TOWN OF CHEVERLY
CHARTER AMENDMENT RESOLUTION R-06-20

ADOPTED FEBRUARY 11, 2021

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 I: 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

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

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

§ C-18.1 – Registration of voters

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

§ C-18.3. - Election procedure.

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

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

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

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

In elections to fill the offices of Mayor and Ward Councilmembers, the polls shall be opened at 7:00 a.m., and closed at 8:00 p.m. The board of Election Supervisors may authorize periods of excused absence of up to four (4) hours between the hours of 7:00 a.m. and 4:00 p.m., on election day for judges and members of the Board.
Immediately upon closing of the polls, the judges of the election shall proceed to count the
ballots, but no ballot cast by a voter dwelling in one ward for a candidate for the office of
Councilmember of another ward, and no ballot cast for more than one candidate for the office of
Mayor, shall be counted. The counting of the ballots or checking of the votes on voting machines
shall be announced publicly, and written returns fully completed and signed by the judges of
election and the Board of Election Supervisors, and sealed in an envelope with the names of said
judges and board signed thereon.

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

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

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

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

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

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

§ C-18.4. -- VOTE-BY-MAIL BALLOTS

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

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

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

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

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

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

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

H. NO VOTE-BY-MAIL BALLOT, COMPLETED OR OTHERWISE, SHALL BE
HANDED OR DELIVERED BY A CANDIDATE OR ANY INDIVIDUAL
VOLUNTEERING OR WORKING FOR A CANDIDATE, EXCEPT FOR THEIR OWN
BALLOT OR THAT OF THEIR IMMEDIATE FAMILY MEMBER OR A MEMBER OF
THEIR HOUSEHOLD.

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

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

Section 2: That the date of the adoption of this Resolution is February 11, 2021, and that
the amendment to the Charter of the Town of Cheverly hereby proposed by this enactment, shall be
and become effective on April 2, 2021 [50 days], unless a proper petition for a referendum hereon
shall be filed by March 23, 2021 [40 days], and a fair summary of the Amendment shall be
published in a newspaper having general circulation in the Town not less than four (4) times at
weekly intervals [40 days].

Section 3: That as soon as the Charter Amendment hereby enacted becomes effective, either
as herein provided or following a referendum, the Clerk shall send separately to the Department of
Legislative Services, the following information concerning the Charter Amendment: (1) the
complete text of this Resolution; (2) the date of referendum election, if any, held with respect
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.

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

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.

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.
COUNCIL OF THE TOWN OF CHEVERLY

Mayor Laila Riazi

Ward 1 Councilmember Eric Radloff

Ward 3 Councilmember Nicole Bryner

Ward 5 Councilmember Jenny Garcia

Ward 2 Councilmember Micah Watson

Ward 4 Councilmember Kayce Munyenach

Ward 6 Councilmember Amy Fry

ATTEST:

T.C. Hegeman
Town Clerk

Date: 2/11/21

Explanatory Note

Underlining indicates language being added to the Charter.
[Bold brackets and strikethrough] indicates language being deleted from the Charter.