



Charter Amendment Resolution 21-01
Authorizing Vote by Mail Elections
Effective: February 25, 2021

CHARTER AMENDMENT RESOLUTION 21-01

CHARTER AMENDMENT RESOLUTION OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING THE CHARTER OF THE CITY OF NEW CARROLLTON, § C-7 "ELECTIONS," SUBSECTION A "CONDUCT AND PROCEDURE" TO AUTHORIZE THE CITY TO CONDUCT VOTE BY MAIL ELECTIONS AT ANY ELECTION AND TO REMOVE THE REFERENCE TO ANNUAL ELECTIONS

WHEREAS, in April, 2020, via Charter Resolution 20-03, the City Council authorized the City to institute voting by mail in order to provide for the health and safety of the City, its voters, officials, employees, candidates and volunteers in response to the COVID-19 pandemic and under the authority of an Executive Order of the Governor of Maryland; and

WHEREAS, pursuant to this authority, the City conducted its 2020 election as a vote by mail election, for which 1,981 residents cast their votes; and

WHEREAS, the City of New Carrollton Board of elections has requested that the City have the authority to conduct any and all City elections as a vote by mail election; and

WHEREAS, subsequent to the May, 2021 election, the City of New Carrollton will no longer have annual elections as elections will be conducted in every odd year commencing with the May 2021 election; and

WHEREAS, the City Council of New Carrollton deems it to be necessary and appropriate for the City Council to have the authority to engage in vote by mail elections and to delete the reference to an annual election in the City Charter.

Section 1: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of New Carrollton, that the Charter of the City of New Carrollton, §C-7 "Elections," subsection A "Conduct and procedure" shall be and is hereby amended to read as follows:

§ 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 **VOTING BY MAIL**, 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.

* * *

Section 2: NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of New Carrollton that if any provision of this Charter Amendment Resolution or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Charter Amendment Resolution that can be given effect without the invalid provision or application, and for the purpose the provision of this Charter Amendment Resolution are declared severable.

Section 3: BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted this 6th day of January, 2021, and that the amendments to the Charter of the City of New

BOLDFACED CAPITALS: Indicate language added to the City Charter.

~~[Bolfaced brackets]:~~ Indicate language deleted from the City Charter.

Asterisks * * * : Indicate language that is not reproduced in the Charter Amendment that remains unchanged by the Charter Amendment.

Carrollton, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with the Local Government Article of the Annotated Code of Maryland within 40 days following its passage. A fair summary of this Resolution shall be posted in the City Hall for forty (40) days following its adoption and published in a newspaper having general circulation in the City no fewer than four (4) times at weekly intervals within the forty (40) days following its passage by the City.

Section 4: BE IT FURTHER RESOLVED that prior to the adoption of this Charter Amendment Resolution, the City Council of New Carrollton conducted a public hearing on the proposed amendment on the 6th day of January, 2021, after at least 21 days' advance notice of the public hearing.

Section 5: BE IT FURTHER RESOLVED that as soon as the Charter Amendment Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Administrative Officer shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the City Council of New Carrollton or in a referendum; and (iv) the effective date of the Charter Amendment.

Section 6: BE IT FURTHER RESOLVED that the City Administrative Officer of the City of New Carrollton, Maryland be, and hereby is specifically instructed to carry out the provisions of Sections 4 and 6 as evidence of compliance herewith; and the City Administrative Officer shall cause to be affixed to the minutes of this meeting an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Amendment shall have been published, and shall further cause to be completed and executed the Certificate of Effect.

INTRODUCED by the City Council of New Carrollton at a Regular Meeting of the City Council on the 18th day of November, 2020.

BOLDFACED CAPITALS: Indicate language added to the City Charter.


~~[Boldfaced brackets]:~~ Indicate language deleted from the City Charter.

Asterisks * * * : Indicate language that is not reproduced in the Charter Amendment that remains unchanged by the Charter Amendment.

ADOPTED AND ENACTED by the City Council of New Carrollton at a Regular Meeting of the City Council on the 6th day of January, 2021.

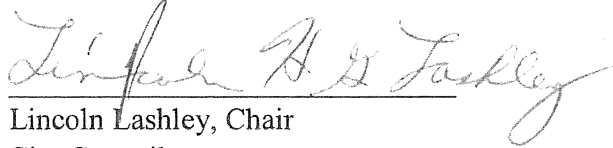
Effective: February 25, 2021

Attest:



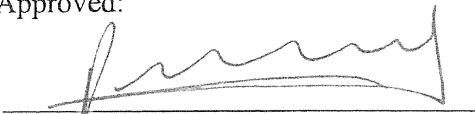
Douglass A. Barber, MMC
City Clerk

City of New Carrollton



Lincoln Lashley, Chair
City Council

Approved:



Phelecia E. Nembhard, Mayor

Date: 1/6/2021

Date: 1/6/2021

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NEW CARROLLTON CHARTER AMENDMENT
RESOLUTION 21-01

A COUN

THE

(301) 627-0900
(301) 627-6260 Fax

Doug Barber, City Clerk
City of New Carrollton
6016 Princess Garden Pkwy
New Carrollton, MD 20784

Notice is hereby given by the City Council of the City of New Carrollton, municipal corporation of the State of Maryland, that the City Council adopted Charter Amendment Resolution 21-01, a resolution amending the Charter of the City of New Carrollton, § C-7 "Elections," Subsection "Conduct and Procedure" to authorize the City to conduct vote by mail elections at any election and to remove the reference to annual elections (the "Resolution") on January 6, 2021. The title of the Resolution, which constitutes a fair summary of the amendment of the City Charter, is as follows:

CHARTER AMENDMENT RESOLUTION OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING THE CHARTER OF THE CITY OF NEW CARROLLTON, § C-7 "ELECTIONS," SUBSECTION A "CONDUCT AND PROCEDURE" TO AUTHORIZE THE CITY TO CONDUCT VOTE BY MAIL ELECTIONS AT ANY ELECTION AND TO REMOVE THE REFERENCE TO ANNUAL ELECTIONS

The Resolution will become effective on Thursday, February 25, 2021, subject to the provisions of Division II, Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland regarding the right of the qualified voters of the City to petition the proposed amendments to referendum on or before Tuesday, February 15, 2021. The Resolution shall be posted and available for inspection through February 15, 2021, at the City Municipal Center which is located at 6016 Princess Garden Parkway, New Carrollton Maryland 20784.

Additionally, to obtain New Carrollton Charter Amendment Resolution 21-01 in its entirety contact Doug Barber, City Clerk at (301) 459-6100 or by email at dbarber@newcarrolltonmd.gov.

The New Carrollton Charter Amendment Resolution 21-01 is also posted on the City of New Carrollton website: newcarrolltonmd.gov/government/ordinances_and_resolutions.

The City Council of New Carrollton

INVOICE

013868

CERTIFICATE

THIS IS TO CERTIFY that the amount of PRINCE GEORGE'S POST for the

138681

(1-14,1-21,1-28,2-4

Hrenda J. Hoice

Legal Advertising Manager

- INVOICE -

DESCRIPTION

TOTAL AMOUNT

LEGAL NOTICE
CHARTER AMENDMENT
RESOLUTION 21-01

\$400.00

Date or dates of publication

1/14, 1/21, 1/28, 2/4/2021

CITY OF NEW CARROLLTON
JAN 19 2021
RECEIVED

THIS IS AN INVOICE — PAYMENT DUE IMMEDIATELY

NOTICE: If receipted bill is required for verification of payment, return duplicate with remittance. Duplicate certification of publication has been mailed to the Register of Wills, Upper Marlboro, Md., if Notice to Creditors is involved.
PLEASE SHOW INVOICE NUMBER ON REMITTANCE