



VILLAGE OF MARTIN'S ADDITIONS

7013 Brookville Road (Second Floor, Suite B)

Chevy Chase, MD 20815-3263

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To Whom It May Concern,

As a result of House Bill No. 269, the Village of Martin's Additions staff became aware of some outdated language in our Village's Charter. The Charter notes that property owners are eligible to vote in Village Elections, even if not residing in the Village. On the same day our staff became aware of this, the issue was raised with the Village Council, and the Village Council directed the Village Attorney to draft a Charter amendment to clarify that nonresidents of the Village are not eligible to vote. A copy of the draft resolution is attached.

State Delegates David Moon and Jheanelle K. Wilkins introduced House Bill No. 269 on January 25, 2023. Delegate Moon stated during a Ways and Means Committee hearing on February 7, 2023, that the Village was the primary target of the Bill. We are very surprised that Delegates Moon and Wilkins chose not to notify the Village of this issue. Had they done so, the Charter amendment resolution could have been prepared sooner and the Bill would not have been necessary.

With much appreciation for your service.

Respectfully,

A handwritten signature in black ink, appearing to read "A. Kauders", with a long horizontal flourish extending to the right.

Andrew Kauders

Village Council Chair

Village of Martin's Additions

**A CHARTER AMENDMENT TO AMEND SECTION 301 OF
THE VILLAGE OF MARTIN'S ADDITONS CHARTER**

Resolution of the Village Council of the Village of Martin's Additions (the "Village Council") adopted pursuant to Article XI-E of the Constitution of Maryland, Maryland Code, Local Government Article, Section 4-301, *et seq.*, and the Charter of the Village of Martin's Additions (the "Village Charter") to amend Section 301 of the Village Charter to amend the definition of a "Qualified Voter", for purposes of Village elections, so as to avoid enfranchising non-resident property owners in potential violation of the equal protection clause of the Fourteenth Amendment.

Section 1. BE IT RESOLVED BY THE VILLAGE COUNCIL, that Section 301 of the Village Charter be amended to read as follows:

Section 301.

For the purposes of these Articles, the following terms are defined as set out below:

"Council" is the Village Council of Martin's Additions, the governing body herein created.

"County" is Montgomery County, Maryland.

"County Council" is the County Council of Montgomery County, Maryland, or any succeeding governing body for Montgomery County.

"The Village of Martin's Additions" is the Corporate body herein created.

"Property" refers to real property.

"Qualified Voter" is any person who [owns property or any] is a resident of Martin's Additions who is eighteen years of age or over.

"Resident" is a person who resides in Martin's Additions.

"State" is the State of Maryland.

"Written Notice" includes notice by publication in a newspaper or newsletter generally distributed throughout Martin's Additions.

NOTE: Underlining indicates language added to the Charter
[**Boldface Brackets**] denote language deleted from the Charter

Section 2. AND BE IT FURTHER RESOLVED, that the date of the adoption of this Resolution is _____, 2023, which is at least 30 days after introduction according to the Village Charter, Section 501(a), and that the Amendment to the Village Charter hereby proposed by this enactment shall be and become effective on _____, 2023, which is fifty (50) days after adoption as required by Maryland Code, Local Government Article, Section 4-304, unless a proper petition for a referendum hereon shall be filed as permitted by law, forty (40) days from adoption..

Section 3. AND BE IT FURTHER RESOLVED, that a complete and exact copy of this Resolution shall be posted at Village Hall, 7013-B Brookville Road, Chevy Chase, Maryland 20815 for at least forty (40) days following adoption and a fair summary of this Resolution shall be published in a newspaper of general circulation in the Town of Somerset not less than four (4) times, at weekly intervals, within a period of at least forty (40) days starting immediately after the date of adoption.

Section 4. AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment hereby enacted shall become effective, either as herein provided or following a referendum, the Chair shall send, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Amendment to the Village Charter as hereby enacted; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for and against the question concerning the Charter Amendment, whether by the Village Council or in a referendum; and (4) the effective date of the Charter Amendment.

Section 5. AND BE IT FURTHER RESOLVED, that the Chair be and is hereby specifically enjoined and instructed to carry out the provisions of Sections 3 and 4. As evidence of compliance herewith, the said Chair shall cause to be placed in the Village files (1) appropriate certificates of publication of the newspaper in which a fair summary of this Resolution shall have been published and (2) the return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

Andrew Kauders, Chair

Arthur Alexander, Council Member

Jeffrey Blander, Council Member

Susan Fattig, Council Member

Katie Howard, Council Member