



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
WILL BE HELD
VIRTUALLY VIA ZOOM
7 p.m.
March 25, 2020
SPECIAL SESSION**

The Council meeting will be conducted entirely remotely, and there will be no in-person meeting attendance. To join the Council meeting through a video conference, please use the Zoom link below.

Join Zoom Meeting: <https://zoom.us/j/192349158>

To join with audio only: +1 301 715 8592 US

Meeting ID: 192 349 158

A closed session has been called – see agenda item 6.

Residents will have the opportunity to speak during Public Comment - agenda item #4. During that time if you would like to make a comment, please state your name and Mayor Carey will call on you to speak. All public comment will be limited to three minutes.

1. CALL TO ORDER: *Mayor Carey*

Present:	Brosch	Absent:	Brosch
	Schultz		Schultz
	Morrissey		Morrissey
	Verrill		Verrill
	Caskey		Caskey
	Wells		Wells
	Stephen		Stephen

2. MOMENT OF SILENCE

3. APPROVAL OF THE AGENDA

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

4. PUBLIC COMMENT

5. NEW BUSINESS

A. POSTPONE DATE FOR THE NEXT TOWN ELECTION AND APPROVE VOTE-BY-MAIL ELECTION

Motion: To postpone the election from Tuesday, May 5, 2020 to Friday, May 29, 2020 for the General Election in the Town of University Park for the Offices of Mayor and Councilmember for Wards 1, 3 and 7 and to approve a vote-by-mail election where all ballots must be received by 8 p.m. on Election Day.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

B. EMERGENCY FY2020 BUDGET TRANSFER FOR ELECTIONS

Motion: To override Council policy and amend fiscal year 2020 budget to transfer \$2,000 from General Government line item 6103-01, *Administrative Expenses* to General Government line item 6050-01, *Elections* to cover the costs of printing and mailing ballots to all University Park registered voters for a vote-by-mail election due to the Coronavirus and the safety of residents and election officials.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

6. CLOSED SESSION

A. CLOSE OPEN SESSION AND ENTER INTO CLOSED SESSION

Motion: To adjourn the public meeting and enter Closed Session to consult with Counsel to discuss (I) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluations of appointees, employees, or officials over whom it has jurisdiction; or (II) any other personnel matter that effects one or more specific individuals. The Council will not be returning to Open Session.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

7. ADJOURNMENT

Agenda Item 5A
Town Clerk Staff Report



MEMORANDUM

To: Mayor and Council

From: Town Clerk Andrea D. Marcavitch

Date: Tuesday, March 24, 2020

Re: 2020 Town Election

On January 27, 2020, the University Park Council approved the next Town election to take place on Tuesday, May 5, 2020. Since that time, the state of Maryland has entered a State of Emergency due to the Coronavirus (COVID-19). Governor Larry Hogan has restricted the number of people who can gather safely at one time, closed all non-essential businesses and has recommended that everyone stay at home and go outside only as necessary to help slow the spread of the virus. The Governor's restrictions and recommendations and the threat of spreading this virus affects all aspects of how the Town conducts an election.

In the past, Town elections have consistently been held on the first Tuesday in May at the Word of God Baptist Church with polling hours from 8 a.m. to 8 p.m. We have one Supervisor of Elections, 2 Election Judges and the Town Clerk, who all assist with the election. The election takes place in a small room in the church where paper ballots and pens are distributed, and residents place their ballot in a secure voting box. At the last Mayoral election in 2018, we had 508 residents who came out to cast their ballot and we had a similar turnout in 2016 as well.

Last Friday, March 20, our Supervisor of Elections and our Town Attorney met with me via conference call to discuss the upcoming election. We reviewed the Charter and discussed all possible options. We determined that a vote-by-mail election, using absentee ballot provisions of the Charter, would be the safest way to hold this year's election. Each registered voter would receive a paper ballot specific to their ward delivered to their residence, accompanied by a stamped envelope for return of the ballot. An exterior box would also be placed at Town Hall for voters to drop off ballots. Section 504 of the Charter allows absentee voting for any reason, so that this proposal is consistent with the Charter.

An election can be held at any time in May under Section 504 of the Charter, upon approval of the Council. Upon further discussion, we determined that postponing the election date to the end of May would help get the information out to residents notifying them of the changes proposed in this Memorandum and would also give more time for

election officials to prepare for the election, including making arrangements for the preparation and mailing of the ballots.

Based on the need to protect the health for all involved while also fulfilling our Charter requirements, it is my recommendation that the Council postpone the Town election to Friday, May 29, 2020 with all ballots to be received by 8 p.m., and to approve the transfer of funds to enable election officials to conduct a vote-by-mail election.

Chapter C. Charter

Article V. REGISTRATION, NOMINATION AND ELECTIONS

Section 502. Supervisors of Elections

- (a) Beginning January 1, 1976, at its first meeting in January of each even-numbered year, or as soon thereafter as may be feasible, the Mayor and Common Council shall appoint two qualified voters to the positions of Supervisors of Elections. The Mayor and Common Council shall also designate one of the persons appointed to be Chairman. The Chairman shall serve in that capacity at the pleasure of the Mayor and Common Council. The appointees shall not hold public office nor be candidates for election to public office during their term of office, nor shall they be the spouse, parent, or child of a candidate or elected official. The Supervisors shall serve for two-year terms beginning on March 1st and ending on the last day of February of the next even-numbered year. Supervisors, whose terms have expired, shall continue to serve until a successor is appointed. The Mayor and Common Council may remove a Supervisor during the Supervisor's term of office for cause. In the event of a vacancy during a Supervisor's term of office, the vacancy may be filled by the Mayor and Common Council in the manner in which the initial appointment is made. Appointment to a vacant position shall be effective for the unexpired term of the Supervisor whose position has become vacant.
- (b) Compensation for Supervisors may be established by the Mayor and Common Council.
- (c) The Supervisors are responsible for registration of voters, administration of the procedures for nomination for Town offices and the administration and supervision of all Town Elections. In the performance of their duties, Supervisors are empowered to administer oaths. Pursuant to authorization of the Mayor and Common Council, the Chairman of the Supervisors of Elections may employ necessary personnel to assist in the performance of their duties. The Mayor and Common Council shall establish compensation for personnel employed by the Chairman.

Section 503. Registration

- (a) The Supervisors shall give at least two weeks' notice of every election date by notices published in at least one newspaper of general circulation in the Town and posted in at least one prominent place in each Ward of the Town. Notices of election shall contain a summary of questions that may be on the ballot and the names of nominees for each Town office as those names will appear on the ballot. The Supervisors may also cause notices required by this subsection to be published in the Town newsletter.
- (b) Registration of voters shall be available at any time during Town office hours. Voter registration may be accomplished in person or by mail. Further, registration with the Prince George's County Board of Elections, by a voter who resides in University Park, shall be deemed registration for elections in University Park. No registration date for municipal elections shall be established, whether by the County or the Town, within the thirty (30) day period immediately preceding an election. The Mayor and Common Council shall take those actions necessary to timely schedule and plan for implementing universal registration of voters in conjunction with Prince George's County. Registration shall be permanent if the individual votes at least once in every five years, and no person shall be entitled to vote in Town elections unless he/she is registered.
- (c) The Supervisors shall maintain, establish and amend registration lists in appropriate form containing the name, age, place of residence in the Town, ward, date of registration, and signature of each person registered to vote. Prior to each election, the Supervisors shall prepare a list containing the names and addresses of the registered voters of the Town and the ward in which each voter resides. Copies of the list shall be available to the public. The Common Council may establish and charge reasonable fees to the public for copies of such lists. The Supervisors shall use the preliminary and certified lists of Town registered voters provided by Prince George's County, together with a supplemental list prepared by the Supervisors, of persons not registered to vote in the County but qualified to vote in the Town, in preparing any list required herein.
- (d) It shall be the duty of the Supervisors to keep the registration lists current by striking from the list persons who are no longer qualified to vote and/or have not voted at least once within the preceding five years. Within twenty (20) days after receiving any preliminary list of registered voters, the Supervisors shall notify the County of any potential errors in the list of registered voters, including errors in residency of registered voters. Whenever the registration of any voter is removed for any reason from the supplemental voter registration list maintained by the Town, the Supervisors shall send a notice of this action and the reason for the action to the last known address of the voter. The voter shall be given at least fifteen (15) days to respond to indicate whether the voter wishes to remain on the Town's voter registration list. If the voter wishes to remain on the Town's list and continues to be qualified under the town's voter registration requirements, the voter's name shall be reinstated to the Town's supplemental voter registration list upon written request of the voter.

- (e) Persons aggrieved by acts of the Supervisors may appeal to the Mayor and Common Council. Decisions of the Common Council on such appeals may be appealed to the Circuit Court of Prince George's County within the time allowed for such appeal.
[Revised 11-24-1992]

Section 504. Elections

- (a) At or before the February general meeting each year, the Common Council will set the date in May for general elections in the Town. If the Common Council fails to do so on or before that date, the general elections for Town offices shall be held on the first Tuesday in May. The Mayor and Common Council are authorized to provide for the conduct of special elections, as appropriate. Special elections shall be conducted, as far as practicable, under the same procedures as general elections.
- (b) The Supervisors shall provide a suitable place or places for voting and suitable ballot boxes and ballots or voting machines. The ballots or voting machines shall show the name of each candidate arranged in alphabetical order according to their surnames, under the designation of the office for which they are candidates. In addition to surnames, the candidates' given name and middle initial shall be printed. The use of party affiliation or designation, nicknames, titles, degrees or other designations on the ballot is prohibited. The ballots shall also contain an appropriate space to permit voting for "write-in" candidates, and an appropriate space to provide the option to vote for "none of the above". Only write-in candidates qualified pursuant to section 506 of this article may be elected. The Supervisors shall not provide ballots nor permit any person to vote whose name does not appear in the registration books.
- (c) At or before the February general meeting each year, the Common Council will set the hours during which the polls will be open for the general elections in the Town, provided however that the polls shall be open at least the minimum of 1:00 p.m. to 8:00 p.m. If the Common Council fails to do so on or before that date, the hours during which the polls will be open for the Town general elections shall be 8:00 a.m. to 8:00 p.m.
- (d) The Supervisors are authorized to permit voters to vote by absentee ballot and shall establish procedures for voting by absentee ballot. A registered voter must apply for such ballot to the Chairman of the Supervisors of Elections not less than five (5) days before the date of the election. The Supervisors of Election shall verify the identity of the persons applying for an absentee ballot. No absentee ballot shall be counted unless it is received by the Supervisors on or before the date of election. The Supervisors shall maintain control and supervision of such ballots and maintain the secrecy of such ballots.
- (e) The Supervisors shall permit each candidate to designate an appropriate number of poll watchers. The Supervisors will establish appropriate rules governing the designation and conduct of poll watchers to the election which rules shall provide for the observation of the proceeding by the watchers.
- (f) Within twenty-four (24) hours after the polls are closed, the Supervisors shall tabulate the vote cast for each candidate or, if appropriate, question, and shall certify the results to the Clerk of the Town who shall record the results in the minutes of the proceedings of the Mayor and Common Council. The Clerk shall notify the Mayor, each member of the Common Council, and all candidates for office of the results of the election. The candidate for each office with the highest number of votes shall be declared by the Chairman of the Supervisors of Elections to be elected to the office for which he/she is a candidate.
[Revised, effective 3-17-2009]
- (g) Within two (2) days after the date of certification in an election conducted with paper ballots, any candidate may request a re-count of the votes cast in the election for an office for which he/she is a candidate by filing a written request with the Chairman of the Supervisors of the Election. Such request shall be accompanied by a certified check in the amount of fifty (\$50.00) dollars to defray the cost of the re-count. Within ten (10) days from the date of receipt of the request, the Supervisors shall count the ballots cast for the office for which the petitioner was a candidate. If the results of the re-count are favorable to the petitioner, the Chairman shall direct the Clerk to return the fee to the petitioner.
- (h) The Board of Elections supervisors, and each of them, has the authority to keep the peace and to cause any person to be arrested for any breach of the peace, or for any breach of the election laws, or an interference with the progress of an election, the canvass of the ballots or the ascertainment and transcription of the votes recorded on the ascertainment and transcription of the votes recorded on the voting machines. It shall be the duty of all officers of the law present to obey the order of any of the election supervisors, and an officer making an arrest by direction of the election supervisors shall be protected in so doing fully as if a warrant had been issued to him/her to make such arrest. Removal of any official Town election material from the polling place, or refusal to return said materials to the Board of Election Supervisors, is prohibited.
- (i) Contested Elections.
- (i) Petition of Contest. Any person wishing to contest the results of an election shall file a petition with the Clerk within (2) days after the results of the election are certified to the Mayor and Common Council, which petition shall set forth in writing one or more of the following grounds:
- (A) Malconduct, fraud, or irregularity by any election official sufficient to change or place in doubt the results;
 - (B) Ineligibility of the defendant for the office in dispute;
 - (C) Illegal votes received, or legal votes rejected, sufficient to change the result;
 - (D) An error in counting the votes or in declaring the result of an election, if such error would change the result; or

- (E) Any other cause which shows that another was the person legally elected.
- (ii) Notice and Hearing. Upon the filing of the contest petition, a hearing shall be set before the Mayor and Common Council and written notice stating the time and place of the hearing and containing a copy of the contest petition shall be given to all affected candidates. The hearing will take place not less than five (5) nor more than twenty (20) days after service of the notice upon the affected candidates, and shall be conducted in an informal manner.
- (iii) Determination by Mayor and Common Council. The Mayor and Common Council shall examine the qualifications of electors concerning their right to vote, order a re-count of ballots, examine the registration lists, and perform such acts and conduct such examinations as may be necessary to determine the appeal of the results of an elections; except that the Mayor or members of the Common Council who are candidates in the disputed contest shall not participate in the appeal.
- (iv) Appeal. The final determination of the Mayor and Common Council may be appealed to the Circuit Court of Prince George's County. Such appeal shall be made within ten (10) days after determination of the contest by the Mayor and Common Council.
- (j) If two or more candidates for the same office, receiving the highest number of votes, receive an equal number of votes, the Mayor and Common Council shall direct the Supervisors of Elections to administer a special election to be conducted in the same manner as far as practicable as regular Town elections. The Supervisors of Elections shall declare the candidate receiving the highest number of votes in the special election to be elected to the office for which he/she is a candidate.
- (k) All ballots will be retained in the custody of the Clerk for a period of not less than six (6) months from the date of election.
[Revised, effective 11-24-1993; 1-10-1995; 3-17-2009]

Section 505. Regulation and Control by Mayor and Common Council

The Mayor and Common Council may provide by Ordinance in every respect not covered by the provisions of this charter for appointment of Supervisor, registration of voters, nominations and Town elections.