

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

**EMERGENCY CHARTER RESOLUTION NO. CR-2020-02**

**AN EMERGENCY RESOLUTION OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND PASSED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND, §§ 4-302(1) AND 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE MARYLAND ANNOTATED CODE, AND EXECUTIVE ORDER NO. 20-03-30-02 OF THE GOVERNOR OF MARYLAND TO AMEND THE CHARTER OF THE CITY OF CAMBRIDGE FOR THE PURPOSES OF PROVIDING THAT THE SUPERVISOR OF ELECTIONS SHALL USE THE VOTING SYSTEMS AND BALLOTS HE OR SHE SELECTS AND CERTIFIES; PROVIDING THAT APPLICATIONS FOR ABSENTEE BALLOTS AND ABSENTEE BALLOTS SHALL BE DUE IN THE OFFICE OF THE SUPERVISOR OF ELECTIONS OR SUCH OTHER LOCATION AS HE OR SHE MAY DESIGNATE; AUTHORIZING THE USE OF VOTING BY MAIL IN THE EVENT THAT A STATE OF EMERGENCY HAS BEEN DECLARED FOR THE CITY AND SETTING FORTH THE PROCEDURES THEREFOR; PROVIDING THAT THE SUPERVISOR OF ELECTIONS SHALL PREPARE THE BALLOTS FOR EACH CITY ELECTION; AND PROVIDING THAT THE SUPERVISOR OF ELECTIONS SHALL DELIVER AT EACH POLLING PLACE THE VOTER REGISTRY AND A SUFFICIENT NUMBER OF BALLOTS OR VOTING SYSTEMS; PROVIDING THAT THE TITLE OF THIS EMERGENCY 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**, pursuant to Executive Order No. 20-03-30-02 of the Governor of Maryland (the “May 30<sup>th</sup> Executive Order”), the Commissioners of Cambridge are authorized and empowered to suspend the effect of a provision of Title 4, Subtitle 3 of the Local Government

Article regarding public hearings to be held on a proposed amendment to the Charter or the date such amendment takes effect, provided that the Commissioners of Cambridge provide notice thereof to the Governor of Maryland and upon a finding by the Commissioners of Cambridge that such suspension will not endanger the public health, welfare, or safety and is necessary to amend the date on which a municipal election will be held or the method, conduct, or voting system of a Town election; and

**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

**WHEREAS**, on April 13, 2020, the Mayor and City Manager declared a state of emergency for the City as a result of the COVID-19 pandemic, which has been extended three times, most recently on July 13, 2020; and

**WHEREAS**, as of July 9, 2020, there have been nearly 71,000 confirmed cases of COVID-19 in the State of Maryland, 199 of which have been in Dorchester County and 131 of which have been in the City; and

**WHEREAS**, the City's municipal election is scheduled for October 17, 2020; and

**WHEREAS**, the COVID-19 pandemic is expected to persist through the fall of 2020, and the severity of the outbreak in the City as of the date of the City's municipal election is currently unknown and unpredictable; and

**WHEREAS**, in the event that a state of emergency has been declared for the City, whether as a result of the COVID-19 outbreak or otherwise, the Commissioners of Cambridge are desirous of providing the option of voting by mail for qualified voters who are uncomfortable voting in person and/or in the event that the City cannot conduct an in-person election in a safe, orderly, and efficient manner; and

**WHEREAS**, the Charter does not contain any provisions expressly authorizing the use of voting by mail; and

**WHEREAS**, the Commissioners of Cambridge are desirous of amending the Charter for the purpose of authorizing the use of voting by mail and granting the Supervisor of Elections greater flexibility with respect to the use of voting machines, systems, and ballots to protect the public health, safety, and welfare and to conduct the City's municipal elections in a safe, orderly, and efficient manner; and

**WHEREAS**, the Commissioners of Cambridge find it necessary to suspend the provisions of Md. Code Ann., Local Gov't § 4-304(a)(2), (c), and (d) regarding the holding of a public hearing prior to adopting a Charter Amendment Resolution, providing that a Charter Amendment Resolution takes effect on the 50<sup>th</sup> day following adoption, and providing for a petition for referendum on a proposed Charter Amendment Resolution, respectively; otherwise, the Commissioners of Cambridge would be unable to introduce and subsequently adopt a Charter Amendment Resolution amending the Charter to authorize the voting by mail provisions set forth

herein in time for such provisions to be effectively implemented, thus undermining the purposes for which they are being enacted; and

**WHEREAS**, the Commissioners of Cambridge find that the foregoing suspension of the provisions of Md. Code Ann., Local Gov't § 4-304(a)(2), (c), and (d) will not endanger the public health, welfare, or safety; and

**WHEREAS**, notice of the proposed Charter amendments set forth herein have been provided to the Governor of Maryland as required by the March 30<sup>th</sup> Executive Order; 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, deem 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 3-9 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 Supervisor of Elections shall have the authority to use the voting systems and ballots he or she selects and certifies[, 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 elections.

**SECTION 2.** Section 3-12 of the Charter is hereby amended as follows:

Section 3–12. Absentee voting: *voting by mail.*

*(a)* A qualified voter may vote by absentee ballot except to the extent preempted under an applicable federal law. Such voter shall make application for an absentee ballot with the Supervisor of Elections. Applications for absentee ballots shall be available beginning on the forty-fifth (45th) day prior to the date set for the general election. Applications shall be due in the office of the Supervisor of Elections, or such other location as he or she may designate, prior to the election. Absentee ballots shall be received at the office of the Supervisor of Elections, or such other location as he or she may designate, 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, as codified in the Election Law Article of the Annotated Code of Maryland, shall be applicable to all City elections to the extent not inconsistent with this Charter.

(b) In the event that a state of emergency has been declared for the City pursuant to Section 14-111 of the Public Safety Article, Annotated Code of Maryland and the provisions of this Charter, and if the Supervisor of Elections determines that the conditions giving rise to the state of emergency may reasonably be expected to threaten the health, safety and welfare of any individuals attending a polling place in the City on the date of any election, then the Supervisor of Elections shall be authorized to mail one ballot to each qualified voter of the City to be returned to the Supervisor of Elections in a self-addressed, stamped envelope. Mail-in ballots shall be sent to all qualified voters prior to the date of the election as determined by the Supervisor of Elections. Completed mail-in ballots must be received at the office of the Supervisor of Elections, or such other location as he or she may designate, on or before the hour established for the closing of the polls on the date of the election in order to be counted. Mail-in ballots received thereafter shall not be accepted, counted or valid. Nothing in this subsection shall be deemed to prohibit qualified voters wishing to vote by absentee ballot or in person on the date of the election instead of submitting a mail-in ballot from doing so.

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

- (a) *Date.* On the third (3rd) Saturday in October in the year two thousand twenty (2020), and every fourth (4th) calendar year thereafter, there shall be an election held in the City for the purpose of choosing commissioners and the mayor, as hereinafter provided.
- (b) *Ballots; form.* 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; delivery.* The Supervisor 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, 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.

- (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, however, that in any election held in the City, 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 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, 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, then the two (2) candidates receiving the most votes cast shall proceed to a general election run-off to be held on the first (1st) Tuesday of December immediately following the general election. The candidate receiving the most votes cast in the run-off shall become the elected official.
- (h) The elected officials of the general election shall be sworn in at the beginning of the first (1st) City Council meeting in January immediately following the general election.

**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 July 13, 2020, and the Charter amendment enacted by this Resolution shall become effective immediately upon adoption.

**AND BE IT FURTHER RESOLVED** that 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 (40) days following its adoption, or until August 22, 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 July 14, 2020 and August 22, 2020.

**AND BE IT FURTHER RESOLVED** that as soon as the Charter amendment enacted by this Resolution shall become effective, 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 number of votes cast for or against this Resolution by the Commissioners of Cambridge; and (3) 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 13<sup>th</sup> day of July, 2020, and having been reviewed and considered for final action, was duly adopted on the 13<sup>th</sup> day of July, 2020.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

\_\_\_\_\_  
Patrick C. Comiskey, City Manager

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Victoria Jackson-Stanley, Mayor

**Introduced the 13<sup>th</sup> day of July, 2020**  
**Adopted the 13<sup>th</sup> day of July, 2020**  
**Effective the 13<sup>th</sup> day of July, 2020**