

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO
AMEND ARTICLE III, “MAYOR AND COUNCIL”, §C3-5, “ELECTION” AND
§C3-6, “VACANCIES”; AND ARTICLE IV, §C4-2, “REGISTRATION OF
VOTERS”, §C4-3, “SUPERVISORS OF ELECTIONS”, §C4-4, “OTHER
ELECTION OFFICIALS”, AND §C4-5 “PETITIONS FOR CANDIDACY;
EMPLOYEES”; TO CHANGE THE DATE THAT A PETITION FOR
CANDIDACY FOR A MAYOR OR COUNCIL VACANCY MUST BE
WITHDRAWN TO TWO DAYS AFTER SAID PETITIONS ARE DUE, PROVIDE
THAT VOTER REGISTRATION FOR CITY ELECTIONS SHALL CLOSE 15
DAYS PRIOR TO AN ELECTION, PROVIDE THAT SUPERVISORS OF
ELECTIONS WILL BE APPOINTED OR RE-APPOINTED ON OR BEFORE
JUNE 30 OF A NON-ELECTION YEAR WITH TWO YEAR TERMS TO BEGIN
ON JULY 1 OF THAT YEAR, REMOVE THE REQUIREMENT THAT CITY
ELECTIONS BE CONDUCTED AS NEARLY AS PRACTICABLE TO PRINCE
GEORGE’S COUNTY ELECTIONS, AND CHANGE THE LAST DAY OF
CANDIDACY WITHDRAWAL IN A GENERAL ELECTION TO 49 DAYS
BEFORE THE ELECTION, AND TO MAKE NON-SUBSTANTIVE
CORRECTIONS, REMOVE UNNECESSARY PROVISIONS, AND CLARIFY
OTHER PROVISIONS

A Charter Resolution of the Mayor and Council of the City of College Park, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council received recommendations from the Supervisors of Elections to clarify or correct certain provisions of the Charter with respect to elections, to require Mayor and Council appointment of the Supervisors of Elections on or before June 30 of a non-election year, for a two year term to begin on July 1, to reduce the time by which a candidacy petition for a Mayor or Council vacancy may be withdrawn to two days after such petitions are required to be filed, to change the date by which voters must register to vote from 28 days to 15 days prior to the election; and to

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Resolution.

CAPS :Indicate matter added in amendment

[Brackets] :Indicate matter deleted in amendment

remove the requirement that City election procedures follow to the extent possible Prince George’s County’s.

WHEREAS, the Mayor and Council have determined that it is in the public interest to accept the recommendations of the Supervisors of Elections; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to promote voter convenience and participation by changing certain time frames to accommodate voting by mail.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-5, “Election” be repealed, re-enacted and amended to read as follows:

§ C3-5 Election.

The qualified voters of the City shall elect a Mayor to serve a term of two years. The voters within each district shall elect two Councilpersons for their respective districts, each to serve the term of two years. On or before March 31 of a general election year, the Mayor and Council may by motion set the date in November for the general election, on a date that is not a City, state, county or federal election day or holiday. If the Mayor and Council fail to set the election date by March 31, the general election shall be held on the first Tuesday following the first Monday in November. ~~[For the 2021 general election only, the Mayor and Council may by motion set the date on or before May 31, 2021.]~~

Section 2. BE IT RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-6, “Vacancies” be repealed, re-enacted and amended to read as follows:

§ C3-6 Vacancies.

A. * * * *

B. Election or appointment to fill vacancies.

(1) – (2) * * * *

(3) Vacancy in office of Mayor or Council.

(a) Upon it becoming necessary to fill a vacancy in the office of Mayor or Council member pursuant to Subsection B(1) above, the City Clerk shall give public notice of the vacancy, containing the qualifications of the office, the geographical boundaries of the district(s) to be represented, the procedure to apply for appointment to the vacancy or to be placed on the special election ballot, as appropriate, and the deadline for applications. Applications for appointment shall be forwarded by the Clerk to the Mayor and Council. Applications to be placed on the special election ballot shall be forwarded by the Clerk to the Supervisors of Elections, who shall review the applications for the purpose of determining the qualifications of the candidates. The application shall include a petition in a form satisfactory to the Board of Election Supervisors containing the names, addresses and signatures of not less than 20 registered voters residing in the applicant's district or, in the case of the Mayor, not less than 15 registered voters from each district in the City, indicating support of the applicant's candidacy. The applicant's name and signature may appear and be counted toward the required number on any such petition. Any candidate wishing to withdraw an application must do so no later than [noon on the 20TH calendar day before the election] THAN 2 DAYS AFTER THE SAID APPLICATIONS ARE DUE.

(b) – (c) * * * *

C. * * * *

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-2, “Registration of voters” be repealed, re-enacted and amended to read as follows:

§ C4-2 Registration of voters.

A. Any person residing within the corporate limits of the City of College Park who is registered to vote with the [~~Supervisor of Elections for~~] Prince George's County BOARD OF ELECTIONS and will be at least 18 years of age on election day shall automatically become a registered voter of the City of College Park and be entitled to vote at general or special elections of the City of College Park.

B. Challenges to the registration of any individual not believed to be qualified to vote in the City elections shall be filed with the [~~Supervisor of Elections of~~] Prince George's County [~~Maryland,~~] BOARD OF ELECTIONS in accordance with said [~~Supervisor's~~] BOARD OF ELECTIONS' procedures.

C. Voter registration for City elections shall close [~~28~~] 15 days prior to the election.

Section 4. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections” be repealed, re-enacted and amended to read as follows:

§ C4-3 Supervisors of Elections.

A. The Mayor and Council shall, not later than ~~[the first regular meeting in March of each year in which there is a general election, appoint for a two year term]~~ JUNE 30 OF A NON-GENERAL ELECTION YEAR, APPOINT OR REAPPOINT ~~and fix the compensation for]~~ six qualified voters of the City, not holding any office thereunder, as Supervisors of Elections. ~~[, except that the terms of all of the current Supervisors of Elections shall end on June 30, 2020, subject to reappointment as follows: beginning on July 1, 2020, e]~~ Each of the Supervisors of Elections will be ~~[re]~~appointed to a two year term. Members serve until the expiration of the two year term or until their successors are appointed, whichever is later. In the event that a current Supervisor of Elections does not seek to be reappointed ~~[on July 1, 2020]~~, a new member will be appointed. Applications for appointment to the Supervisors of Elections, or reapplications by Supervisors whose terms are expiring, will be accepted for ~~[all]~~ A term[s] beginning ~~[after]~~ ON July 1~~7, 2020]~~ OF A NON-GENERAL ELECTION YEAR. If a Supervisor position becomes vacant during a term, a successor will be appointed to the remainder of that term.

B. Supervisors of Elections shall act as Judges of Elections at any elections held during the term and shall perform such other duties as may be delegated to them under the College Park Code. One Supervisor shall be appointed from each of the four election districts, and two Supervisors shall be appointed by the Mayor with the consent of the Council. SUPERVISORS OF ELECTIONS WILL BE COMPENSATED AS AUTHORIZED IN THE ADOPTED CITY BUDGET. The Supervisors of Elections are hereby authorized to administer oaths to the Judges of Elections and voting machine operators in the performance of their duties. The Mayor and Council shall designate one of the six Supervisors of Elections as the Chief of Elections.

C. THE SUPERVISORS OF ELECTIONS SHALL PROVIDE BALLOTS CONTAINING THE NAMES OF THOSE PERSONS ELIGIBLE TO BE CANDIDATES FOR OFFICE, DESIGNATING THE OFFICE THEY SEEK. EXCEPT AS OTHERWISE REQUIRED BY STATE LAW, THE SUPERVISORS OF ELECTIONS SHALL CONDUCT ELECTIONS AS PROVIDED BY THIS CHARTER AND CHAPTER 34 OF THE CODE.

Section 5. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-4, “Other election officials” be repealed, re-enacted and amended to read as follows:

§ C4-4 Other election officials.

Biennially, after providing public notice, the Supervisors of Elections shall appoint such election officials as they deem necessary, who shall be compensated by the Mayor and Council, and conduct an election by ballot for the election of the Mayor and Council members. ~~[The Supervisors of Elections shall prepare ballots containing the names of those persons eligible to become candidates for office and designating the office they seek and, except as otherwise provided herein in this Charter and in Chapter 34 of the Code, conduct elections under this Charter as nearly as practicable as is now, or hereafter may~~

~~be, provided for in the election of officers for Prince George's County under the general election laws].~~

Section 6. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-5, “Petitions for candidacy; employees” be repealed, re-enacted and amended to read as follows:

§ C4-5 Petitions for candidacy; employees

A – E ***

F. The Supervisors of Elections shall cause to be published, in appropriate manner to give general publicity, the names of the candidates and the positions to which they aspire. Any candidate wishing to withdraw an authorization of candidacy must do so no later than [35] 49 calendar days prior to the day of election.

Section 7. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that this Charter Resolution was introduced on the _____ day of **March**, 2023 and was considered for adoption after a public hearing. It is adopted this _____ day of _____, 2023, after at least 21 days of prior public notice of the public hearing and shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Amended Charter Resolution shall be posted in the City offices located at 7401 Baltimore Avenue, Suite 201, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 8. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately,

by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Amended Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 9. **BE IT FURTHER RESOLVED** that the City Manager of the City of College Park be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 7 and 8 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

Section 10: **BE IT FURTHER RESOLVED** that if any provision of this Charter Resolution or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Charter Resolution which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of **March** 2023.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2023.

EFFECTIVE the _____ day of _____, 2023.

ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By _____
Denise C. Mitchell, Mayor Pro Tem

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney