

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND
CHARTER AMENDMENT RESOLUTION NO. CA-21-02

Introduced by: City Council

Date Introduced: July 13, 2020

First Reading: July 13, 2020

Second Reading:

Date Adopted: July 13, 2020

Date Effective: July 13, 2020

A CHARTER AMENDMENT RESOLUTION OF THE COUNCIL OF THE CITY OF SEAT PLEASANT, passed pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code to amend the Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 7 (2008 Replacement Edition and November 2015 Supplement) for purpose of suspending certain State Law Requirements and permitting Vote By Mail in the upcoming Municipal Election; and providing that the title of this Charter Amendment Resolution shall be deemed a fair summary;

RECITALS

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Council of the City of Seat Pleasant (the "Council"), as the legislative body of The City of Seat Pleasant, Maryland (the "City"), is authorized and empowered to amend the Charter of the City of Seat Pleasant (the "Charter"); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Council or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the Council; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the City by a majority of all the individuals elected to the Council, as the legislative body of the City, and the same shall be subject to the right of referendum; and

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 Seat Pleasant 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 second Monday in September 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 BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code, the Municipal Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 7 (2008 Replacement Edition and November 2015 Supplement) be, and the same is hereby, amended as follows:

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-612 and § C-616 of the Charter:

§ C-612. Conduct of Elections

It is 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 AND/OR VOTE BY MAIL. 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.

§ C-616. Vote Count

The Board of Supervisors of Elections shall begin counting the votes immediately after the polls have closed. All votes shall be counted to include the regular ballot and , absentee AND VOTE BY MAIL ballots. Once the actual vote counting begins, no persons shall enter or leave the room in which the vote count is being conducted until completion of the vote count. The Board of Supervisors of Elections shall complete the vote count within twenty-four hours after the polls have closed, shall determine the number of votes cast for each candidate and shall certify this result to the Clerk of the City who shall record the result in the minutes of the Council. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The candidates for election to the vacancies as Councilmembers with the highest number of votes shall be declared elected. The declarations shall be proclaimed by the Chairman of the Board of Supervisors of Election within forty-eight hours after the vote count at a special public meeting. A tie vote shall be decided by special election between the tied candidates.

SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that § C-621 be added to the Charter as follows:

§ C-621 VOTE BY MAIL

CITY ELECTIONS WILL BE BY MAIL-IN BALLOT VOTING WITH ONE VOTING CENTER AT CITY HALL OPEN ON ELECTION DAY FOR IN-PERSON VOTING. THE BOARD OF SUPERVISORS OF ELECTIONS SHALL KEEP THE VOTING CENTER OPEN FROM 7:00 A.M. TO 8:00 P.M. ON ELECTION DAY.

SECTION 3. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new, or added language is underlined, and deleted text is enclosed in double parentheses. Language added after the date of introduction is in italicized type and text deleted after the date of introduction is enclosed in bold brackets.

SECTION 4. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that to the extent that any section of the Charter is in conflict with the provisions of Sections 1 through 2 of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 6. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the date of passage of this Resolution is July 13th, 2020, and the Charter amendment enacted by this Resolution shall become effective immediately. A complete and exact copy of this Resolution shall be posted at City Hall, 6011 Addison Rd., Seat Pleasant, Maryland 20743, or another main municipal building or public place, and the title to this Resolution, being a fair summary of the Charter amendment enacted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its passage, or between July 23rd, 2020 and August 13th, 2020.

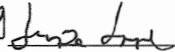
SECTION 7. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that as soon as the Charter amendments adopted by this Resolution shall become effective, as herein provided, the City Clerk or the chief executive officer of the City shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendments herein: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 8. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk is hereby authorized and directed to carry out the provisions of Sections 6 and 7 hereof; and as evidence of compliance herewith, the City Clerk shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 6 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments herein shall have been published as provided in Section 6 herein; and (3) the return receipt of the mailing as provided in Section 7 herein; provided, however, that failure to comply with any of the foregoing shall not invalidate this Resolution.

COUNCIL OF THE CITY OF SEAT PLEASANT

Charl Jones, Councilmember

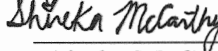
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Hope Love, Councilmember

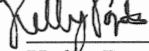
Lamar Maxwell, Councilmember

DocuSigned by:



Shireka McCarthy, Councilmember

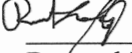
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Kelly Porter, Councilmember

Gloria L. Sistrunk, Councilmember

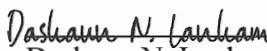
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Reverend L. Yeargin, Councilmember

ATTEST:

DocuSigned by:



Dashaun N. Lanham, CMC
City Clerk

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

