

CHARTER AMENDMENT RESOLUTION NO. 2020 – 01

A Resolution of the Town of Sudlersville, Maryland for Purposes of Amending the Charter of the Town of Sudlersville to provide for the Postponement of a Town Election.

WHEREAS, Section 4-301, *et seq.* of the Local Government Article of the Annotated Code of Maryland authorizes the Mayor and Council from time to time, to amend, supplement or change, by resolution, the Town Charter;

WHEREAS, a state of emergency and catastrophic health emergency was proclaimed in the State of Maryland to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in nearly all Maryland counties, including Queen Anne’s County;

WHEREAS, Queen Anne’s County, Maryland has also proclaimed a state of emergency due to COVID-19;

WHEREAS, to reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend social distancing and avoiding gatherings;

WHEREAS, the currently known and available scientific evidence and best practices support limitations on gatherings and social distancing to prevent exposures

and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, to reduce the threat to human health caused by transmission of the novel coronavirus in the Town of Sudlersville and the State of Maryland, and in order to save lives, it is necessary and reasonable that individuals in the Town refrain from congregating;

WHEREAS, the Town election would ordinarily be conducted at a polling location or locations that, during the state of emergency and catastrophic health emergency, hinder social distancing, enable the transmission of the novel coronavirus, and pose risks to public health, welfare, and safety;

WHEREAS, the holding of a municipal election at polling locations during or around the time of a state of emergency and catastrophic health emergency would potentially expose government buildings, voters, municipal officers, employees, and volunteers to the novel coronavirus;

WHEREAS, the Town election must be accessible, secure, and safe;

WHEREAS, the Town's Charter currently sets the date of the Town election to be the third Monday in the month of May;

WHEREAS, the Town's Charter currently sets a voter registration and candidate nomination deadline of thirty days prior to an election;

WHEREAS, the state of emergency and the catastrophic health emergency is impairing the ability of the municipal officials, employees, and volunteers of the Town to hold an election on the date currently required by the Charter;

WHEREAS, it is in the best interest of the public health and safety of the Town, its citizens, officials, employees, and volunteers to be able to postpone a Town election so such election and pre-election activities do not occur during a state of emergency and catastrophic health emergency such as the current COVID-19 pandemic;

WHEREAS, it is in the best interest of the Town to amend its Charter to provide for the postponement of the Town election;

WHEREAS, Executive Order No. 20-03-30-03 of the Governor of the State of Maryland authorizes the Town to suspend the effect of a provision of Title 4, Subtitle 3 of the Local Government of the Annotated Code of Maryland if the municipality provides notice to the Governor and finds that such suspension will not endanger the public health, welfare, or safety of the Town, and is necessary to amend the date upon which a municipal election will be held or the method, conduct, or voting system of an election in a manner that ensures an accurate vote count and certification of election results; and the Town has made such findings; and

WHEREAS, in accordance with the aforementioned Executive Order of the Governor, the Town suspends the provisions of Section 4-301 *et seq* of the Local Government Article of the Annotated Code of Maryland pertaining to notice, public hearing, publication, referendum, effective date, and any other relevant matter so that this Charter Resolution may be passed, enacted, and effective on the same date upon which it is introduced.

NOW, THEREFORE, BE IT HEREBY resolved this 1stth day of April 2020, by the Commissioners of Sudlersville that Sections 4-7, 4-8, and 2-1 of the Charter of the Town of Sudlersville be amended to read as set forth below:

Section 4-7 Election of the Mayor and Council Members

(a) On the third Monday in May, the voters of the Town shall elect either one or two persons, as the case may be, to succeed any Commissioner whose term is expiring. In the year 2006, and every three years thereafter, one Commissioner shall be elected. In the years 2007 and 2008, and every three years thereafter, two Commissioners shall be elected. IN THE EVENT OF A STATE EMERGENCY OF THE STATE OF MARYLAND OR A CATASTROPHIC HEALTH EMERGENCY, THE TOWN COUNCIL MAY, BY RESOLUTION, POSTPONE THE DATE OF THE ELECTION IN ORDER TO PROVIDE FOR THE PUBLIC HEALTH AND SAFETY OF THE TOWN, ITS VOTERS, OFFICIALS, EMPLOYEES, AND VOLUNTEERS.

(b) If, on the day immediately following the deadline for filing certificates for nomination for the office of Commissioner, the number of duly-qualified candidates for the office of Commissioner is equal to the number of vacancies in such office, then no election shall be held on the third Monday of May, OR ON SUCH OTHER ELECTION DATE IF THE ELECTION IS POSTPONED DUE TO A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY, and all such candidates shall assume [of] the office of Commissioner on the day immediately following the expiration of the fourth Monday of May, OR IN THE EVENT THAT THE ELECTION DATE IS POSTPONED DUE TO A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY, ON THE DAY OF THE NEXT REGULARLY SCHEDULED MEETING OF THE COMMISSION FOLLOWING THE DATE OF THE ELECTION.

Section 4-8. Same; conduct

It shall be the duty of the Clerk-Treasurer to provide for each special 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 nominated 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 Clerk-Treasurer shall keep the polls open from 1:00 p.m. until 7:00 p.m. on election days or for longer hours if the Commission requires it. **IN THE EVENT OF A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY, THE TOWN COUNCIL MAY, BY RESOLUTION, AMEND, SUSPEND, REVISE, ALTER, AND ADD TO THE PROVISIONS OF THIS SECTION IN ORDER TO PROVIDE FOR THE PUBLIC HEALTH AND SAFETY OF THE TOWN, ITS VOTERS, OFFICIALS, EMPLOYEES, AND VOLUNTEERS.**

Section 2-1. Number; selection; term

All legislative powers of the Town are vested in a Commission consisting of five Commissioners, who shall be elected hereinafter provided and who shall hold office for a term of three years or until their successors take office. The regular term of a Commissioner shall expire on the fourth Monday in May following the election of a successor, **OR IN THE EVENT THAT AN ELECTION IS POSTPONED DUE TO A STATE OF EMERGENCY OR CATASTROPHIC HEALTH EMERGENCY, THE TERM SHALL EXPIRE ON THE DATE OF THE NEXT REGULAR MEETING FOLLOWING THE DATE OF THE ELECTION.** Commissioners holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected or until their successors take office under the provisions of this Charter.

* Wording in brackets is to be stricken, and wording in capital letters is to be added.

It is further resolved that a fair summary of this Charter Amendment Resolution shall be published four (4) times at weekly intervals in a newspaper of general circulation within a period of forty (40) days following the adoption of this Resolution;

It is further resolved that a copy of the Resolution shall be posted at the town hall for a period of forty days following the adoption of this resolution and made available for public inspection; and

It is further resolved that this Charter Amendment Resolution shall become effective immediately upon passage.

BY AUTHORITY OF THE COMMISSIONERS
OF THE TOWN OF SUDLERSVILLE, MARYLAND

ATTEST:

Crissy Talty, Clerk

Ronald W. Ford, President

Charles Leager, Commissioner

Carrie Comegys, Commissioner

David Ruffner, Commissioner

Larry Leonard, Commissioner

Approved as to form:

Thomas Yeager, Town Attorney