CHARTER AMENDMENT RESOLUTION NO. CA 2020 – 01

A Resolution of the Town of Chesapeake City, Maryland for Purposes of Amending the Charter of the Town of Chesapeake City to provide for the Postponement of a Town Election.

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 Town Charter;

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed in the State of Maryland to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency still exists;

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 and has been confirmed in nearly all Maryland counties, including Cecil County;

WHEREAS, Cecil County, Maryland has also proclaimed a state of emergency due to COVID-19;

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;

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;

WHEREAS, to reduce the threat to human health caused by transmission of the novel coronavirus in the Town of Chesapeake City and the State of Maryland, and in order to save lives, it is necessary and reasonable that individuals in the Town refrain from congregating;

WHEREAS, the Town election would ordinarily be conducted 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;

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 novel coronavirus;

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

WHEREAS, the Town's Charter currently sets the date of the Town election to be the first Monday in the month of June;

WHEREAS, the Town's Charter currently sets a registration deadline and candidate nomination deadline of thirty days prior to an election;

WHEREAS, the state of emergency and the catastrophic health emergency is impairing the ability of the municipal officials, employees, and volunteers of the Town to hold an election on the date currently required by the Charter;

WHEREAS, it is in the best interest of the public health and safety of the Town, its citizens, officials, employees, and volunteers to be able to postpone a Town election so such election and pre-election activities do not occur during a state of emergency and catastrophic health emergency such as the current COVID-19 pandemic;

WHEREAS, it is in the best interest of the Town to amend its Charter to provide for the postponement of the Town election;

WHEREAS, Executive Order No. 20-03-30-03 of the Governor of the State of Maryland authorizes the Town 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 Town, 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 Town has made such findings; and

WHEREAS, in accordance with the aforementioned Executive Order of the Governor, the Town 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 13th day of April 2020, by the Mayor and Council of Chesapeake City that Sections 26-31, 26-32, 26-3 and 26-16 of the Charter of the Town of Chesapeake City be amended to read as set forth below:

<u>Section 26-31. Schedule of elections</u>

(a) On the first Monday in May in June of each even numbered year the registered voters of the town shall elect one person as mayor to serve a term of two years.

(b) On the first Monday in June of each even numbered year, the registered voters of the town shall elect two persons as councilpersons to serve for a term of two years.

(c) On the first Monday in June of each odd numbered year, the registered voters of the town shall elect three persons as councilpersons to serve for a term of two years.

(d) IN THE EVENT OF A STATE OF EMERGENCY OF THE STATE OF MARYLAND OR A CATASTROPHIC HEALTH EMERGENCY, THE TOWN COUNCIL MAY, BY RESOLUTION, POSTPONE THE DATE OF THE ELECTION IN ORDER TO PROVIDE FOR THE PUBLIC HEALTH AND SAFETY OF THE TOWN, ITS VOTERS, OFFICIALS, EMPLOYEES, AND VOLUNTEERS.

Section 26-32. Conduct of Elections

It shall be the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 1:00 P.M. to 7:30 P.M. on election days or for longer hours if the council requires it. Write-in votes shall be permitted. IN THE EVENT OF A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY, THE TOWN COUNCIL MAY, BY RESOLUTION, AMEND, REVISE, ALTER, AND ADD TO THE PROVIONS OF THIS SECTION IN ORDER TO PROVIDE FOR THE PUBLIC HEALTH AND SAFETY OF THE TOWN, ITS VOTERS, OFFICIALS, EMPLOYEES, AND VOLUNTEERS.

A person may not:

(1) Place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;

(2) Misrepresent the person's ability to mark a ballot or operate voting equipment;

(3) Interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

(4) Induce or attempt to induce a voter to mark the voter's ballot in a certain way;

(5) Except for servicing by an authorized person, unlock any locked or closed compartment of a voting device unless instructed to do so by the election director;

(6) Destroy or deface any ballot;

(7) Remove a ballot from a building in which voting occurs, except as otherwise allowed by law or this Charter;

(8) Delay the delivery of a ballot;

(9) Possess or retain on or before the day of election an official ballot printed for the election unless the possession of the ballot is necessary and appropriate for carrying out the election;

(10) Canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted by the election board. The line shall be located as near as practicable to 100 feet from the entrance and exit of the building in which voting occurs and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian

and vehicular traffic. The signs shall contain the following or comparable language: "No Electioneering Beyond this Point";

(11) A person may not bring, send, or attempt to bring or send any alcoholic beverages (as defined in THE ALCOHOLIC BEVERAGES Article ~~2B~~ of the Annotated Code of Maryland) into a polling place during the hours that the polling place is open.

Section 26-3. Number of councilpersons; selection; term.

All legislative powers of the town are vested in a council of five councilpersons who shall be elected as hereinafter provided, to serve two year terms. The regular term of councilpersons shall expire on the second Monday of July following the election of their successors. IN THE EVENT THAT AN ELECTION IS POSPONED IN ACCORDANCE WITH SECTION 26-31(D) OF THIS CHARTER AS THE RESULT OF A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY, THE REGULAR TERM OF COUNCILPERSONS SHALL EXPIRE ON THE SECOND MONDAY OF THE MONTH FOLLOWING THE ELECTION OF THEIR SUCCESSORS.

SECTION 26-16. TERM OF OFFICE.

The mayor shall be elected as hereinafter provided and shall hold office for a term of two years or until his successor is elected and qualified. The regular term of the mayor shall expire on the first Monday of July following the election of their successor. IN THE EVENT THAT AN ELECTION IS POSPONED IN ACCORDANCE WITH SECTION 26-31(D) OF THIS CHARTER AS THE RESULT OF A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY, THE REGULAR TERM OF THE MAYOR SHALL EXPIRE ON THE SECOND MONDAY OF THE MONTH FOLLOWING THE ELECTION OF THEIR SUCCESSOR.

* Wording in brackets is to be stricken, and wording in capital letters is to be added.

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 Resolution shall be posted at the Town 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.

BY AUTHORITY OF THE MAYOR
AND COUNCIL OF THE TOWN OF
CHESAPEAKE CITY, MARYLAND

ATTEST:

Valerie Walls
Town Clerk

Richard L. Taylor, III, Mayor

Lee Adams, Councilmember

Frank Hill, Councilmember

Randy McLennan, Councilmember

Ed O'Hara, Councilmember

Frank Vari, Councilmember

Approved as to Form:

Thomas N. Yeager,
Attorney for the Town of Chesapeake City