

Sponsored by:
Councilmember Schultz

CHARTER RESOLUTION 20-CR-02

CHARTER RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF UNIVERSITY PARK, PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND §4-301 ET SEQ. OF LOCAL GOVERNMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AS AMENDED, TO AMEND THE CHARTER OF THE TOWN OF UNIVERSITY PARK, BY REPEALING AND RE-ENACTING ARTICLE V, “REGISTRATION, NOMINATIONS AND ELECTIONS”, SECTION 502, “SUPERVISORS OF ELECTIONS“, SECTION 503, "REGISTRATION", SECTION 504, “ELECTIONS” AND SECTION 506, “CANDIDATES FOR OFFICE” TO CHANGE THE REQUIREMENTS FOR PUBLIC NOTICE OF ELECTIONS, SET THE DATE FOR CLOSURE OF VOTER REGISTRATION AT TWENTY-NINE DAYS PRIOR TO THE ELECTION, MAKE PROVISION FOR WHEN THE TWENTY-NINE DAY DEADLINE FOR VOTER REGISTRATION OR FILING OF CANDIDATE PETITIONS FALLS ON A SATURDAY, SUNDAY OR HOLIDAY, MAKE PROVISION FOR APPEAL OF THE DECISIONS OF THE SUPERVISORS OF ELECTIONS AND THE MAYOR AND COMMON COUNCIL AND THE TIMING THEREFORE, DELETE OUTDATED REFERENCES, AND MAKE CONFORMING AND CLERICAL CHANGES.

Section 1: Be it resolved and ordained by the Mayor and Common Council of University Park that Article V, “Registration, Nominations and Elections”, Section 502, "Supervisors of Elections”, of the Charter of the Town of University Park be repealed, re-enacted and amended to read as follows:

Section 502 Supervisors of Elections.

(a) ~~[Beginning January 1, 1976, a]~~ At its first meeting in January of each even-numbered year, or as soon thereafter as may be feasible, the Mayor and Common Council shall appoint two qualified voters to the positions of Supervisors of Elections. The Mayor and Common Council shall also designate one of the persons appointed to be Chair~~[man]~~. The Chair~~[man]~~ shall serve in that capacity at the pleasure of the Mayor and Common Council. The appointees shall not hold public office nor be candidates for election to public office during their term of office, nor shall they be the spouse, parent, or child of a candidate or elected official. The Supervisors shall serve

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

Asterisks indicate provisions of existing law which have been omitted from resolution and remain

1 for two-year terms beginning on March 1st and ending on the last day of February of the next
2 even-numbered year. Supervisors whose terms have expired shall continue to serve until a
3 successor is appointed. The Mayor and Common Council may remove a Supervisor during the
4 Supervisor's term of office for cause. In the event of a vacancy during a Supervisor's term of
5 office, the vacancy may be filled by the Mayor and Common Council in the manner in which the
6 initial appointment is made. Appointment to a vacant position shall be effective for the unexpired
7 term of the Supervisor whose position has become vacant.

8 (b) * * * * *

9 c) The Supervisors are responsible for [~~registration of voters,~~] administration of the procedures
10 for nomination for Town offices and the administration and supervision of all Town Elections. In
11 the performance of their duties, Supervisors are empowered to administer oaths. Pursuant to
12 authorization of the Mayor and Common Council, the Chair[~~man~~] of the Supervisors of Elections
13 may employ necessary personnel to assist in the performance of their duties. The Mayor and
14 Common Council shall establish compensation for personnel employed by the Chair[~~man~~].

15
16 (d) ANY CANDIDATE OR REGISTERED VOTER OF THE TOWN AGGRIEVED BY ANY
17 DECISION OR ACTION OF THE SUPERVISORS OF ELECTIONS, OTHER THAN
18 CONTESTED ELECTION ISSUES GOVERNED BY SECTION 504, MAY APPEAL TO
19 THE MAYOR AND COMMON COUNCIL WITHIN THREE BUSINESS DAYS OF THE
20 DECISION OR ACTION. THE DECISION OF THE MAYOR AND COMMON COUNCIL
21 MAY BE APPEALED TO THE CIRCUIT COURT OF PRINCE GEORGE'S COUNTY
22 WITHIN THE TIME ALLOWED FOR SUCH APPEAL ACCORDING TO THE
23 MARYLAND RULES GOVERNING ADMINISTRATIVE APPEALS.

24
25 Section 2: Be it further resolved and ordained by the Mayor and Common Council of
26 University Park that Article V, "Registration, Nominations and Elections", Section 503,
27 "Registration" of the Charter of the Town of University Park be repealed, re-enacted and
28 amended to read as follows:

29 Section 503 Registration

30 (a) The Supervisors shall give at least two weeks' notice of every election date by notices
31 [~~published in at least one newspaper of general circulation in the Town and~~] posted ON THE
32 TOWN WEBSITE, AT THE ENTRANCE TO TOWN HALL AND in at least one prominent
33 place in each Ward of the Town. Notices of election shall contain a summary of questions that
34 may be on the ballot and the names of nominees for each Town office as those names will appear
35 on the ballot. The Supervisors may also cause notices required by this subsection to be published
36 in the Town newsletter.

37 (b) * * * * *

1 (c) Voter registration for Town elections shall close [~~thirty (30)~~] TWENTY-NINE (29)
2 CALENDAR days, INCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS, prior to the
3 election. IN THE EVENT THAT THE TWENTY-NINTH DAY FALLS ON A SATURDAY,
4 SUNDAY OR HOLIDAY, VOTER REGISTRATION SHALL BE EXTENDED TO THE NEXT
5 DAY THAT IS NOT A SATURDAY, SUNDAY OR HOLIDAY.

6 (d) The Prince George's County Board of Elections will maintain the Town's official voter list.
7 [~~The Supervisors shall notify the County Board of Elections of any potential errors, including~~
8 ~~errors in residency of registered voters, within twenty (20) days after receiving any list of registered~~
9 ~~voters from the Board of Elections.]~~

10 [~~(e) Persons aggrieved by acts of the Supervisors may appeal to the Mayor and Common~~
11 ~~Council. Decisions of the Common Council on such appeals may be appealed to the Circuit~~
12 ~~Court of Prince George's County within the time allowed for such appeal.]~~

13
14 Section 3: Be it further resolved and ordained by the Mayor and Common Council of
15 University Park that Article V, "Registration, Nominations and Elections", Section 504,
16 "Elections" of the Charter of the Town of University Park be repealed, re-enacted and amended
17 to read as follows:

18 Section 504 Elections.

19 (a) * * * * *

20 (b) The Supervisors shall provide a suitable place or places for voting and suitable ballot boxes
21 and ballots or voting machines. The ballots or voting machines shall show the name of each
22 candidate arranged in alphabetical order according to their surnames, under the designation of the
23 office for which they are candidates. In addition to surnames, the candidates' given name and
24 middle initial shall be printed. The use of party affiliation or designation, nicknames, titles, degrees
25 or other designations on the ballot is prohibited. The ballots shall also contain an appropriate space
26 to permit voting for QUALIFIED "write-in" candidates, and an appropriate space to provide the
27 option to vote for "none of the above". Only write-in candidates qualified pursuant to section 506
28 of this article may be elected. The Supervisors shall not provide ballots TO ANY PERSON, nor
29 permit any person to vote, whose name does not appear in the registration books.

30
31 (c) * * * * *

32
33 (d) The Supervisors OF ELECTIONS are authorized to permit voters to vote by absentee ballot
34 and shall establish procedures for voting by absentee ballot. A registered voter must apply for
35 such ballot to the Chair[man] of the Supervisors of Elections not less than five (5) days before
36 the date of the election. The Supervisors of Election shall verify the identity of the persons

1 applying for an absentee ballot. No absentee ballot shall be counted unless it is received by the
2 Supervisors on or before the date of election. The Supervisors shall maintain THE control, ~~and~~
3 supervision ~~[of such ballots and maintain the]~~ AND secrecy of such ballots.

4
5 (e) The Supervisors OF ELECTIONS shall permit each candidate to designate an appropriate
6 number of poll watchers. The Supervisors will establish appropriate rules governing the
7 designation and conduct of poll watchers to the election which rules shall provide for the
8 observation of the proceeding by the watchers.

9
10 (f) Within twenty-four (24) hours after the polls are closed, the Supervisors OF ELECTIONS
11 shall tabulate the voteS cast for each candidate ~~[or, if appropriate,]~~ AND/OR question, and shall
12 certify the results to the Clerk of the Town who shall record the results in the minutes of the
13 proceedings of the Mayor and Common Council. The Clerk shall notify the Mayor, each member
14 of the Common Council, and all candidates for office of the results of the election. The candidate
15 for each office with the highest number of votes shall be declared by the Chair~~man~~ of the
16 Supervisors of Elections to be elected to the office for which he/she is a candidate.

17
18 (g) Within two (2) BUSINESS days after the date of certification in an election conducted with
19 paper ballots, any candidate may request a re-count of the votes cast in the election for an office
20 for which he/she is a candidate by filing a written request with the Chair~~man~~ of the Supervisors
21 of the Election. Such request shall be accompanied by a certified check in the amount of fifty
22 (\$50.00) dollars to defray the cost of the re-count. Within ten (10) days from the date of receipt
23 of the request, the Supervisors shall count the ballots cast for the office for which the petitioner
24 was a candidate. If the results of the re-count are favorable to the petitioner the Chair~~man~~ shall
25 direct the Clerk to return the fee to the petitioner.

26
27 (h) The ~~[Board of Elections-s]~~ Supervisors OF ELECTIONS, and each of them, has the authority
28 to keep the peace and to cause any person to be arrested for any breach of the peace, or for any
29 breach of the election laws, or an interference with the progress of an election, the canvass of the
30 ballots or the ascertainment and transcription of the votes recorded ~~[on the ascertainment and~~
31 ~~transcription of the votes recorded]~~ on the voting machines. It shall be the duty of all officers of
32 the law present to obey the order of any of the election supervisors, and an officer making an
33 arrest by direction of the election supervisors shall be protected in so doing fully as if a warrant
34 had been issued to him/her to make such arrest. Removal of any official Town election material
35 from the polling place, or refusal to return said materials to the ~~[Board of Election]~~ Supervisors
36 OF ELECTIONS, is prohibited.

37 (i) Contested Elections.

38 (i) Petition of Contest. Any ~~[person]~~ CANDIDATE OR TOWN REGISTERED VOTER wishing
39 to contest the results of an election shall file a petition with the Clerk within ~~[(2)]~~ THREE
40 BUSINESS days after the results of the election are certified to the Mayor and Common Council,

- 1 which petition shall set forth in writing one or more of the following grounds:
- 2 (A) Malconduct, fraud, or irregularity by any election official sufficient to change or place in
- 3 doubt the results;
- 4 (B) Ineligibility of the defendant for the office in dispute;
- 5 (C) Illegal votes received, or legal votes rejected, sufficient to change the result;
- 6 (D) An error in counting the votes or in declaring the result of an election, if such error would
- 7 change the result; or
- 8 (E) Any other cause which shows that another PERSON was the person legally elected.
- 9 (ii) Notice and Hearing. Upon the filing of the contest petition, a hearing shall be set before the
- 10 Mayor and Common Council and written notice stating the time and place of the hearing and
- 11 containing a copy of the contest petition shall be given to all affected candidates. The hearing
- 12 will take place not less than five (5) nor more than twenty (20) days after service of the notice
- 13 upon the affected candidates, and shall be conducted in an informal manner.
- 14 (iii) Determination by Mayor and Common Council. The Mayor and Common Council shall
- 15 ~~[examine the qualifications of electors concerning their right to vote, order a re-count of ballots,~~
- 16 ~~examine the re-registration lists, and]~~ perform such acts and conduct such examinations as may
- 17 be necessary to determine the appeal of the results of an election[s]; except that the Mayor or
- 18 members of the Common Council who are candidates in the disputed contest shall not participate
- 19 in the appeal.
- 20 (iv) Appeal. The final determination of the Mayor and Common Council may be appealed to the
- 21 Circuit Court of Prince George's County. Such appeal shall be made within ten (10) days after
- 22 determination of the contest by the Mayor and Common Council.
- 23 (j) If two or more candidates for the same office, receiving the highest number of votes, receive
- 24 an equal number of votes, the Mayor and Common Council shall direct the Supervisors of
- 25 Elections to administer a special election to be conducted in the same manner as far as
- 26 practicable as regular Town elections. The Supervisors of Elections shall declare the candidate
- 27 receiving the highest number of votes in the special election to be elected to the office for which
- 28 he/she is a candidate.
- 29 ~~[(k) All ballots will be retained in the custody of the Clerk for a period of not less than six (6)~~
- 30 ~~months from the date of election.]~~

31

32 Section 4: Be it further resolved and ordained by the Mayor and Common Council of

33 University Park that Article V, "Registration, Nominations and Elections", Section 506,

34 "Candidates for Office" of the Charter of the Town of University Park be repealed, re-enacted

35 and amended to read as follows:

36 Section 506 Candidates for Office

1 (a) – (b) * * * * *

2 (c) Any person desiring to run for Mayor shall file with the Supervisors of Elections a petition
3 containing the names of at least twenty (20) persons, who are qualified voters in the Town; and
4 any person desiring to run for Council member shall file a petition with said Supervisors of
5 Elections containing the names of at least ten (10) qualified voters residing in the ward, at least
6 twenty-nine (29) calendar days, including Saturdays, Sundays and ~~legal~~ holidays, prior to THE
7 election. IN THE EVENT THAT THE TWENTY-NINTH DAY FALLS ON A SATURDAY,
8 SUNDAY OR HOLIDAY, THE PETITION FILING DEADLINE IS EXTENDED TO THE
9 NEXT DAY THAT IS NOT A SATURDAY, SUNDAY OR HOLIDAY. Any person desiring to
10 be a candidate must also file the financial disclosure statement as required by § 12-105 of the
11 Town Code of Ordinances. After the petitions have been filed and the time for filing has expired,
12 the Supervisors of Elections shall cause to be published in some manner as shall give general
13 publicity the names of the candidates filing petitions under this paragraph (c) and the positions to
14 which they aspire.

15
16 (d) – (f) * * * *

17
18 Section 5: Be it further resolved that this resolution is adopted after at least 21 days of
19 prior public notice of the public hearing and shall become effective fifty days after enactment by
20 the Mayor and Common Council of University Park, unless petitioned to referendum in a manner
21 prescribed by law. If any section, subsection, provision, sentence, clause, phrase or word of
22 this Charter Resolution is for any reason held to be illegal or otherwise invalid by any court
23 of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair
24 any remaining section, subsection, provision, sentence, clause, phrase or word included
25 within this Charter Resolution, it being the intent of the Town that the remainder of the
26 Charter Resolution shall be and shall remain in full force and effect, valid and enforceable.

27 Section 6: Be it further resolved that a complete and exact copy of this proposed Charter
28 amendment shall be posted on the entrance door of the Town Hall of University Park, 6724
29 Baltimore Avenue, University Park, Maryland, for a period of not less than forty (40) days, and a
30 fair summary of this Charter amendment shall be published at least four times on four successive
31 weeks within that forty day period in a newspaper having general circulation in the community.

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APPROVED this 7th day of December, 2020.

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

Andrea D. Marcavitch
Andrea Marcavitch, Clerk

Lenford C. Carey
By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

Suellen M. Ferguson

Suellen M. Ferguson, Town Attorney

TUP Adopted 20-CR-02 Article V Registration Nomination and Elections

Final Audit Report

2020-12-08

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