

Draft

Date

**TOWN OF CHEVERLY
CHARTER AMENDMENT RESOLUTION _____**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHEVERLY, MARYLAND, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (2013 Edition, as amended), to amend the Charter of the said Town, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the Town of Cheverly, Maryland, whereby the Mayor and Town Council increase the number of the Board of Supervisors of Elections from Three (3) to Five (5), permit early voting, same day voter registration and voting, and mail-in voting.

WHEREAS, State law grants to the Town plenary powers to legislate and regulate Town elections; and

WHEREAS, the Mayor and Town Council find that increasing the number of the members of the Board of Elections Supervisors will facilitate the work of the Board; and

WHEREAS, the Mayor and Town Council deem it appropriate to permit the use of early voting procedures; and

WHEREAS, the Mayor and Town Council deem it appropriate to permit same day voter registration and voting; and

WHEREAS, the Mayor and Town Council deem it appropriate to permit the use of Vote-by-Mail ballots.

SECTION 1: NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHEVERLY, MARYLAND, that, pursuant to Article XI-E of the Constitution of the State of Maryland, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland, Sections C-18, C-18.3, and C-18.4 of the Town of Cheverly’s Charter be amended as follows:

ARTICLE V. - ELECTIONS

§ C-18. - Officials to register voters and conduct elections.

- A. There shall be a Board of Election Supervisors, consisting of ~~three (3)~~ **FIVE (5)** members who shall be appointed by the Mayor subject to approval of the Council for two (2) year terms. ~~Two (2)~~ **THREE (3)** members shall be appointed at the first council meeting in January of every even-numbered year, and ~~one (1)~~ **TWO (2)** memberS shall be appointed at the first council meeting in January of every odd-numbered year. **UPON THE EFFECTIVE DATE OF THIS CHARTER PROVISION, THE CURRENT THREE MEMBERS OF THE BOARD SHALL RETAIN THEIR MEMBERSHIP ON THE BOARD, AND THE MAYOR, WITH THE APPROVAL OF THE COUNCIL, MAY APPOINT AN ADDITIONAL TWO MEMBERS, ONE MEMBER WHOSE TERM OF OFFICE SHALL BE UNTIL JANUARY OF 2022, AND THE OTHER MEMBER WHOSE TERM OF OFFICE**

48 **SHALL BE UNTIL JANUARY 2023.** The Mayor shall designate one (1) of these to serve as
 49 Chairman. The members of the board shall be Cheverly residents and registered voters for town
 50 elections and shall not hold or be candidates for any town elective or other appointive office
 51 during their term of office. Prior to assuming the duties of office, each member of the board shall
 52 take an oath before any officer of the State of Maryland, duly authorized to take an affidavit, to
 53 the effect that he will obey the Constitution of the United States and the constitution and the laws
 54 of the State of Maryland, and the laws of the town of Cheverly, and will fairly and impartially
 55 administer the duties of his office. A vacancy on the board shall be filled by the Mayor subject to
 56 approval of the Council for the remainder of the unexpired term.

57 B. Subject to modifications and qualifications not in conflict with this Article and enacted by
 58 ordinance, the board shall be responsible for the registration of voters, certification of candidates,
 59 and town elections. In order to carry out such duty, the board shall have the power to make and
 60 publish regulations, pursuant to and not in conflict with the provisions of this Article, regarding
 61 the conduct of such functions. And further, the board shall act as judge and arbiter of all disputes
 62 and controversies arising from the administration of the town election laws. For the exercise of
 63 such powers, a majority of ~~two (2)~~ **THREE (3)** shall be sufficient for quorum and decision.
 64 Appeals from the actions and decisions of the board may be taken as otherwise provided by law.
 65 The board shall meet at regular intervals as it prescribes and shall be authorized to hold such
 66 special meetings as the board may require, and all such meetings shall be open to the public. In
 67 all matters, including the drafting, amendment or adoption of regulations and working
 68 procedures, as well as the performance of all registration and election related duties including
 69 acting as judge, and arbiter of all disputes, the town attorney shall act as an advisor to the board,
 70 unless the Mayor and Town Council designate another to perform all or some of those duties.
 71 Any regulation or amendment thereto shall be submitted to the attorney for the board and the
 72 Town Administrator for their comments and approval prior to adoption by the board.
 73

74 § C-18.1 – Registration of voters
 75

76 B. Registration may be made by becoming a registered voter of Prince George’s County or by the
 77 following procedures. Persons qualified to vote in the Town of Cheverly elections may register
 78 to vote in person or by mail. There shall be no registration of voters by the town board of
 79 election supervisors during the period beginning thirty (30) days prior to or fifteen (15) days
 80 after any election, **EXCEPT AS PROVIDED UNDER SECTION C-18.3(F)**. Registration in
 81 person may be completed on such dates and at such special registration sites as may be
 82 established by the Board of Election Supervisors. The dates and sites of such special
 83 registrations shall be generally published to town residents at least five (5) days prior to such
 84 dates. To register by mail, residents may call the town office during normal business hours and
 85 request that a registration application be sent, or request in person the registration application at
 86 the town office. The individual requesting such registration application shall give the clerk his or
 87 her name, address and telephone number. When the completed mail registration application is
 88 returned to the town office, the date received shall be noted thereon and a notice of receipt shall
 89 be sent by unforwardable mail within three (3) business days. The information on the returned
 90 application, when properly certified by the board, shall be transferred to a permanent registration
 91 card. The voter then shall, when he appears to vote at any general or special election day, affix
 92 his signature to the permanent registration card, thus completing his registration. Special
 93 arrangements to secure the signature of a disabled applicant by other means may be made by the
 94 board. The original mail registration application shall be preserved by the board until the person

Draft

Date

95 has signed the permanent registration card, but no longer than five (5) calendar years from the
96 date received.

97
98 § C-18.3. - Election procedure.
99

100 A. All elections to fill the office of Mayor and Ward Councilmembers, and for other purposes, shall
101 be by ballot, **VOTE-BY-MAIL BALLOT**, or voting machines. An election to fill the offices of
102 Mayor and Ward Councilmembers shall be held on the first Monday in May of every year,
103 beginning on the first Monday in May, 1976. The Mayor shall be elected by the combined vote
104 of all the wards of the town, and the Ward Councilmembers shall be elected by the votes of the
105 wards in which they dwell. The candidate for each office who shall receive the greater number of
106 votes than any other candidate for said office shall be declared elected, and in the event of a tie
107 vote, a special election shall be held within forty-five (45) days to elect one (1) of the candidates
108 so tied.
109

110 **B. THE COUNCIL OR BOARD MAY PROVIDE FOR ONE OR MORE EARLY VOTING**
111 **DAYS IN TOWN ELECTIONS. ANY EARLY VOTING DAY SHALL BE HELD NO**
112 **MORE THAN FIFTEEN (15) DAYS PRIOR TO THE TOWN ELECTION DAY**
113 **ESTABLISHED IN § C-18.3(A) OF THIS ARTICLE. ON A DESIGNATED EARLY**
114 **VOTING DAY, THE POLLS SHALL BE OPEN TO QUALIFIED VOTERS AT THE**
115 **TIMES AND PLACES SPECIFIED AND ADVERTISED BY THE BOARD, WHICH**
116 **SHALL BE OPEN A MINIMUM OF EIGHT (8) HOURS IF EARLY VOTING IS**
117 **CONDUCTED ON A SATURDAY AND AT LEAST FOUR (4) HOURS IF EARLY**
118 **VOTING IS CONDUCTED ON ANY OTHER DAY OF THE WEEK.**
119

120 ~~B.~~ C. No person shall be allowed to vote in any election in the town except those persons whose
121 names appear upon the registration books of the town, and who reside in the town on election
122 day, **EXCEPT AS PROVIDED UNDER SECTION C-18.3(F)**. Any qualified voter is entitled
123 to vote in town elections by absentee ballot if the requirements established therefor are met. A
124 voter whose registration has been cancelled shall not thereafter be eligible to vote except by
125 registering again as in this Charter provided.
126

127 ~~C.~~ D. In all town elections, it shall be the duty of the board of elections to give public notice of the
128 times, place and purpose thereof. Such public notice shall be given on the government access
129 cable channel, in the town newsletter, in a newspaper of general circulation within the town and
130 in the town’s public notice advertisement currently located at Forest Road and Cheverly Avenue.
131 Such public notice shall be given at least 30 days before the date of election, and in the case of
132 notice on the government access cable channel and the public notice advertisement such notice
133 shall continue to be advertised until the date of the election. In the discretion of the Board,
134 notices may also be posted in such public places in each ward in such manner as the Board may
135 determine.
136

137 In elections to fill the offices of Mayor and Ward Councilmembers, the polls shall be opened at
138 7:00 a.m., and closed at 8:00 p.m. The board of Election Supervisors may authorize periods of
139 excused absence of up to four (4) hours between the hours of 7:00 a.m. and 4:00 p.m, on election
140 day for judges and members of the Board.
141

Draft

Date

142 Immediately upon closing of the polls, the judges of the election shall proceed to count the
143 ballots, but no ballot cast by a voter dwelling in one ward for a candidate for the office of
144 Councilmember of another ward, and no ballot cast for more than one candidate for the office of
145 Mayor, shall be counted. The counting of the ballots or checking of the votes on voting machines
146 shall be announced publicly, and written returns fully completed and signed by the judges of
147 election and the Board of Election Supervisors, and sealed in an envelope with the names of said
148 judges and board signed thereon.

149
150 One (1) copy of such returns shall be sent to the Mayor of the town and one (1) copy to the Town
151 Clerk for filing among the records of the town. Any judge or member of the board who declines
152 to sign said return shall prepare, sign and seal in an envelope and send as aforesaid an individual
153 return, giving his reason therefor. The ballots shall then be returned to the ballot boxes from
154 which they were removed, a paper seal with the signatures of the judges and board thereon shall
155 be pasted upon said ballot boxes in such manner that the boxes cannot be opened without
156 breaking said seal, and in the event voting machines are used in lieu of the paper ballots, the
157 voting machines, upon completion of the tabulation of the votes cast, shall be sealed as provided
158 by law for general elections of state and county officials.

159
160 There shall be no postponement or adjournment of the above actions until they all are completed.
161 Said voting machines or boxes, sealed as aforesaid, shall then be retained by the board for
162 periods of seven (7) days, exclusive of Sundays and legal holidays, in the case of machines, and
163 six (6) months in the case of ballots, after which periods of time the machines shall be unsealed,
164 and the boxes shall be opened and the ballots destroyed, and the board shall record a certificate
165 of the fact of destruction; provided, however, that if there be a contest of the election, said ballots
166 shall not be destroyed nor voting machines unsealed until after the decision of the Circuit Court
167 for Prince George’s County.

168
169 ~~D.~~ E. Any candidate at said elections may contest the same and the Circuit Court for Prince
170 George’s County shall have jurisdiction to determine such contest. Each judge of the Circuit
171 Court may adopt such modes of proceedings and adjudging costs in cases of contested election
172 as to him shall seem most satisfactory.

173
174 No such contest shall, however, be considered unless the petition for the same is filed in the
175 Circuit Court of Prince George’s County within seven (7) days, exclusive of Sundays and legal
176 holidays, after the public announcement by the board of the result of the election.

177
178 **F. SAME DAY VOTER REGISTRATION. TOWN RESIDENTS WHO ARE ELIGIBLE**
179 **TO REGISTER TO VOTE PURSUANT TO THIS CHARTER MAY REGISTER TO**
180 **VOTE IN TOWN ELECTIONS UP TO AND INCLUDING ON ELECTION DAY BY**
181 **COMPLETING A VOTER REGISTRATION APPLICATION AND REGISTERING TO**
182 **VOTE WITH THE TOWN CLERK, OR A REPRESENTATIVE DESIGNATED BY THE**
183 **TOWN CLERK. ANY PERSON WISHING TO REGISTER AND VOTE UNDER THIS**
184 **SUBSECTION MUST PROVIDE, IMMEDIATELY BEFORE VOTING:**

185
186 **1. A MARYLAND DRIVER’S LICENSE OR MARYLAND IDENTIFICATION**
187 **CARD ISSUED BY THE MARYLAND MOTOR VEHICLE ADMINISTRATION; OR**
188

Draft

Date

189 2. IN THE EVENT THAT AN INDIVIDUAL CONTEMPLATED UNDER THIS
190 SUBSECTION DOES NOT HAVE A MARYLAND DRIVER'S LICENSE OR
191 IDENTIFICATION CARD, HE OR SHE MUST PROVIDE A COPY OF AN OFFICIAL
192 DOCUMENT THAT CONTAINS THE APPLICANT'S NAME AND CURRENT ADDRESS
193 AND THAT MEETS THE REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF
194 ELECTIONS UNDER MD. CODE ANN., ELECTION LAW ARTICLE § 3-306(B)(2)(ii).

195
196 § C-18.4. – VOTE-BY-MAIL BALLOTS

197
198 A. ANY PERSON QUALIFIED TO VOTE IN ANY TOWN ELECTION MAY USE A
199 VOTE-BY-MAIL BALLOT PURSUANT TO THE PROVISIONS OF THIS SECTION. THE
200 TOWN CLERK SHALL ENSURE VOTE-BY-MAIL BALLOTS ARE SENT TO EVERY
201 REGISTERED VOTER WITHIN THE TOWN.

202
203 B. PRIOR TO ANY TOWN ELECTION, THE TOWN CLERK SHALL PRINT OR CAUSE
204 TO BE PRINTED AN ADEQUATE NUMBER OF VOTE-BY-MAIL BALLOTS,
205 ENVELOPES, AND INSTRUCTIONS FOR MAIL-IN VOTERS.

206
207 C. ONE NOTICE SHALL BE MAILED TO ALL HOUSEHOLDS IN THE TOWN AND AT
208 LEAST ONE NOTICE TO ALL REGISTERED VOTERS IN THE TOWN INFORMING
209 THEM OF THE VOTE-BY-MAIL BALLOT VOTING DEADLINES AND THE DATE,
210 TIME, AND LOCATION OF IN-PERSON VOTING ON ELECTION DAY. NOTICE WILL
211 BE MAILED OR DISTRIBUTED NO LATER THAN 30 DAYS PRIOR TO THE ELECTION
212 TO WHICH THEY APPLY. THE NOTICE WILL BE IN ADDITION TO THE MAILING
213 OF THE BALLOT ITSELF. AT LEAST ONE OTHER FORM OF MASS
214 COMMUNICATION INFORMING THE PUBLIC OF THE TOWN ELECTION WHICH
215 MUST INCLUDE ALL OF THE INFORMATION REQUIRED ON THE NOTICES SHALL
216 BE PROVIDED. THE BOARD OF ELECTIONS MAY PROVIDE FOR ADDITIONAL
217 NOTICES AND REMINDERS.

218
219 D. THE FORM AND ARRANGEMENT OF ALL VOTE-BY-MAIL BALLOTS, BALLOT
220 INSTRUCTIONS, COVERING ENVELOPES, BALLOT ENVELOPES, AND RETURN
221 ENVELOPES SHALL BE AS DETERMINED BY THE TOWN CLERK.

222
223 E. AT ALL TIMES, THE TOWN CLERK SHALL ENSURE ADEQUATE PROCEDURES
224 ARE IN PLACE TO SAFEGUARD THE VOTE-BY-MAIL BALLOTS.

225
226 F. VOTE-BY-MAIL BALLOTS FOR A TOWN ELECTION MUST BE MAILED OR
227 DISTRIBUTED NO MORE THAN 30 DAYS AND NO FEWER THAN 15 DAYS PRIOR TO
228 THE ELECTION TO WHICH THEY APPLY.

229
230 G. SUBJECT TO THE PROVISIONS SET FORTH IN THIS SECTION, VOTERS THAT
231 HAVE RECEIVED A VOTE-BY-MAIL BALLOT MAY VOTE IN THE TOWN ELECTION
232 THROUGH VOTE-BY-MAIL BALLOT OR BY IN PERSON VOTING. ANY SUCH
233 VOTERS MAY UTILIZE ONLY ONE METHOD OF VOTING.

234
235 H. NO VOTE-BY-MAIL BALLOT, COMPLETED OR OTHERWISE, SHALL BE

Draft

Date

236 **HANDLED OR DELIVERED BY A CANDIDATE OR ANY INDIVIDUAL**
237 **VOLUNTEERING OR WORKING FOR A CANDIDATE, EXCEPT FOR THEIR OWN**
238 **BALLOT OR THAT OF THEIR IMMEDIATE FAMILY MEMBER OR A MEMBER OF**
239 **THEIR HOUSEHOLD.**

240

241 **I. NO PERSON MAY CAST A VOTE USING A VOTE-BY-MAIL BALLOT THAT WAS**
242 **ISSUED BY THE TOWN FOR ANOTHER PERSON.**

243

244 **J. A REGISTERED VOTER MAY OBTAIN A REPLACEMENT VOTE-BY-MAIL**
245 **BALLOT IF THE ORIGINAL BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT**
246 **RECEIVED BY THE REGISTERED VOTER. A REGISTERED VOTER WHO OBTAINS A**
247 **VOTE-BY-MAIL BALLOT IN ACCORDANCE WITH THIS SUBSECTION WILL BE**
248 **REQUIRED TO SIGN AN AFFIDAVIT, IN A FORM APPROVED BY THE BOARD,**
249 **SPECIFYING THE REASON FOR REQUESTING THE REPLACEMENT BALLOT.**

250

251 Section 2: That the date of the adoption of this Resolution is _____, and that the
252 amendment to the Charter of the Town of Cheverly hereby proposed by this enactment, shall be and
253 become effective on _____ [50 days], unless a proper petition for a referendum hereon shall be
254 filed by _____ [40 days], and a fair summary of the Amendment shall be published in a
255 newspaper having general circulation in the Town not less than four (4) times at weekly intervals by
256 _____ [40 days].

257

258 Section 3: That as soon as the Charter Amendment hereby enacted becomes effective, either
259 as herein provided or following a referendum, the Clerk shall send separately to the Department of
260 Legislative Services, the following information concerning the Charter Amendment: (1) the
261 complete text of this Resolution; (2) the date of referendum election, if any, held with respect
262 thereto; (3) the number of votes cast for and against this Resolution by the Mayor and Council of the
Town of Cheverly or in a referendum; and (4) the effective date of the Charter Amendment.

263

264 Section 4: That the Clerk be, and he/she is specifically enjoined and instructed to carry out
265 the provisions of Sections 2 and 3, and as evidence of compliance herewith the said Clerk shall cause
266 to be affixed to the Minutes of this meeting (1) an appropriate certificate of publication of the
267 newspaper in which the fair summary of the Amendment shall have been published; and (2) records
268 of mailing referred to in Section 3, and shall further complete and execute a Certificate of
Compliance.

269

270 **INTRODUCED** by the Mayor and Council of the Town of Cheverly, Maryland, at a Regular
Meeting on October 8, 2020, at which meeting copies were available to the public for inspection.

271

272 **ADOPTED** by the Mayor and Council of the Town of Cheverly, Maryland, at a Regular
Meeting on October 8, 2020, at which meeting copies were available to the public for inspection.

Draft

Date

Adopted: _____

Attest: _____

Mayor

273

274

275 {} indicate deletions

276 CAPS/**BOLD** indicate additions