

**The Village of Martin's Additions
(2020 Election)**

Ordinance No.: 2020-4-1
Introduced: April 16, 2020
Adopted: April 16, 2020
Effective Date: April 16, 2020

**DECLARATION OF A STATE OF EMERGENCY AND
ORDINANCE TO ACTIVATE AN EMERGENCY PLAN
FOR THE VILLAGE ELECTION**

WHEREAS, on March 5, 2020, in an effort to control and prevent the spread of COVID-19, a state of emergency and catastrophic health emergency was proclaimed by the Governor within the entire State of Maryland, pursuant to Maryland Code, Public Safety Article, Title 14, and the Maryland Constitution; and

WHEREAS, on March 17, 2020, the Governor declared that the state of emergency continues and ordered that the Primary Election of April 28, 2020 be postponed to June 2, 2020, and that the State Board of Elections prepare a Comprehensive Plan for the conduct of the Primary Election, to implement measures to reasonably assure, among other things, that the public health, safety, and welfare not be endangered by the election; and

WHEREAS, on March 30, 2020, the Governor issued an Executive Order compelling all persons to stay-at-home (Order No. 20-03-30-01) and an Executive Order enabling municipalities to postpone elections and/or alter the method, conduct, or voting system of an election (Order No. 20-03-30-03), in order to help control and prevent the spread of COVID-19; and

WHEREAS, Maryland Code, Local Government Article, Sec. 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, the Maryland Emergency Management Agency Act (Md. Code, Public Safety Art., Sec. 14-101, *et seq.*) provides that local governments, including municipal governments, may declare a local state of emergency and so doing activates the local state of emergency plan, per Sec. 14-111; and

WHEREAS, per Sec. 14-102(a) of said Act, the legislative purposes and intents of the law include to confer on the Governor and on the executive heads or governing bodies of the political subdivisions the emergency powers provided in the Act, and per Sec. 14-107(d)(1), after a state of emergency is declared the effect of any statute or rule or regulation of an agency of the

State or a political subdivision may be suspended in order to protect the public health, safety, or welfare; and

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, Section 502(a) of the Charter provides that in cases deemed to be of an emergency nature, the requirement that ordinance not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of three members of the Council, and emergency actions shall expire at the end of 60 days from their effective date; and

WHEREAS, Section 602 of the Charter provides that if a state of emergency has been declared by the Governor of Maryland, within the corporate limits of the Village, the Council shall be authorized to pass an ordinance to implement such emergency election procedures as may be deemed necessary as a result of the state of emergency, including but not limited to changing the election date and nomination deadlines; altering the method, conduct, or voting system of the election; altering the manner of balloting; canceling an uncontested election; and eliminating the use of polling stations; and

WHEREAS, after proper notice to the public, the Council introduced and considered this Ordinance in public session assembled on the 16th day of April, 2020; and

WHEREAS, the Council hereby declares that a state of emergency exists, as declared by the Governor of Maryland; and

WHEREAS, as a result of the state of emergency, the Council finds that the temporary amendment, on an emergency basis, of the election rules and regulations would help control and prevent the spread of COVID-19 and that the ordinance as hereinafter set forth would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, this 16th day of April, 2020, by virtue of the authority given to it by the Maryland Code and the Village Charter, the Council does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Council of the Village of Martin's Additions, acting under and by virtue of the aforementioned authority, that the election to be conducted on May 15, 2020 shall proceed according to the **Emergency Plan for Village Election** attached hereto, and according to the following:

- (1) If an election shall be uncontested, and the number of nominees having been reported shall be the same number of positions to be filled by the election, the nominee(s) so

reported shall be deemed elected as of election day, May 15, 2020, and no balloting shall take place. Balloting shall not take place in order to avoid the risk of spreading COVID-19.

- (2) Any election rule or regulation set forth in the Charter, Code of Ordinances, or election rules and regulations that is inconsistent with the provisions of the attached Emergency Plan for Village Election is hereby suspended. The Emergency Plan for Village Election shall be implemented for the 2020 election, only.

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Council of the Village of Martin's Additions, acting under and by virtue of the aforementioned authority, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect upon adoption, this 16th day of April, 2020.

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

Tiffany Cissna on behalf
Katya Hill, Secretary of Katya Hill

Tiffany Cissna
Tiffany Cissna, Chair
Village Council

Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged

