

THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK

CHARTER AMENDMENT RESOLUTION NO. 21-04

A RESOLUTION concerning city elections

FOR the purpose of eliminating references to voting in an assigned precinct; adding a certain definition; providing for the canvassing of ballots at the times and places determined by the Board of Supervisors of Elections; establishing a deadline for the certification of election results; and otherwise relating to the conduct of elections of The City of Frederick.

BY repealing and reenacting, with amendments, Article V, § 4 of the Charter of The City of Frederick;

BY repealing and reenacting, with amendments, Article V, § 13 of the Charter of The City of Frederick; and

BY repealing and reenacting, with amendments, Article V, § 19 of the Charter of The City of Frederick.

SECTION I: BE IT RESOLVED, ENACTED, AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Article V, § 4 of the Charter of The City of Frederick be repealed and reenacted, with amendments, as follows:

§ 4. Election [~~precincts.~~] precincts and voting centers.

~~[(a)]~~ The Board of Aldermen, [~~by resolution,~~] **with the advice of the Board of Supervisors of Elections,** shall establish **by resolution** the [~~election precinct~~] boundaries [~~with the advice and cooperation of the Board of Supervisors of Elections.~~] **of election precincts and the location of voting centers.**

~~[(b)]~~ During any City election, a voter may vote in the voter's assigned precinct on election day or, if so provided by the Board of Aldermen, at an early voting center.}]

SECTION II: BE IT FURTHER RESOLVED, ENACTED, AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Article V, § 13 of the Charter of The City of Frederick be repealed and reenacted, with amendments, as follows:

§ 13. Poll watchers.

(a) Any political party, as defined by Maryland law, and any candidate for election may designate an individual known as a poll watcher at each [~~polling place or early~~] voting center to observe the conduct of the election.

(b) A poll watcher will be positioned near the election judges and inside the voting room so that the poll watcher may see and hear each voter as the person offers to vote. A poll watcher may not attempt to ascertain how a voter voted or intends to vote, confer in the polling room with any voter, or assist a voter in voting.

- (c) A poll watcher may not interfere with or obstruct an election judge in the proper performance of the election judge's duties. An election judge may eject a poll watcher who engages in any act prohibited by this section.
- (d) A political party or candidate who designates a poll watcher may remove the poll watcher at any time.

SECTION III: BE IT FURTHER RESOLVED, ENACTED, AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Article V, § 19 of the Charter of The City of Frederick be repealed and reenacted, with amendments, as follows:

- (a) The Board of Supervisors of Elections is responsible for canvassing the votes in all City elections. ~~[At 9:00 a.m. or later on the first Thursday after election day, the Board of Supervisors of Elections shall convene and proceed to canvass the ballots cast at the election.]~~ **For purposes of this Charter and the City Code, "canvass" means the entire process of vote tallying, vote tabulation, and vote verification, including the opening and tabulation of mail-in ballots and the review of provisional ballots, and culminating in the certification of the official election results.**
- (b) **Canvassing of ballots will be conducted on the dates and times and in the locations determined by the Board of Supervisors of Elections. The Board of Supervisors of Elections will provide reasonable public notice in advance of each canvass. The canvass will be conducted publicly, open to candidates and their representatives, the media, and the general public.**
- (c) **Within 10 days after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each candidate or question and shall certify the** ~~[The]~~ **election** ~~to the Director of Finance and to the Mayor and Board of Aldermen, which shall have the results entered into its minutes. After the general election or a special election, the Director of Finance shall issue certificates of election to the candidates certified by the Board of Supervisors of Elections to have been elected. [The canvass includes the tabulation of votes cast during early voting.]~~

SECTION IV. BE IT FURTHER RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That if any provision of this resolution or the Charter adopted thereby, or the application thereof to any person or circumstance, is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this resolution or the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this resolution and of the Charter are hereby declared to be severable.

SECTION V. BE IT FURTHER RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That the date of adoption of this resolution is April 15, 2021, and the amendment to the Charter of The City of Frederick hereby enacted shall become effective on June 4, 2021, unless a proper petition for a referendum is filed on or before May 25, 2021 as provided in the Annotated Code of Maryland, Local Government Article, § 4-304. A complete and exact copy of this resolution shall be continuously posted at City Hall, Frederick, Maryland, until May 25, 2021, and a fair summary of the proposed Charter amendments contained in this resolution shall be published in a newspaper of general circulation in The City of Frederick not fewer than four times at weekly intervals within a period of at least 40 days starting immediately after the adoption of this resolution.

SECTION VI. BE IT FURTHER RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That all sections of the Charter or any ordinance or parts of sections of the Charter or any ordinance inconsistent with the provisions of this resolution be and the same are hereby repealed to the extent of such inconsistency.

SECTION VII. BE IT FURTHER RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That the Mayor of The City of Frederick shall send to the Department of Legislative Services the complete text hereof; the date of the referendum election, if any; the number of votes cast for and against the questions contained in the Charter amendment, whether in the legislative body or in referendum; and the effective date of the Charter amendment.

APPROVED: April 15, 2021

PASSED: April 15, 2021

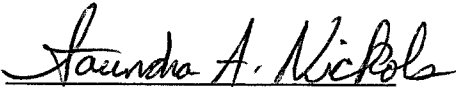


Michael C. O'Connor, Mayor



**Michael C. O'Connor, President
Board of Aldermen**

Approved for Legal Sufficiency:



City Attorney