon both his or her name and his or her residence address. A nominating petition may be withdrawn by submission of a written statement, signed by the candidate, any time prior to the filing deadline for candidacy. The Board of Elections shall be authorized to delete from a ballot the name of a candidate if a candidate dies or withdraws or becomes disqualified for any reason.

IT IS FURTHER RESOLVED that a fair summary of this Charter Amendment Resolution shall be published four (4) times at weekly intervals in a newspaper of general circulation within a period of forty (40) days following the adoption of this Resolution;

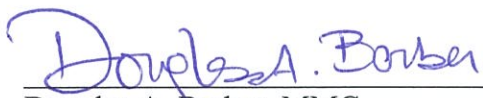
IT IS FURTHER RESOLVED that a copy of the Charter Amendment Resolution shall be posted at the City hall for a period of forty days following the adoption of this resolution and made available for public inspection; and

IT IS FURTHER RESOLVED that this Charter Amendment Resolution shall become effective immediately upon passage.

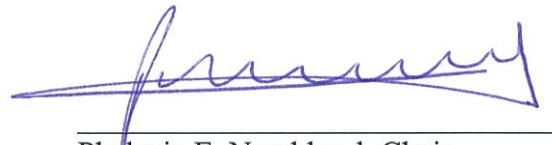
ADOPTED AND ENACTED BY THE CITY COUNCIL OF NEW CARROLLTON, MARYLAND, this 15th day of April 2020.

EFFECTIVE: April 15, 2020

ATTEST:



Douglas A. Barber, MMC
City Clerk



Phelecia E. Nembhard, Chair
City Council

Approved:



Duane H. Rosenberg, Mayor

DATE: April 15, 2020