

RESOLUTION NO. CA-7-10

RESOLUTION OF THE MAYOR AND CITY COUNCIL TO  
AMEND SECTION 32 OF THE CITY CHARTER ENTITLED  
“ELECTION PLACES; BALLOTS OR VOTING  
MACHINES; HOURS POLLS OPEN”

WHEREAS, Section 32 of the Charter of the City of Gaithersburg establishes requirements for election places, ballots, voting machines and hours of polling sites for an election; and

WHEREAS, the City has determined that the requirements established by the City Charter be amended to extend polling site hours to 8:00 p.m.; and

WHEREAS, the City has determined that the requirements established by the City Charter be amended to create distance requirements for electioneering at polling sites; and

WHEREAS, the amendment of Section 32 of the Charter of the City of Gaithersburg was duly considered by the Mayor and City Council at a public hearing held on November 15, 2010.

NOW, THEREFORE, BE IT RESOLVED, that Section 32 of the City Charter is hereby amended as follows:

Section 1 – That Section 32 of the Charter of the City of Gaithersburg be, and the same is, repealed and reenacted with amendments as follows:

**Sec. 32. - Election places; ballots or voting machines; hours polls open. Election Procedures**

- (a) It shall be the duty of the board of supervisors of elections to provide for each special and general election 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 nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind.
- (b) The board of supervisors of elections shall keep the polls open from 7:00 a.m. to ~~7:00 p.m.~~ 8:00 p.m. unless the council, by resolution, shall fix longer or shorter hours. In the event of extraordinary circumstances on Election Day, the board of supervisors of elections shall have the authority to extend the hours the polls are open at one or more voting location.
- (c) It shall be unlawful for any electioneering activities to occur within twenty-five

(25) feet from the main entrance of a polling place. The chief election judge at each polling place may modify this distance if required to protect the safety or welfare of individuals electioneering or voting.

Section 2 – BE IT FURTHER RESOLVED that the date of the adoption of this resolution is December 20, 2010, and that the amendment to the Charter of the City of Gaithersburg, as herein adopted, shall be and become effective on February 8, 2011, unless on or before said date a proper petition for referendum of this resolution shall be filed as permitted by law.

Section 3 – BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland 20877, until January 29, 2011, and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general circulation in the City of Gaithersburg not fewer than four (4) times at weekly intervals before January 29, 2011.

Section 4 – AND BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the City shall send or cause to be sent to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

ADOPTED by the City Council this 20<sup>th</sup> day of December, 2010.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in a public meeting assembled on the 20<sup>th</sup> day of December, 2010. This Resolution will become effective on the 8<sup>th</sup> day of February, 2011.

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Angel L. Jones, City Manager