

CHARTER AMENDMENT RESOLUTION 2016-02

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 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 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 amend the City Charter to change the qualifications for registering as a voter in City elections so that (1) being a citizen of the United States is no longer a requirement to be a voter or a member of the Board of Elections and (2) residency for thirty (30) days is sufficient provided the individual does not claim the right and vote elsewhere in the United States, or has not been found by a Court to be unable to communicate a desire to vote. The amendment further establishes a voter registry separate from the State and County voter registry and further allows for same day registration of voters in City elections which will be effective on or before January 1, 2019 and further extending the time for the Board of Supervisors of Elections to certify an election until ten (10) calendar days after the election.

WHEREAS, the Mayor and City Council deem it appropriate to allow to vote in City elections those who are not United States citizens if their primary residence is in the City for more than thirty (30) days; and

WHEREAS, the Mayor and City Council to accomplish this goal, establish a City only voter registry and allow such registration by affidavit in order to extend the voting franchise in the City; and

WHEREAS, the Mayor and City Council deem it appropriate to allow same day registration for the City and to extend to ten (10) days the deadline for the vote in any City election to be certified.

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 C4-1, C4-6 and C4-11 of the Charter of the City of Hyattsville, Maryland, be amended as follows:

ARTICLE IV - Legislation, Nominations, and Elections

§ C4-1. Qualifications of voters. [Amended 2-24-71; 5-1-72, Amended 1-20-15 by HR 2015-01]

Every person who ~~is a citizen of the United States~~, (1) is at least sixteen (16) years of age, ~~resides in the State of Maryland, resides within the corporate limits of the City~~ (2) **HAS THE CITY OF HYATTSVILLE AS THE APPLICANT'S HIS OR HER PRIMARY RESIDENCE**, (3) **HAS RESIDED WITHIN THE CORPORATE LIMITS OF THE CITY FOR THIRTY (30) DAYS**, (4) **DOES NOT CLAIM THE RIGHT TO VOTE ELSEWHERE IN THE UNITED STATES**, (5) **HAS NOT BEEN FOUND BY A COURT TO BE UNABLE TO**

COMMUNICATE A DESIRE TO VOTE, and (6) is registered in accordance with the provisions of this Charter shall be a qualified voter of the City. Every qualified voter of the City shall be entitled to vote at any or all City elections.

§ C4-2. Board of Supervisors of Elections. [Amended 12-19-83 by HR No. 17-83; Amended 2-9-09 by HR 2009-01]

There shall be a Board of Supervisors of Elections consisting of five (5) members, who shall be appointed by the Mayor with the approval of the Council. Three (3) of the members shall be appointed and approved on or before the second Monday in January of 2011 and thereafter in every second odd-numbered year. Two (2) members shall be appointed and approved on or before the second Monday in January of 2013 and thereafter in every second 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 (2) members, one (1) member whose term of office shall be until January of 2011, and the other member whose term of office shall be until January 2013. The terms of **THE** members of the Board of Supervisors of Elections shall begin on the second Monday in January 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.

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§ C4-6. Registration. [Amended 1-30-89 by HR No. 1-89]

A. In accordance with the State Universal Registration Act, as contained in Article 33, Section 3-2 of the Annotated Code of Maryland, as amended, any person residing in the City who is registered with the Board of Supervisors of Elections of Prince George's County shall be deemed to be registered to vote in City elections.

B. ~~The Board of Supervisors of Elections shall maintain any list of voters, and shall restrict its activities with respect to the registration of voters to the circulation of applications for registration with the Board of Supervisors of Elections of Prince George's County and otherwise cooperating with the County Board~~ **A SUPPLEMENTAL VOTER REGISTRY, SEPARATE FROM THE LIST OF REGISTERED VOTERS GENERATED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS, WHICH SHALL INCLUDE THE NAMES OF THOSE WHO ARE REGISTERED TO VOTE IN CITY ELECTIONS PURSUANT TO C4-1 OF THIS CHARTER AND ARE NOT ON THE LIST OF REGISTERED VOTERS GENERATED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS.**

C. VOTER REGISTRATION FOR THE SUPPLEMENTAL VOTER REGISTRY SHALL BE ACCOMPLISHED BY THE BOARD OF SUPERVISORS OF ELECTIONS' ACCEPTANCE OF A COMPLETED AND SIGNED REGISTRATION APPLICATION AS OUTLINED IN THE CITY ELECTIONS CODE.

D. SAME DAY VOTER REGISTRATION. NO LATER THAN JANUARY 1, 2019, THE BOARD OF SUPERVISORS OF ELECTIONS SHALL INSTITUTE A SAME DAY

REGISTRATION PROGRAM SO THAT CITY RESIDENTS WHO ARE ELIGIBLE TO VOTE IN CITY ELECTIONS PURSUANT TO THIS CHARTER, BUT WHO ARE NOT REGISTERED TO VOTE, MAY, WHEN THEY ARRIVE TO VOTE, REGISTER TO VOTE IN A CITY ELECTION BY SUBMITTING AND COMPLETING A SIGNED REGISTRATION APPLICATION AND THEN HAVE THE OPPORTUNITY TO VOTE THAT SAME DAY. SAME DAY REGISTRATION SHALL OCCUR AT A MINIMUM ON ANY DAY DURING THE TIME THE POLLS ARE OPEN IN THE CITY.

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§ C4-11. Vote count. [Amended 12-19-83 by HR No. 10-83, Amended 12-1-14 by HR 2014-03]

Within ~~forty-eight (48) hours~~ **TEN CALENDAR DAYS** after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each person, candidate, or question, and shall certify the results of the election to the Clerk of the City, who shall record the results in the minutes of the Council. Write-in votes for individuals not registered as candidates shall be counted. The individual who meets the qualifications outlined in C2-2 of the City Charter and who has the highest number of votes in the at large ~~m~~Mayoral election shall be declared elected as Mayor. The individual who meets the qualifications outlined in C2-2 of the City Charter and who has the highest number of votes in each ward shall be declared elected as Councilmember for that ward.

Section 2: That the date of the adoption of this Resolution is December 5, 2016, and that the amendment to the Charter of the City of Hyattsville hereby proposed by this enactment shall be and become effective on January 24, 2017 [50 days], unless a proper petition for a referendum hereon shall be filed by January 17, 2017 [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 January 17, 2017 [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 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 November 21, 2016, 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 December 5, 2016, at which meeting copies were available to the public for inspection.

Adopted: 12/5/16

Attest: 
Laura Reams, City Clerk


Candace B. Hollingsworth, Mayor

{} indicate deletions
CAPS/**BOLD** indicate additions

Date of Adoption: December 5, 2016

Effective Date: January 24, 2017