

HYATTSVILLE CHARTER AMENDMENT RESOLUTION 2009-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), to amend the Charter of the said City, 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 City of Hyattsville, Maryland, whereby the Mayor and City Council increase the number of the Board of Supervisors of Elections from Three (3) to Five (5) and designate the first Tuesday in May as the date for regular City Elections and give the City Council the authority to set an advance voting day.

WHEREAS, the Mayor and City Council deem it in the best interests of the City to hold regular City Elections on the first Tuesday in May; and

WHEREAS, The City Council deems it in the best interest of the City to allow advance voting days as the Council deems appropriate; and

WHEREAS, The City Council finds that increasing the number of the members of the Board of Supervisors of Elections will facilitate the work of the Board.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Hyattsville, Maryland, in regular session assembled:

Section 1: That Section C4-2 and C4-9 of the Charter of the City of Hyattsville, Maryland, be repealed and reenacted as follows:

ARTICLE IV-Legislation, Nominations and Elections

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§ C4-2. Board of Supervisors of Elections. [Amended 12-19-83 by HR No. 17-83]

There shall be a Board of Supervisors of Elections consisting of [~~three (3)~~] **FIVE (5)** members, who shall be appointed by the Mayor with the approval of the Council. [~~Two (2)~~] **THREE (3)** of the members shall be appointed and approved on or before the [~~first~~] **SECOND** Monday in **JANUARY OF 2011** [~~March of 1983~~] and thereafter in every second odd-numbered year [~~from 1983~~]. [~~The third~~] **TWO** memberS shall be appointed and approved on or before the **SECOND MONDAY IN JANUARY OF 2013** [~~first Monday in March of 1985~~] and thereafter in every second odd-numbered year [~~from 1985~~]. **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 2011, AND THE OTHER MEMBER WHOSE TERM OF OFFICE SHALL BE UNTIL JANUARY 2013.** [~~Between 1983 and 1985, a third member shall be appointed and approved on or before the first Monday in March of 1983 to serve a two-year term~~]

until the third member is appointed and approved in 1985 as specified hereinabove.] The terms of members of the Board of Supervisors of Elections shall begin on the **SECOND MONDAY IN JANUARY** [~~first Monday in March~~] in the year in which they are appointed and shall run for four (4) years. Members of the Board of Supervisors of Elections shall be qualified voters of the city and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

§ C4-9. Conduct of elections. [Amended 12-19-83 by HR No. 21-83; 1-30-89 by HR No. 2-89, 2-20-07 by HR 2007-03]

(A) BEGINNING IN 2011 FOR REGULAR CITY ELECTIONS, ELECTION DAY SHALL BE THE FIRST TUESDAY IN MAY OF EACH YEAR AN ELECTION FOR MAYOR AND/OR COUNCIL REGULARLY OCCURS. FOR ANY SPECIAL ELECTION THE CITY COUNCIL SHALL SET AN APPROPRIATE DAY AS THE ELECTION DAY. IN ADDITION THE CITY COUNCIL SHALL HAVE THE AUTHORITY TO AUTHORIZE OPENING THE POLLS TO QUALIFIED VOTERS ON A SPECIFIC DAY OR DAYS CLOSE TO, BUT IN ADVANCE OF, ELECTION DAY (ADVANCE VOTING DAY).

(B) It shall be the duty of the Board of Supervisors of Elections to provide for each referendum and [~~general~~] election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate who has filed an application or been nominated by the City Council for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisor of Elections shall keep the polls open **AT A MINIMUM** from 9:00 a.m. to 8:00 p.m. on Election Day[s] or for longer hours if the Council requires it **AND SHALL MAKE REASONABLE ACCOMODATION FOR OPENING AND CLOSING THE POLLS ON ANY ADVANCE VOTING DAY.** The Board of Supervisors of Elections shall make reasonable accommodation for all qualified voters covered by the Americans with Disability Act.

Section 2: That the date of the adoption of this Resolution is February 9, 2009, and that the amendment to the Charter of the City of Hyattsville hereby proposed by this enactment, shall be and become effective on March 31, 2009 [50 days], unless a proper petition for a referendum hereon shall be filed by March 21, 2009 [40 days], and a fair summary of the Amendment shall be published in a newspaper having general circulation in the City not less than four (4) times at weekly intervals by March 21, 2009 [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 City Council of the City of Hyattsville 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 City Council of the City of Hyattsville, Maryland, at a Regular Meeting on February 2, 2009, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and City Council of the City of Hyattsville, Maryland, at a Regular Meeting on February 9, 2009, at which meeting copies were available to the public for inspection.

Adopted: February 9, 2009

Attest: Douglas A. Barber
Douglas A. Barber
City Clerk

William F. Gardiner
William F. Gardiner
Mayor

[] indicate deletions
CAPS/**BOLD** indicate additions

Introduction: 2/2/09
Adoption: 2/9/09
Effective: 3/31/09