

**THE TOWN OF UPPER MARLBORO, MARYLAND
CHARTER AMENDMENT RESOLUTION NO. 01-2021**

A CHARTER AMENDMENT RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND AMENDING THE CHARTER OF THE TOWN OF UPPER MARLBORO BY INCREASING THE MEMBERSHIP OF THE BOARD OF COMMISSIONERS FROM THREE TO FIVE; BY CHANGING THE GENERAL ELECTION FROM THE FIRST MONDAY IN JANUARY IN EVEN NUMBERED YEARS TO THE FIRST TUESDAY IN NOVEMBER IN ODD NUMBERED YEARS; BY AUTHORIZING UP TO FIVE SUPERVISORS OF ELECTIONS AND AN ALTERNATE MEMBER TO BE APPOINTED IN SEPTEMBER PRIOR TO A GENERAL ELECTION; BY REMOVING LANGUAGE MANDATING THE PURGING OF VOTERS WHO HAVE FAILED TO VOTE IN THREE SUCCESSIVE GENERAL ELECTIONS FROM THE LIST OF QUALIFIED VOTERS; BY DECREASING THE DEADLINE PRIOR TO A GENERAL ELECTION TO REGISTER TO VOTE USING THE SUPPLEMENTAL MUNICIPAL VOTER REGISTRY; BY PROVIDING FOR INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE; BY CLARIFYING THE REQUIREMENT TO FILE BOTH A STATEMENT OF CANDIDACY AND A NOMINATING PETITION TO RUN FOR MUNICIPAL OFFICE; BY STRIKING AS ANTIQUATED OR SURPLUSAGE A PROVISION REGARDING WOMEN'S SUFFRAGE; AND MAKING CERTAIN STYLISTIC, GRAMMATICAL AND NON-SUBSTANTIVE CHANGES THERETO

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND adopted pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland, to amend the Charter of the Town of Upper Marlboro, to amend Sections 82-3 (Number, Selection, Term), 82-6 (Meetings of the Board), 82-20 (Board of Supervisors of Elections), 82-24 (Registration), 82-26 (Candidates), 82-27 (Election of Board of Commissioners), 82-28 (Conduct of Elections), 82-30 (Vote Count), 82-33 (Women), and to make other stylistic, grammatical and non-substantive changes thereto.

WHEREAS, the General Assembly of Maryland passed HB 615 during the 2018 session effective July 1, 2018 (now codified as § 4-304(a)(2) of the LG Art. of Md. Ann. Code) requiring the legislative body of a municipality to hold a public hearing and give at least 21-days' notice

by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO on this ___ day of _____ 2021, that the Charter of the Town of Upper Marlboro, Maryland shall be and is hereby amended to read as follows:

* * *

The Board of Commissioners

Section 82-3. (Number, Selection, Term).

All legislative powers of the Town shall be vested in a Board of Commissioners consisting of ~~three~~ FIVE Commissioners who shall be elected as hereinafter provided and who shall hold office for a term of two years and until the succeeding Board takes office. The regular term of the Commissioners shall expire on the ~~[first Monday]~~ SECOND MONDAY OF DECEMBER following the election of their successors. ~~[The Commissioners holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Board takes office under the provisions of this charter.]~~ NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, THE INCUMBENT COMMISSIONERS SERVING THEIR TERMS OF OFFICE AS PREVIOUSLY SET TO EXPIRE IN JANUARY OF 2022 SHALL INSTEAD END THEIR TERMS EARLIER ON THE SECOND MONDAY OF DECEMBER OF 2021 OR SHALL SERVE UNTIL THEIR SUCCESSORS QUALIFY.

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Section 82-6. (Meetings of the Board).

The newly elected Board shall meet at 8:00 p.m. on the ~~[first]~~ SECOND Monday Of DECEMBER following its election for the purpose of organization AND CONDUCTING OTHER TOWN BUSINESS, after which the Board shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called upon the request of the President or a majority of the members of the Board. All meetings of the Board shall be open to the public, except that the Board may, by majority vote, meet in closed session for any purpose then authorized by State law; and, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question.

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Registration, Candidates and Elections

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Section 82-20. (Board of Supervisors of Elections).

There shall be a Board of Supervisors of Elections, consisting of ~~[three]~~ THREE TO FIVE members INCLUDING ANY ADDITIONAL MEMBER THAT MAY BE DESIGNATED TO SERVE AS AN ALTERNATE OR SUBSTITUTE MEMBER WHO SHALL ACT AS A MEMBER OF SUCH BOARD IN THE ABSENCE OF ANY ONE OF THE REGULARLY-APPOINTED MEMBERS, AS THE BOARD IN ITS SOLE DISCRETION SHALL DETERMINE BY WRITTEN RESOLUTION AS NECESSARY AND PROPER, who shall be appointed by the President with the approval of the Board of Commissioners on or before the ~~[first Monday in November]~~ SECOND TUESDAY IN SEPTEMBER in every ~~[odd]~~ EVEN numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the ~~[first Monday]~~ SECOND TUESDAY in ~~[November]~~ SEPTEMBER in the year in which they are appointed and shall run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office. The Board of Supervisors of Elections shall appoint one of its members as chairman, WHO SHALL VOTE ONLY IN CASE OF TIE WHEN THE NUMBER OF APPOINTED AND SEATED SUPERVISORS IS FOUR REGULARLY-APPOINTED MEMBERS. Vacancies on the said Board of Supervisors shall be filled by the President with the approval of the Board of Commissioners for the remainder of the unexpired term. The compensation of the members of the said Board of Supervisors shall be determined by the Board of Commissioners. NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, THE INCUMBENT SUPERVISORS SERVING THEIR TERMS OF OFFICE AS PREVIOUSLY SET TO EXPIRE IN NOVEMBER OF 2021 SHALL INSTEAD END THEIR TERMS LATER ON THE FIRST MONDAY OF SEPTEMBER OF 2022 OR SHALL SERVE UNTIL THEIR SUCCESSORS QUALIFY.

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Section 82-24. (Registration).

Registration with the Prince George’s County Board of Elections by a voter who resides in the corporate limits of the Town and whose address is reflected on the rolls as a Town resident shall be deemed registration registered for the Town elections. A person continues to have the choice to register only with the Town for its elections and not to register with the Prince George’s County Board of Elections. Persons desiring to register only with the Town may register at Town Hall during normal working hours daily; or upon request, may receive an application by mail. Registration shall be permanent, and no person shall be entitled to vote in

Town elections unless they are registered to vote WITH THE BOARD OF SUPERVISORS UPON THE SUPPLEMENTAL MUNICIPAL VOTER REGISTRY MAINTAINED BY THE TOWN at least ~~thirty (30)~~ TEN (10) days prior to the election OR WITH THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS IN ACCORDANCE WITH STATE LAW. It shall be the duty of the Board of Supervisors of Elections to keep the registration lists up to date by striking from the lists persons known to have died, to have moved out of the Town, ~~[who have failed to vote in three successive general elections held in said Town,]~~ or who have become otherwise disqualified BY THE BOARD OF SUPERVISORS OR THE COUNTY BOARD OF ELECTIONS. AN INDIVIDUAL IS NOT QUALIFIED TO BE A REGISTERED VOTER UNDER STATE LAW AND THIS CHARTER IF THE INDIVIDUAL SHALL HAVE BEEN CONVICTED OF A DISQUALIFYING CRIME OR BE UNDER GUARDIANSHIP FOR MENTAL DISABILITY AS PROVIDED IN SECTION 3-102(B) OF THE ELECTION ARTICLE OF THE ANNOTATED CODE OF MARYLAND. The Board of Commissioners is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a re-registration, when necessary.

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Section 82-26. (Candidates).

Any person qualified to hold the office of Commissioner and desiring to be a candidate for such office shall file with one of the Supervisors of Elections a written statement to that effect on or before the second Monday in ~~[December]~~ OCTOBER next preceding the election at which he desires to be a candidate or his name shall not be printed on the ballot.

The name of any qualified person may be certified for candidacy and shall be printed on the ballot upon RECEIPT OF THE AFOREMENTIONED WRITTEN STATEMENT OF CANDIDACY AND a petition of 10 or more qualified voters of said Town filed with one of the Supervisors of Elections on or before the second Monday in ~~[December]~~ OCTOBER next preceding the election or his/her name shall not be printed on the ballot. THE WRITTEN STATEMENT OF CANDIDACY AND THE NOMINATING PETITION MAY BE FILED SEPARATELY OR TOGETHER PROVIDED THEY ARE BOTH RECEIVED NO LATER THAN THE SECOND MONDAY IN OCTOBER.

Section 82-27. (Election of the Board of Commissioners).

On the first ~~[Monday]~~ TUESDAY ~~[which is not a legal holiday]~~ in ~~[January]~~ NOVEMBER in every ~~[even]~~ ODD numbered year, the qualified voters of the Town shall elect ~~[three]~~ FIVE persons as Commissioners to serve for A term of two years or until their successors qualify.

Section 82–28. (Conduct of Elections).

It shall be 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 or voting machines. In each general election, the ballots or voting machines shall show the name of each candidate, arranged in alphabetical order with no party designation of any kind and shall indicate in such terms as may by said Board be deemed appropriate, that [~~three~~] FIVE Commissioners are to be elected. The ballots and/or voting machines shall also provide a space or spaces to permit the voter to write in name or names of additional persons. The Board of Supervisors of Elections shall keep the polls open for a minimum of [~~four (4)~~] TWELVE (12) hours, such time to be selected and announced by the said Board of Supervisors of Elections, provided that these hours fall between 7:00 a.m. and 9:00 p.m.

* * *

Section 82–30. (Vote Count).

After the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall, no later than 12:00 Noon on the Thursday immediately following the election, certify the results of the election to the clerk of the Town who shall record the results in the minutes of the Board of Commissioners. The [~~three~~] FIVE candidates for Commissioners receiving the highest number of votes in a general election shall be declared elected.

* * *

Section 82–32. (Vacancies).

In case of a vacancy on the Board of Commissioners for any reason, the Board of [~~supervisors~~] SUPERVISORS of Elections shall, pursuant to the provisions of Section 82–29, conduct a special election to elect some qualified person to fill such vacancy for the unexpired term, provided, however, any vacancy which occurs within 61 days of the next general election as provided for in Section 82–27 shall remain vacant until said general election. In case of a vacancy in the office of President for any reason, the Board shall elect one of its members to fill the vacancy for the remainder of the unexpired term. Any vacancy in the office of the President shall be filled by the favorable votes of a majority of the members of the Board. The results of any such votes shall be recorded in the minutes of the Board.

Section 82–33. (~~Women~~ RESERVED).

~~[Women shall have equal privileges with men in registering, voting, and holding Town offices. Whenever the masculine gender has been used as to any registering, voting, or holding Town office, it shall be construed to include the feminine gender.]~~

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Section 2. **BE IT FURTHER RESOLVED** that this Charter Amendment Resolution is adopted this ___ day of _____, 2021, and that upon adoption by the Board of Commissioners of the Town of Upper Marlboro, Maryland a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the Town of Upper Marlboro not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 3. **BE IT FURTHER RESOLVED** that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of the Town of Upper Marlboro, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Board of Commissioners of the Town of Upper Marlboro, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 4. **BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Board of

Commissioners of the Town of Upper Marlboro, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 5. BE IT FURTHER RESOLVED that the Town Clerk of the Town of Upper Marlboro is specifically instructed to carry out the provisions of Sections 2, 3, 4, and 5 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Board of Commissioners Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

INTRODUCED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2021.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the _____ day of _____, 2021.

ATTEST:

BOARD OF COMMISSIONERS OF THE
TOWN OF UPPER MARLBORO,
MARYLAND

John Hoatson
Clerk

Linda Pennoyer, President

Sarah Franklin, Commissioner

Effective Date: _____

Janice Duckett, Commissioner

CAPITALS : Indicate matter added to existing law Page 7 of 9
[Brackets] : Indicate matter deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

CHARTER AMENDMENT TIMELINE

DATE HEARING NOTICE POSTED: _____
DATE OF HEARING: _____
DATE OF INTRODUCTION: _____ (May be same as hearing)
DATE PASSED/POSTED: _____ (May be same as introduction)
40-DAY POSTING END DATE: _____

FAIR SUMMARY NEWSPAPER (x 4)
WEEKLY PUBLICATION DATES: _____

EFFECTIVE (50TH DAY) DATE: _____