



# MAYOR AND COUNCIL AGENDA

<b>MOTION # 27-02-07</b>		<b>DRAFT # 1</b>
<b>DATE SUBMITTED: 2/9/07</b>		<b>DATE TO GO BEFORE COUNCIL: 2/12/07</b>
<b>SUBMITTED BY: Atteberry/Tartaro/Tierney/Elwood/Gardiner/Matulef</b>		
<b>DEPARTMENT:</b>		
<b>TITLE OF MOTION: Hyattsville Charter Amendment Resolution 2007-03 (Open and Fair Elections) – Article IV – Legislation, Nominations and Elections</b>		
<b>RECOMMENDATION:</b>		
<p>I move that the Mayor and Council introduce Hyattsville Charter Amendment Resolution <u>2007-03</u>, <b>A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND</b>, 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 include among the duties of the Board of Supervisors of Elections to make reasonable accommodations for voters with disability.</p>		
<b>BACKGROUND:</b>		
<p>Due to the hard work and diligence of our City Clerk and Board of Election Supervisors, and other involved volunteers and staff, our recent city elections have run smoothly and efficiently. The city convened an open dialogue forum on November 13, 2006 regarding election practices and procedures where a variety of participants expressed feedback regarding city election practices. Our next city-wide election will be held in May 2007. The above changes are suggested to go into effect prior to this election. Often participation in city elections hovers around 10% of registered voters. Expanding our city’s absentee ballot application procedures is one way to potentially increase participation. An issue was raised regarding Americans with Disability requirements and this measure directs appropriate changes to our Charter. The requirement to publish an “authority line” seeks to foster open public discourse.</p>		
<b>ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:</b>		
See Comments below		
<b>CITY ADMINISTRATOR OR DEPARTMENT DIRECTOR/SUPERVISOR COMMENT:</b>		
<p>It is anticipated that there will be some cost, yet to be determined, to develop the downloadable and printed versions of the application and possible training or increased staff support should large numbers of registered voters shift to using this voting process. Recommend approval.</p>		
<b>FUNCTION AND OBJECTIVES: (Note: Delete the ones that DO NOT pertain to your Agenda Item)</b>		
<p>Ensure Open Government and Fair Elections, Promote Community Building throughout the City, Promote Efficient and Effective Government Services.</p>		
<b>SUPPORTING DOCUMENTATION:</b>		
Hyattsville Charter Amendment Resolution 2007-03		
<b>CURRENT YEAR BUDGET IMPACT:</b>		
Anticipate some minimal cost (see comments above).		

**CHARTER AMENDMENT RESOLUTION 2007-03**

**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 include among the duties of the Board of Supervisors of Elections to make reasonable accommodations for voters with disability.

**WHEREAS**, the Mayor and City Council have the duty and authority to determine what would be reasonable accommodation for all qualified voters covered by the Americans With Disability Act; and

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

**Section 1:** That Article IV C 4-9 of the Charter of the City of Hyattsville, Maryland, be repealed and reenacted as follows:

ARTICLE IV – Legislation, Nominations and Elections

**§ C4-9. Conduct of elections. [Amended 12-19-83 by HR No. 21-83; 1-30-89 by HR No. 2-89]**

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 SupervisorS of Elections shall keep the polls open from 9:00 a.m. to 8:00 p.m. on election days or for longer hours if the Council requires it. **THE BOARD OF SUPERVISORS OF ELECTIONS SHALL MAKE REASONABLE ACCOMODATION FOR ALL QUALIFIED VOTERS COVERED BY THE AMERICANS WITH DISABILITY ACT.**

**Section 2:** That the date of the adoption of this Resolution is \_\_\_\_\_, and that the amendment to the Charter of the City of Hyattsville hereby proposed by this enactment, shall be and become effective on [50 days], unless a proper petition for a referendum hereon shall be filed by [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 [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.

**ADOPTED** by the Mayor and City Council of the City of Hyattsville, Maryland, at a Regular Meeting on \_\_\_\_\_, 2007, at which meeting copies were available to the public for inspection.

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_  
William F. Gardiner  
Mayor

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