

**COUNCIL AGENDA REPORT**

**Date:** November 12, 2019

**Prepared by:** Charles D. MacLeod, Esq., City Attorney

**Submitted by:** Patrick Comiskey, City Manager

**SUBJECT:** A Resolution of the Commissioners of Cambridge, Maryland passed pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code to amend the Charter of the City of Cambridge for the purposes of providing that: (1) the term of office of each Commissioner and the Mayor of Cambridge shall be for four years, or until his or her successor takes office; (2) the Commissioners and Mayor of Cambridge shall be elected in a City wide election to be held on the third Saturday in October 2020 and every fourth calendar year thereafter; (3) the Supervisor of Elections shall be in charge of the registration of voters, absentee voting, and the administering of all City elections and may contract with third parties to assist him or her in any way with his or her duties, subject to the approval of the Commissioners of Cambridge; (4) the registration of voters may be accomplished in accordance with the Election Law Article, Annotated Code of Maryland, as amended by, through, or under the authority of the Dorchester County Board of Elections, and to the extent not inconsistent with the Charter; (5) the Supervisor of Elections shall give public notice of every City election, the first of which shall be published not more than thirty days before the election; (6) voter registration shall cease at 4:00 p.m. on the twentieth day preceding the date of the election; (7) the Supervisor of Elections shall have the authority to use the voting systems and ballots he or she certifies, which shall comply with the Election Law Article, Annotated Code of Maryland, as amended from time to time, to the extent not inconsistent with the Charter, in all City elections; (8) all documentation and procedures relating to absentee ballots as codified in the Election Law Article, Annotated Code of Maryland, to the extent not inconsistent with the Charter, shall apply to all City elections; (9) voting machines may be used in the same manner as provided for elections held in Dorchester County, to the extent not inconsistent with the Charter; (10) the Supervisor of Elections shall furnish forms for the tallying of votes cast for each candidate; and (11) the newly elected Commissioners of Cambridge shall take the oath of office in the Council Chambers; and amending certain other provisions regarding elections for clarity and consistency; providing that the title of this Charter Amendment Resolution shall be deemed a fair summary and generally relating to elections in the City of Cambridge.

**Recommendation:** That Council:

- A. Introduce Charter Amendment Resolution No. CR-2019-02 by reading of title only; and
- B. Schedule January 13, 2020 for second reading, public hearing, and adoption of Charter Amendment Resolution No. CR-2019-01.

**Discussion:** As directed by the City Council during the September 30, 2019 Work Session, the attached proposed Charter Amendment Resolution No. CR-2019-02 amends the Charter of the City of Cambridge for the purpose of changing the date of the City Election from the date of the Presidential Election to the third Saturday in October, which would be October 17<sup>th</sup> for the 2020

election. The attached Charter Amendment Resolution No. CR-2019-02 also proposes a number of revisions suggested by the Dorchester County Board of Elections for the purpose of giving the City Manager (as the Supervisor of Elections) full control over the City's elections, thus enabling the use of a third-party vendor to administer the 2020 City election under the supervision and control of the City Manager. Lastly, the attached proposes a number of revisions for clarity and consistency but which do not fundamentally alter the terms of office of the City's elected officials or how City elections are conducted.

If Charter Amendment Resolution No. CR-2019-02 is adopted on January 13, 2020 as proposed, it will take effect on the 50<sup>th</sup> day following adoption, or March 3, 2020, unless a petition for referendum is filed on or before February 24, 2020. Normally, a petition for referendum for a Charter Amendment Resolution must be filed on or before the 40<sup>th</sup> day following adoption; however, in this case, the 40<sup>th</sup> day after adoption would be a Saturday.

**Enforcement Authority:** City Manager

**Fiscal Impact:** The fiscal impact to the City depends on the cost of using a third-party vendor to conduct the City's 2020 election. The County Board of Elections invoiced the City \$7,105.06 for the 2016 primary election and \$9,599.21 for the 2016 general election. The Charter was amended following the 2016 election to eliminate primary elections. The City Manager received a proposal from a third-party vendor to conduct the 2020 election for \$9,000, exclusive of the costs for temporary labor (estimated at \$1,500 to \$2,000) and absentee ballots (\$7.50 per ballot).

**Approved by:** Patrick Comiskey, City Manager

**RESOLUTION FOR AN AMENDMENT  
TO THE CHARTER OF THE  
CITY OF CAMBRIDGE, MARYLAND**

**CHARTER RESOLUTION NO. CR-2019-02**

**A RESOLUTION OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND PASSED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND §§ 4-302(1) AND 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE MARYLAND ANNOTATED CODE TO AMEND THE CHARTER OF THE CITY OF CAMBRIDGE FOR THE PURPOSES OF PROVIDING THAT: (1) THE TERM OF OFFICE OF EACH COMMISSIONER AND THE MAYOR OF CAMBRIDGE SHALL BE FOR FOUR YEARS, OR UNTIL HIS OR HER SUCCESSOR TAKES OFFICE; (2) THE COMMISSIONERS AND MAYOR OF CAMBRIDGE SHALL BE ELECTED IN A CITY WIDE ELECTION TO BE HELD ON THE THIRD SATURDAY IN OCTOBER 2020 AND EVERY FOURTH CALENDAR YEAR THEREAFTER; (3) THE SUPERVISOR OF ELECTIONS SHALL BE IN CHARGE OF THE REGISTRATION OF VOTERS, ABSENTEE VOTING, AND THE ADMINISTERING OF ALL CITY ELECTIONS AND MAY CONTRACT WITH THIRD PARTIES TO ASSIST HIM OR HER IN ANY WAY WITH HIS OR HER DUTIES, SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF CAMBRIDGE; (4) THE REGISTRATION OF VOTERS MAY BE ACCOMPLISHED IN ACCORDANCE WITH THE ELECTION LAW ARTICLE, ANNOTATED CODE OF MARYLAND, AS AMENDED BY, THROUGH, OR UNDER THE AUTHORITY OF THE DORCHESTER COUNTY BOARD OF ELECTIONS, AND TO THE EXTENT NOT INCONSISTENT WITH THE CHARTER; (5) THE SUPERVISOR OF ELECTIONS SHALL GIVE PUBLIC NOTICE OF EVERY CITY ELECTION, THE FIRST OF WHICH SHALL BE PUBLISHED NOT MORE THAN THIRTY DAYS BEFORE THE ELECTION; (6) VOTER REGISTRATION SHALL CEASE AT 4:00 P.M. ON THE TWENTIETH DAY PRECEDING THE DATE OF THE ELECTION; (7) THE SUPERVISOR OF ELECTIONS SHALL HAVE THE AUTHORITY TO USE THE VOTING SYSTEMS AND BALLOTS HE OR SHE CERTIFIES, WHICH SHALL COMPLY WITH THE ELECTION LAW ARTICLE, ANNOTATED CODE OF MARYLAND, AS AMENDED FROM TIME TO TIME, TO THE EXTENT NOT INCONSISTENT WITH THE CHARTER, IN ALL CITY ELECTIONS; (8) ALL DOCUMENTATION AND PROCEDURES RELATING TO ABSENTEE BALLOTS AS CODIFIED IN THE ELECTION LAW ARTICLE, ANNOTATED CODE OF MARYLAND, TO THE EXTENT NOT INCONSISTENT WITH THE CHARTER, SHALL APPLY TO ALL CITY ELECTIONS; (9) VOTING MACHINES MAY BE USED IN THE SAME MANNER AS PROVIDED FOR ELECTIONS HELD IN DORCHESTER COUNTY, TO THE EXTENT NOT INCONSISTENT WITH THE CHARTER; (10) THE SUPERVISOR OF ELECTIONS SHALL FURNISH FORMS FOR THE TALLYING OF VOTES CAST FOR EACH CANDIDATE; AND (11) THE NEWLY ELECTED COMMISSIONERS OF CAMBRIDGE SHALL TAKE THE OATH OF OFFICE IN THE COUNCIL CHAMBERS; AND AMENDING CERTAIN OTHER PROVISIONS REGARDING ELECTIONS FOR CLARITY AND CONSISTENCY; PROVIDING THAT THE TITLE**

**OF THIS CHARTER AMENDMENT RESOLUTION SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO ELECTIONS IN THE CITY OF CAMBRIDGE.**

**WHEREAS**, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Commissioners of Cambridge, as the legislative body of the City of Cambridge, Maryland (the "City"), are authorized and empowered to amend the Charter of the City of Cambridge (the "Charter"); and

**WHEREAS**, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Commissioners of Cambridge or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the Commissioners of Cambridge; and

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Commissioners of Cambridge may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in the subtitle, is ordained or passed as in the usual course of considering resolutions in the City government, by a majority of the Commissioners of Cambridge, and the same shall be subject to the right of referendum; and

**WHEREAS**, the Commissioners of Cambridge are desirous of amending the Charter for the purposes of providing that: (1) the term of office of each Commissioner and the Mayor of Cambridge shall be for four years, or until his or her successor takes office; (2) the Commissioners and Mayor of Cambridge shall be elected in a City wide election to be held on the third Saturday in October 2020 and every fourth calendar year thereafter; (3) the Supervisor of Elections shall be in charge of the registration of voters, absentee voting, and the administering of all City elections and may contract with third parties to assist him or her in any way with his or her duties, subject to the approval of the Commissioners of Cambridge; (4) the registration of voters may be accomplished in accordance with the Election Law Article, Annotated Code of Maryland, as amended by, through, or under the authority of the Dorchester County Board of Elections, and to the extent not inconsistent with the Charter; (5) the Supervisor of Elections shall give public notice of every City election, the first of which shall be published not more than thirty days before the election; (6) voter registration shall cease at 4:00 p.m. on the twentieth day preceding the date of the election; (7) the Supervisor of Elections shall have the authority to use the voting systems and ballots he or she certifies, which shall comply with the Election Law Article, Annotated Code of Maryland, as amended from time to time, to the extent not inconsistent with the Charter, in all City elections; (8) all documentation and procedures relating to absentee ballots as codified in the Election Law Article, Annotated Code of Maryland, to the extent not inconsistent with the Charter, shall apply to all City elections; (9) voting machines may be used in the same manner as provided for elections held in Dorchester County, to the extent not inconsistent with the Charter; (10) the Supervisor of Elections shall furnish forms for the tallying of votes cast for each candidate; and (11) the newly elected Commissioners of Cambridge shall take the oath of office in the Council Chambers; and amending certain other provisions regarding elections for clarity and consistency; and

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 4-304(a)(2), a public hearing on the amendments to the Charter as set forth herein was held on January 13, 2020, notice of which was published on November 24, 2019 and December 22, 2019 in the Star Democrat, a newspaper of general circulation in the City, with the last publication occurring more than 21 days prior to the public hearing; and

**WHEREAS**, the Commissioners of Cambridge, to provide for the reasonable and appropriate representation of the citizens of the City and to provide for the better management and governance of the City and its affairs, deems it necessary and appropriate for the good government and citizens of the City to amend certain provisions of the Charter as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF CAMBRIDGE**, that pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301, et seq. of the Local Government Article of the Maryland Annotated Code, the Charter of the City of Cambridge (as published in Chapter 19, Volume 1 of Compilation of Municipal Charters) be, and the same is hereby, amended as follows:

**SECTION 1.** Section 3-5 of the Charter is hereby amended as follows:

Section 3-5. Commissioners; number, election, tenure, qualifications.

The corporate authority, government, rights, power and prerogatives of Cambridge shall be vested in and exercised by five commissioners, who shall be known as "The Commissioners of Cambridge", which is also the municipal corporate title[ and said commissioners shall be elected as in this sub-title provided]. The term of office of each commissioner shall be for four (4) years [and until his successor is elected and qualified], or until his or her successor takes office. The said commissioners shall be elected one (1) from each of several wards, as heretofore described, and the voters of each ward shall vote separately for the commissioner from that ward and no other. No one shall be eligible to be elected to the office of commissioner unless on the day of the general election [or the day of the primary election, if there be one,] in which he or she seeks election to the office of commissioner he or she shall be a qualified voter entitled to vote in said election and is of that day twenty-five (25) years of age and has been a bona fide resident of the City for one (1) year next preceding said election and a bona fide resident of his or her ward.

**SECTION 2.** Section 3-6 of the Charter is hereby amended as follows:

Section 3-6. Commissioners; election.

The [Commissioners of Cambridge] commissioners shall be elected in a [city] City wide election to be held [on the Tuesday immediately following the first Monday of November, 2020] as provided in Section 3-13(a) of this Charter, at which time [and at all subsequent elections to be held on said Tuesday of November every fourth year so as to coincide with the Presidential elections,] all five commissioners will be voted on simultaneously by ward[, provided, however,

that the commissioners elected to office in July, 2016 shall serve until January, 2021 or until their successors take office].

**SECTION 3.** Section 3-7 of the Charter is hereby amended as follows:

Section 3-7. Supervisor of [elections] Elections.

(a) *Appointment, tenure.* The City Manager shall serve as the [supervisor of elections] Supervisor of Elections.

(b) *Alternate Supervisor of Elections.* In the event, for any reason, the [supervisor of elections] Supervisor of Elections at any time is unable to serve and perform the duties of the office, the Finance Director shall assume and perform the duties of said office [of supervisor of elections] and, when acting for and in the place of the [supervisor of elections] Supervisor of Elections, is empowered, authorized and directed to perform all the duties of said office.

(c) [*Certification of elections.* As soon as the polls have closed following any town election, the supervisor of elections, in the presence of poll watchers, if any, and with the assistance of election judges, shall proceed to ascertain and transcribe the votes recorded on each voting machine, and shall certify the same to the board of canvassers before 12:00 noon on the Wednesday next following the election. On that same day, the board of canvassers, in the presence of poll watchers, if any, shall proceed to count, certify, and canvass the absentee ballots cast in the election.

(d) [*Issuance of election certificates.* The [supervisor of elections] Supervisor of Elections shall issue a certificate of election to each official elected, and issue two (2) certificates, one (1) to the mayor and one (1) to the [council] commissioners, whenever any proposition [in] is submitted to the vote of the people, showing the vote for and against, which certificate shall be on blanks prepared by the City Manager, and shall contain a plain statement of the facts and be signed by the [supervisor of elections] Supervisor of Elections.

**SECTION 4.** Section 3-8 of the Charter is hereby amended as follows:

Section 3-8. Universal registration for elections.

(a) The [Commissioners of Cambridge] commissioners shall provide for the registration of the names of all the persons who possess the qualifications prescribed in Section 3-11 of this Charter to be qualified voters, which registration shall be conclusive evidence to the Supervisor of Elections of the right of every person, thus registered, to vote in any election held in the City of Cambridge; but no person shall vote at any election held in the City unless his or her name appears in the list of registered voters under the universal voter registration system for Dorchester County, Maryland; the names of all persons who have the qualifications prescribed in [the] Section 3-11 [herein] of this Charter, and who are not disqualified under this [section] Section, shall be added to the list of qualified voters by the [supervisor of elections] Supervisor of Elections. Registration shall be permanent until a registrant becomes disqualified.

(b) The [supervisor of elections] Supervisor of Elections shall not maintain a separate registration for voters who do not wish to be registered for county, State or national elections through the universal voter registration system for Dorchester County, Maryland.

(c) If a voter has been removed from the voter roll of the universal voter registration system for Dorchester County, Maryland, pursuant to Section 3-502 of the Election Law Article [of the], Annotated Code of Maryland, as amended from time to time, it shall be the duty of the [supervisor of elections,] Supervisor of Elections to cause the registration of that voter to be canceled. Notice of this action and the reason therefor shall be sent to the voter pursuant to Section 3-401 et seq. of the Election Law Article [of the], Annotated Code of Maryland, as amended from time to time.

(d) A voter whose registration has been canceled under this [section] Section shall not thereafter be eligible to vote except by registering again as provided in this [section] Section.

(e) Annually, the [supervisor of elections or the Dorchester County Board of Elections supervisors,] Supervisor of Elections shall determine which such persons shall be removed from [this] the voter roll and send those persons the notice required in this [section] Section. Such notice shall also be sent to the Dorchester County Board of Elections if so required by law.

(f) The [Dorchester County Board of Elections, with the assistance of the supervisor of elections,] Supervisor of Elections shall be in charge of the registration of voters, absentee voting, and the administering of all [city] City elections. The [supervisor of elections] Supervisor of Elections shall be responsible for public notification of elections, the deadlines for voter registration, the nominations and statements of candidacy and the certification of elections results. The [supervisor of elections] Supervisor of Elections may appoint, subject to the approval of the [Commissioners of Cambridge] commissioners, election clerks and other employees and contract with third parties to assist the [supervisor of elections] Supervisor of Elections in any way in his or her duties. In addition, registration of voters may be accomplished in accordance with, and pursuant to Title 3 of the Election Law Article, Annotated Code of Maryland [Code (1957), Article 33, Section 3-2], as amended by, through or under the authority [to] of the Dorchester County Board of Elections, and to the extent not inconsistent with this Charter. [In the event that this section is not effective on or before January 1, 1990, as required by Maryland Code (1957), Article 33, Section 3-2, as amended, then voters registered by the Dorchester County Board of Elections pursuant to State law on or after January 1, 1990, but before this section of the City of Cambridge Charter becomes effective, shall nevertheless be validly registered for City elections]. The [supervisor of elections] Supervisor of Elections may conduct universal voter registration if authorized by the Dorchester County Board of Elections.

(g) Notice of registration days and elections.

(1) It shall be the duty of the [supervisor of elections] Supervisor of Elections to give public notice of the hours and places for voter registration, and of any changes of such hours and places, and when supplemental registration is authorized, to give notice of the hours and places thereof.

(2) The [supervisor of elections] Supervisor of Elections shall give public notice of every City election by publishing at least once each week for two (2) consecutive weeks, the first of which publication shall not be more than [twenty-one (21)] thirty (30) days before the election and last of which publications shall not be less than seven (7) days before the election[s], said advertisement to be published in at least one newspaper of general circulation in the City and by posting a notice thereof on the bulletin board in the City office.

(h) *Candidate.* Each candidate at any election held under any of the provisions of [the] this Charter [of Cambridge] or any amendments thereto, shall have the right to enter the place of registration or the polling place for any ward at any time during the days appointed for registration of voters or during the voting and the counting of the votes. Each candidate shall also have the right to designate one (1) watcher for each polling place who shall have the same power as the candidate himself or herself in regard to observing the conduct of the registration, the casting and counting of the vote. [Unless there are more than two candidates for nomination for Commissioners of Cambridge in any ward, no primary election shall be held and the one candidate or two, as the case may be, shall stand as the candidate or candidates to be voted for at the following election or special election for Commissioner of Cambridge.]

(i) *Deadlines for voter registration.* Any qualified person desiring to vote in a [city] City election must register to vote at least twenty (20) days prior to the date for said election. [In the event that a primary election is required to be held, voter registration shall cease at the close of business on the twentieth (20th) day preceding the date of the primary election, and shall remain closed until 9:00 a.m. on the day immediately following the date of the primary election, and shall then remain open for registration of voters for the general election until the close of business on the twentieth (20th) day preceding the date of the general election.] Voter registration shall cease at 4:00 p.m. on the twentieth (20th) day preceding the date of the election.

**SECTION 5.** Section 3-9 of the Charter is hereby amended as follows:

**Section 3-9. Voting machines.**

In all elections held in the City of Cambridge, voting machines are permitted to be used and any reference to the use of ballots hereinafter contained applies equally to the use of voting machines with ballot labels thereon. The [Dorchester County Board of Elections] Supervisor of Elections shall have the authority to use the voting systems and ballots [it] he or she selects and certifies, [pursuant to] which shall comply with Section 9-101 et seq. and 9-201, et seq. of the Election Law Article, Annotated Code of Maryland, as amended from time to time, to the extent not inconsistent with this Charter, in all [city] City elections.



**SECTION 6.** Section 3-10 of the Charter is hereby amended as follows:

**Section 3-10. Qualifications of candidates.**

(a) *General.* Candidates to be voted for at all elections for commissioners and mayor shall file a statement of candidacy as set forth herein and shall meet all of the qualifications for office as set forth in Section 3-5 and 3-20 of this Charter.

(b) (1) *Statement of candidacy.* Any person desiring to become a candidate for commissioner or mayor shall at least forty-five (45) days prior to the date for the election, file with the [supervisor of elections] Supervisor of Elections a statement of such candidacy in substantially the following form, to wit:

Candidate for Nomination for. . . . .

State of Maryland, Dorchester County, to wit:

I, . . . . . being first sworn, hereby declare and affirm under the penalties of perjury, that I reside at . . . . . in the City of Cambridge, County of Dorchester, State of Maryland, and that the aforesaid address is my principal and legal residence, and has been my principal and legal residence continuously since . . . . ., and I am a qualified voter therein; that I am a candidate for the office of . . . . . to be voted upon at the election to be held on the . . . . . day of . . . . ., 20. . . . . I further certify and affirm, under the penalties of perjury, that (a) I am at least twenty-five (25) years of age (or will attain the age of twenty-five (25) years prior to the date of the election), (b) that I have been a bona fide resident of the City of Cambridge for one (1) year prior to the date of the election, and (c) that I have continuously been a bona fide resident of Ward No. . . . . for at least six (6) months prior to the date of the election; and I hereby request my name be placed upon the official ballot for election for such office.

I hereby acknowledge, confirm and agree, that in addition to any other penalties which may be applicable, any person who knowingly misrepresents his/her legal residency, and/or who knowingly makes a false statement in writing regarding his/her residency as a qualification for election, shall be guilty of perjury and shall be disqualified to hold the public office for which he/she has filed.

Signed. . . . .

Subscribed and sworn to (or affirmed) before me this . . . . day of . . . , 20. . . .

Accompanying the Statement of Candidacy shall be a copy of the documentation set forth in Section 3-5 of this Charter.

(2) *Candidate Financial Disclosure.* Any person desiring to become a candidate for commissioner or mayor shall comply with all applicable financial disclosure requirements and election finance reporting requirements[,] of the City's Ethics Code in effect at the time of said filing.

(c) *Filing fees.* At the same time candidates for mayor shall deposit with the [supervisor of elections] Supervisor of Elections the sum of \$50 and candidates for commissioner shall deposit with the [supervisor of elections] Supervisor of Elections the sum of \$25, which sums shall be paid over to the [Commissioners of Cambridge] City for the purpose of defraying in whole or in part, the expenses of such election.

(d) *Published notice.* Immediately upon the expiration of the time for filing such statements of candidacy, the [supervisor of elections] Supervisor of Elections shall cause to be advertised in two (2) newspapers published in the City [Cambridge], one (1) of which shall be a daily newspaper, if there be a daily newspaper published in [said city] the City, the names of the persons who have filed statements of their candidacy and have deposited the filing fee as hereinbefore provided, designating the office for which such person is a candidate.

(e) *Ballots.* The supervisor of elections shall at least two days prior to the date of said city election prepare the ballots for such primary elections, which ballots shall comply with the requirements of ballots for State and County elections as set forth in Section 9-201 et seq. of the Election Law Article, Annotated Code of Maryland, as amended from time to time, to the extent not inconsistent with the City Charter. All city elections are non-partisan and the ballots therefor shall not state the name of any political party. The ballots shall be in legible type, and shall be headed "Ballot," and the names of the candidates for the respective office thereon shall be arranged in alphabetical order, and grouped according to their ward residence, and upon each group of names shall appear the words "Vote for One," and after the name of each candidate shall be a square in which the voter may make a crossmark for the candidate of his choice. Nothing herein shall prohibit the publishing of a sample ballot to the public.

(f) *Voters; challenges.* The persons who are qualified to vote at the general election shall be qualified to vote at the election run-off, if any, and challenges can be made by not more than two (2) persons to be appointed at the time of the opening of the polls by the judges of election, or such challenge shall be made in person by the candidate themselves.

[(g)] (f) *Tally of ballots; canvass.* Upon the closing of the polls, the judges of election shall immediately count the ballots [and ascertain the number of votes cast in each ward or polling place for each of the candidates,] and make return thereof to the [supervisor of elections] Supervisor of Elections in accordance with Section 3-15 of this Charter, at the City Hall, [upon blanks to be furnished by said supervisor of elections] before the noon hour of the first Monday following said election, and at said time shall return the poll books and registry books, and on the same day the [said supervisor of elections] Supervisor of Elections shall canvass the returns so received from all the wards or precincts or polling places wherein such election has been held and shall publish at least once in a daily newspaper, and in such other newspapers as he or she may deem proper the result of such election.

[(h)] (g) *Nominees.* All persons who satisfy all of the qualifications for candidacy shall be the candidates and the only candidates for any elected office and their names shall be placed upon the ballot at the ensuing municipal election as the candidates whose election is hereinafter provided for.

**SECTION 7.** Section 3-11 of the Charter is hereby amended as follows:

**Section 3–11. Qualifications of voters.**

(a) *Qualified voters.* Only persons qualified to vote in [city] City elections, according to the terms of paragraph (b) of this [section] Section, shall be registered as qualified voters.

(b) *Qualifications.* The qualifications of voters are the following, each one of which is applicable to every voter:

- (1) Citizen of the United States;
- (2) Age of eighteen (18) years or older on or before the day of the next [city] City election;
- (3) Resident of the State of Maryland for twenty (20) days preceding the next [city] City election;
- (4) Resident of the City of Cambridge as of the time for closing of registration, next preceding the [city] City election; *and*
- (5) Not constitutionally regulated and prohibited by subsection (c) [or subsection (d)] of this Section [3–11]; and
- (6) Not convicted of buying or selling votes].

(c) [*Conviction of crime*] Exceptions. No person shall be registered as a qualified voter, nor be permitted to vote in any [city] City election, if he [has been convicted of a criminal offense and] *or she* is not qualified to be a registered voter as prescribed by Section 3–102 of the Election Law Article, Annotated Code of Maryland, as amended from time to time.

(d) [*Persons under guardianship.* No person shall be registered as a qualified voter if he is under guardianship for mental disability, as prescribed and set forth in Section 3–102 of the Election Law Article, Annotated Code of Maryland.

(e) ]Every qualified voter of the [city] City is entitled to vote in all [city] City elections.

**SECTION 8.** Section 3-12 of the Charter is hereby amended as follows:

**Section 3–12. Absentee voting.** A qualified voter may vote by absentee ballot except to the extent preempted under an applicable federal law[, and/or as prescribed by Section 9–304 of the Election Law Article, Annotated Code of Maryland, as amended from time to time]. Such voter shall make application for an absentee ballot with the [supervisor of elections] Supervisor of Elections. Applications for absentee ballots shall be available beginning on the forty–fifth (45th) day prior to the date set for the [Primary Election, and shall provide for the option of the voter

requesting an absentee ballot for the primary and/or] general election[ on the same application]. Applications shall be due in the office of the [supervisor of elections] Supervisor of Elections prior to the election. [All forms used for absentee voting shall be as prescribed by state law as codified in Section 9–301 et seq. of the Election Law Article, Annotated Code of Maryland, as amended from time to time.] Absentee ballots shall be received at the office of the [supervisor of elections] Supervisor of Elections on or before the hour established for the closing of polls on the date of each election. Ballots received thereafter shall not be accepted, counted or valid. The applications for absentee ballots, the review, issuance or rejection of absentee ballots, the use of an agent in the absentee ballot process, and any and all other documentation and procedures adopted and approved for State and County elections, [and] as codified in the Election Law Article of the Annotated Code of Maryland, shall be applicable to all [city] City elections to the extent not inconsistent with this Charter.

**SECTION 9.** Section 3-12A of the Charter is hereby amended as follows:

Section 3–12A. Special [Elections] elections.

(a) Whenever the [Commissioners of Cambridge] commissioners order that a [Special Election] special election shall be held[,] as set forth in Section 3–16 or 3–21A hereof, said [Special Election] special election shall be held and conducted as follows:

(1) At the meeting of the City Council at which the vote is made to order a [Special Election,] special election pursuant to Section 3–16 or 3–21A hereof, the City Council shall announce that anyone wishing to file as a candidate in the [Special Election] special election shall have [FIFTEEN] fifteen (15) days from the date of said vote to file a statement of candidacy. The deadline for filing said statement of candidacy shall also be published in a newspaper of general circulation within the [city] City.

(2) [If only two persons qualify as candidates, then only one Special Election shall be held, the winner of which shall become the elected official. Said] The [Special Election] special election shall be held on the fourth Tuesday following the deadline date for filing statements of candidacy[; []].

(3) [If more than two persons file and qualify as candidates, then a primary Special Election shall be held on the fourth Tuesday following the deadline date for filing statements of candidacy.] In the event one (1) of the candidates receives more than [FIFTY PERCENT] fifty percent (50%) of the votes cast in the [primary Special Election] special election, said candidate shall become the elected official and no run-off special election shall be held. If [neither] none of the candidates receives more than [FIFTY PERCENT] fifty percent (50%) of the votes cast, then the two candidates receiving the most votes cast shall proceed to the [Run-off Special Election] run-off special election.

(4) The [Run-off Special Election] run-off special election, if any, shall be held on the fourth (4<sup>th</sup>) Tuesday, following the date of the [Primary Special Election] special election. The candidate receiving the most votes cast in the [Run-off Special Election] run-off special election shall become the elected official.

(5) The elected official of the [Special Election] *special election* shall be sworn in at the beginning of the next [city council] *City Council* meeting following the certification of votes by [[the]] Supervisor of Elections.

**SECTION 10.** Section 3-13 of the Charter is hereby amended as follows:

Section 3–13. General elections.

(a) *Date.* On the [Tuesday immediately following the first Monday of November,] *third (3rd) Saturday in October* in the year two thousand twenty (2020), and [on the Tuesday immediately following the first Monday of November] every fourth *(4th) calendar* year[s] thereafter, there shall be an election held in the City [of Cambridge] for the purpose of choosing commissioners and the mayor, as hereinafter provided.

(b) *Ballots; [provided] form.* [The supervisor of elections shall provide the official ballot for such election or elections, the form and arrangement of such ballot shall be consistent with the State election laws applicable to ballots, as codified in the Election Law Article, Annotated Code of Maryland, as amended, and candidates for the same office shall be grouped together and the names shall be arranged alphabetically according to said group on said ballot.] *The Supervisor of Elections shall, at least two (2) days prior to the date of any City election, prepare the ballots for such election, which ballots shall comply with the requirements of ballots for State and County elections as set forth in Section 9-201, et seq. of the Election Law Article, Annotated Code of Maryland, as amended from time to time, to the extent not inconsistent with this Charter. All City elections are non-partisan, and the ballots therefor shall not state the name of any political party. The ballots shall be in legible type, shall be headed "Ballot", with the names of the candidates for the respective office arranged in alphabetical order and grouped according to their ward residence, and upon each group of names shall appear the words "Vote for One." After the name of each candidate shall be a square in which the voter may make a crossmark for the candidate of his or her choice.*

(c) *Same; [form] delivery.* The [supervisor of elections] *Supervisor of Elections* [or the Director and staff of the Dorchester County Board of Elections] shall deliver at each polling place on the day of said election to the judges of election before the opening hour, the said registries of voters and a sufficient number of the said official ballots or voting machines or systems, certified and approved by the State *Board of Elections*, and each qualified voter shall be provided a ballot or access to a ballot on the voting machine or system, for the purpose of voting and shall be accepted by the judges or counted in canvassing the vote; provided, *however,* that nothing herein shall be deemed to prevent candidates for the various offices to have sample ballots, to be provided for at their own expense, for instructing the voters. [After each name on said ballot and to the right thereof, shall be a square upon which the voter shall make a crossmark or by such other means as approved by the State of Maryland to indicate the candidate of his choice.]

(d) *Procedure.* If any voter cannot read or write, or is disabled by reason of any physical infirmity, he *or she* may ask one of the judges of election to mark his *or her* ballot as he *or she* desires. When a voter offers to vote, the judges shall ascertain by reference if his *or her*

name is on the registry of voters[.]; [Provided] *provided*, however, that in any election held in the City [of Cambridge], voting machines may be used in the same manner as provided for elections held in Dorchester County, to the extent not inconsistent with this Charter.

(e) *Hours.* In every referendum or election run-off, the polls shall be opened at 7 a.m. and closed at 7 p.m. In all general elections, the polls shall be open and voting permitted during the hours established by the [Dorchester County Board of Elections for Presidential elections] Supervisor of Elections.

(f) In the event one (1) of the qualifying candidates receives more than fifty percent (50%) of the votes cast in the [General Election] general election, said candidate shall become the elected official and no run-off shall be held.

(g) *Election Run-off.* If none of the qualifying candidates receives more than fifty percent (50%) of the votes cast at the [General Election] general election, then the two (2) candidates receiving the most votes cast shall proceed to a [General Election Run-off] general election run-off to be held on the first (1st) Tuesday of December immediately following the [General Election] general election. The candidate receiving the most votes cast in the [Run-Off] run-off shall become the elected official.

(h) The elected officials of the [General Election] general election shall be sworn in at the beginning of the first [city council] (1st) City Council meeting in January immediately following the [General Election] general election.

**SECTION 11.** Section 3-14 of the Charter is hereby amended as follows:

Section 3-14. Judges and clerks of election.

(a) *Appointment.* Within the thirty (30) days next preceding any [primary] general or special election, the [supervisor of elections] Supervisor of Elections shall, with disregard as to the political faith, select, submit and recommend to the commissioners for appointment, subject to their approval, the number of judges of election [judges] to be used in each ward along with persons recommended to serve as judges of election [judges] for each ward.

(b) *Polling places.* The [supervisor of elections] Supervisor of Elections shall publish in one or more newspapers published in, or of general circulation in, the City [Cambridge], the names of the judges and clerks of election, the polling place in each ward, or the central polling place for all wards, whichever shall be applicable, and the date and object of the election; said notice shall be published at least twice before each election and the last publication shall not be more than ten (10) nor less than five (5) days before the day of said election [or primary election].

(c) *Oaths.* Before proceeding to act, each judge and clerk of election shall make oath that he or she will, well and faithfully, without fear or favor, partiality or prejudice, perform the duties of judge or clerk, as the case may be, and in the case of a judge that he or she will deposit or account for all legal ballots in the ballot box, or within the voting machine, and no other

ballot, and that he *or she* will make out and sign correct returns of the votes cast for each candidate and of the whole number of votes cast at said election.

(d) *Failure to Act.* If any person[s], who [have] *has* been appointed judge or clerk of election [or of primary election], shall fail, without good and sufficient reason to excuse him *or her* to attend and act, he *or she* shall be guilty of a misdemeanor, and on conviction thereof before any court of law in the State of Maryland, [he] shall be fined not more than \$500, or committed to jail for not more than sixty (60) days, or both.

(e) *Vacancy.* If any vacancy occurs in the office of judge or clerk of election it shall, if it occurs before the day of election, [or primary election,] be filled by appointment by the mayor alone.

**SECTION 12.** Section 3-15 of the Charter is hereby amended as follows:

Section 3–15. Same; duties, election offenses.

(a) *Duties of judges of election.* The judges of election at every election for commissioners, immediately after the polls are closed, shall count the ballots cast in each ward for which they were appointed judges, and the clerks shall tally the votes cast for each candidate, after which the judges shall make out, on [blanks] *forms* furnished by [said commissioners] *the Supervisor of Elections*, and sign a certificate setting out the whole number of votes cast in said ward and also the number of votes cast for each candidate, which certificate shall be delivered to the [supervisor of elections] *Supervisor of Elections*, who shall be responsible for the certification of the official election results for all [city] *City* elections. The counting and tallying of ballots may occur electronically, with election results being uploaded from the memory cards from electronic voting machines to the server or other equipment approved and authorized by the State [of Maryland] *Board of Elections* for county and [state] *State* elections, with appropriate security measures being used to [assure] *ensure* the accuracy and integrity of the election process. The certificate of the [supervisor of elections] *Supervisor of Elections* shall state the persons receiving the highest number of votes are elected. All *judges of election* [judges] shall comply with the policies and regulations as approved and adopted by the [Dorchester County Board] *Supervisor* of Elections relating to the canvassing, counting, tabulating and reporting of votes and ballots.

(b) *Election offenses.* Any person who bribes, coerces or intimidates any voter or attempts to bribe, coerce or intimidate any voters at any election held under the direction of the [supervisor of elections] *Supervisor of Elections* and the [Commissioners of Cambridge] *commissioners*, shall be guilty of a misdemeanor, and on conviction thereof before any court of law shall be fined for each and every offense not more than five hundred dollars (\$500) or confined in the county jail for not more than three (3) months, or both, in the discretion of the court having jurisdiction and hearing said case[s].

**SECTION 13.** Section 3-16 of the Charter is hereby amended as follows:

Section 3–16. Vacancies in office of commissioner. If any vacancy shall happen in the office of commissioner by reason of resignation, death, removal from office, change of residence, failure to qualify, or otherwise, the remaining commissioners shall order a special election to be held to fill the unexpired time for which the commissioner who vacated his *or her* office was elected. In such cases, judges of election shall be appointed, polling places shall be designated, and the notice and the date and the object of the election shall be given, the election shall be held, and the returns shall be made as provided for by [sections] Sections 3–14 and 3–15 of this Charter; provided that no special election shall be held to fill a vacancy within the four (4) months next preceding the date appointed for the [regular] general election. While a vacancy exists, ordinances may be passed with the concurrence of three (3) commissioners, as in other cases, and any other acts may be done and performed by a quorum which may ordinarily be done and performed thereby.

**SECTION 14.** Section 3-17 of the Charter is hereby amended as follows:

Section 3–17. Oaths. In addition to any officer authorized to administer oaths under the laws of the State of Maryland, the mayor, the City Manager and any commissioner are hereby authorized to administer all official oaths and to administer an oath to any person who may desire to give testimony before the commissioners, or who may be summoned by the commissioners, on any subject, if the mayor or two (2) commissioners shall demand that such testimony be given on oath, and any person who shall refuse or fail to appear when summoned, or who shall refuse to answer any relevant or pertinent questions, or who shall answer falsely any question, or make any false statement on oath before the commissioners or a majority of them, or before the mayor, shall be guilty of a misdemeanor, and on conviction thereof before any court of law shall be fined not more than five hundred dollars (\$500) or confined in the county jail for thirty (30) days, or both, in the discretion of the court having jurisdiction.

**SECTION 15.** Section 3-18 of the Charter is hereby amended as follows:

Section 3–18. Organization of commissioners; oath. On the first (1st) regularly scheduled City Council meeting in January following the certification of a general election result[s], the newly elected commissioners shall meet in the [City Hall] Council Chambers and take the oath required by Article 1, Section 9 of the Constitution of Maryland before the mayor, the City Manager, or any officer authorized to administer oaths in the State of Maryland[;] and any newly elected commissioner not present may take such oath as soon as practical subsequent thereto, but in no event later than thirty (30) days after the said first (1st) regularly scheduled City Council meeting in January following the certification of a general election result[s].

**SECTION 16.** Section 3-19 of the Charter is hereby amended as follows:

Section 3–19. Same; failure to qualify; test book. The newly elected commissioners, immediately upon taking the oath of office, shall organize and elect a president, the mayor presiding but having no vote except in case of a tie. [Any vacancy in the office of mayor shall be filled by the commissioners.] If any person who has been elected commissioner shall fail to qualify as



prescribed by [section] Section 3–18 of this Charter, his *or her* office shall be declared to be vacant and a [new] *special* election shall be ordered to fill the vacancy as provided by this Charter. The City Manager, in addition to the duties required of him *or her* heretofore by this Charter, shall keep a test book which shall be signed by all persons who take an oath of any kind, the said book shall also state the character of the oath taken; that is, whether as an officer or a witness, and if any officer, the title of the office shall be stated. All officers of [said town] *the City*, before entering upon their duties, shall take the oaths required by Article 1, Section 6, of the Constitution of Maryland and the same shall be recorded in said test book.

**SECTION 17.** Section 3-20 of the Charter is hereby amended as follows:

Section 3–20. Mayor; election, compensation, veto powers. The [Mayor of Cambridge] *mayor* shall be nominated in the manner set forth in [section] Section 3–10 of this [subtitle] *Charter* and shall be elected by the voters of the entire [town] *City* for a term of four (4) years, [with the exception of the term of office commencing July, 2016, which term shall expire on December 31, 2020, or at such time as the mayor elected in the 2020 General Election takes the oath of office] *or until his or her successor takes office*, and the election for mayor shall be held at the same time as the commissioners, the qualifications for the office of mayor [shall] *being* the same as those of the commissioners as expressed in [section] Section 3–5 of [the charter of the City of Cambridge] *this Charter*. The mayor shall receive an annual salary as set from time to time by an ordinance passed by the commissioners in the regular course of business[. Provided]; *provided*, however, that no change shall be made in the salary for any mayor during the term for which he/she was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding mayor, and shall take effect only as to the next succeeding mayor. In addition to the powers, hereinafter vested in him/her, said mayor shall have the power to veto any ordinances passed by the commissioners [of said city]. Every ordinance passed by [said] *the* commissioners, before it becomes valid, shall be presented to [said] *the* mayor; if he *or she* approved it, he *or she* shall sign it, but if not, he/she shall return it with his/her objections to [said] *the* commissioners[.]; [if] *If*, after reconsideration thereof, four-fifths (*4/5*) of [said] *the* commissioners vote affirmatively for said ordinance, it shall become valid. If any ordinance shall not be returned by the mayor within six (6) days after it shall have been presented to him/her, the same shall become valid.

**SECTION 18.** Section 3-21 of the Charter is hereby amended as follows:

Section 3–21. Mayor; oath of office, duties.

(a) *Oath of office.* The mayor–elect shall, on or before the second (*2nd*) Monday in January following his or her election, but not before the first (*1st*) day of January following his or her election, appear before the [clerk of the circuit court] *Clerk of the Circuit Court for Dorchester County* and make the declaration and take the oath prescribed by the Constitution *of Maryland*, and, procuring from said [clerk] *Clerk* a certificate of the declaration and oath taken by him/her as mayor, shall return the same to the commissioners.

(b) *General duties.* The [Mayor] mayor shall be the principal representative of the City in all official and ceremonial matters, and before all [Federal] federal, State, and local governmental bodies, including serving as Resident Agent of the City. The mayor shall preside over the meetings of the commissioners and shall be entitled to actively engage in any discussion that occurs during the meetings of the commissioners. The mayor is authorized to declare for the City [of Cambridge,] when a formal emergency begins and ends. The mayor shall also perform such other duties and functions as may be authorized or required of him or her under this charter, or the amendments thereto, or by municipal ordinances.

(c) *Personnel Duties.* The mayor shall have a vote along with the [City Commissioners] commissioners on the issue of termination of the employment [contract] agreement of: (1) any person who holds the position of City Manager or Acting City Manager, and (2) any Department Head employed pursuant to the employment agreement which agreement is in effect prior to the effective date of this Charter provision, and which employment agreement provides for the [Mayor's] mayor's participation in the termination of employment.

(d) *Voting and veto power.* Unless otherwise provided by a specific [Ordinance] ordinance or Charter [Provisions] provision, the [Mayor] mayor shall only vote in the event of a tie vote of the commissioners. The [Mayor] mayor shall have the power and authority to veto ordinances passed by the commissioners, as set forth in Section 3-20 [hereinabove] of this Charter.

(e) *Effective Date.* The effective date of this [Charter provision] Section shall be [the effective date of Charter Resolution No. CR 2014-1] February 3, 2015.

**SECTION 18.** Section 3-21A of the Charter is hereby amended as follows:

**Section 3-21A. Vacancies in office of mayor.**

If any vacancy shall happen in the office of mayor by reason of resignation, death, removal from office, change of residence, failure to qualify, or otherwise, the commissioners shall promptly order a special election to be held to fill the unexpired time for which the mayor was elected. In such cases, judges of election shall be appointed, polling places shall be designated, and the notice and the date of the object of the election shall be given, the election shall be held, and the returns shall be made as provided for by [sections] Sections 3-14 and 3-15 of this Charter; provided, however, that no special election shall be held to fill a vacancy within the four (4) months next preceding the date appointed for the [regulator] general election. [While] When a vacancy exists in the office of mayor, all rights, powers and duties of the mayor shall be assumed by the president of the commissioners.

**AND BE IT FURTHER RESOLVED** that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new or added language is underlined and in *italicized* type, and deleted text is enclosed in [bold brackets]. Language added after the date of introduction is in italicized, boldface type and text deleted after the date of introduction is crossed out twice and enclosed in bold brackets.

**AND BE IT FURTHER RESOLVED** that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Commissioners of Cambridge that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**AND BE IT FURTHER RESOLVED** that, to the extent that any section of the Charter is in conflict with the provisions of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

**AND BE IT FURTHER RESOLVED** that the date of adoption of this Resolution is January 13, 2020, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50<sup>th</sup>) day after adoption, or on March 3, 2020, unless a proper petition for a referendum hereon shall be filed on or before the forty-second (42<sup>nd</sup>) day after adoption, or on February 24, 2020, as provided by law, the fortieth (40<sup>th</sup>) day after adoption being a Saturday. A complete and exact copy of this Resolution shall be posted at City Hall, 410 Academy Street, Cambridge, Maryland 21613, or another main municipal building or public place, for a period of at least forty-two (42) days following its adoption, or until February 24, 2020, and the title to this Resolution, being a fair summary of the Charter amendment enacted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its adoption, or between January 14, 2020 and February 22, 2020.

**AND BE IT FURTHER RESOLVED** that as soon as the Charter amendment enacted by this Resolution shall become effective, either as herein provided or following a referendum, the City Manager shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Commissioners of Cambridge or in a referendum; and (4) the effective date of the Charter amendment.

**AND BE IT FURTHER RESOLVED** that the City Manager is hereby authorized and directed to carry out the provisions of the foregoing Recitals; and as evidence of compliance herewith, the City Manager shall cause to be affixed to the minutes of the Commissioners of Cambridge for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of this Charter Amendment Resolution shall have been published as provided herein; and (3) the return receipt of the mailing as provided herein.

This Charter Amendment Resolution was introduced at a public meeting of the Commissioners of Cambridge, held on the 12<sup>th</sup> day of November, 2019, and having been reviewed and considered for final action, was duly adopted on the 13<sup>th</sup> day of January, 2020.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

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Patrick C. Comiskey, City Manager

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Victoria Jackson-Stanley, Mayor

**Introduced the 12<sup>th</sup> day of November, 2019**  
**Adopted the 13<sup>th</sup> day of January, 2020**  
**Effective the 3<sup>rd</sup> day of March, 2020**