

Ordinance No. O-01-2022
Introduced: February 14, 2022
Public Hearing: March 14, 2022
Adopted: March 14, 2022

ORDINANCE No. O-01-2022

OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING CHAPTER II, "GOVERNMENT AND ADMINISTRATION", ARTICLE II, "ELECTIONS", SECTION 2-201. "GENERAL VOTER REGISTRATION" TO ENABLE A NON-CITIZEN WHO IS A LAWFUL PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES TO BE ELIGIBLE TO REGISTER TO VOTE IN TOWN OF KENSINGTON MUNICIPAL ELECTIONS.

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Kensington (hereinafter, the "Town") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Council have the power to determine the eligibility requirements for voting in municipal elections in the Town; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend the Charter to enable residents of the Town who are not United States citizens but who are permanent residents or authorized to work in the United States to register to vote in Town elections; and

WHEREAS, Chapter II, "Government and Administration", Article 2, "Elections", Section 2-201, "General voter registration", was adopted by the Mayor and Council to implement voter registration in the Town; and

CAPS : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance.
CAPS : Indicate matter added in amendment
[Brackets] : Indicate matter deleted in amendment

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Section 2-201 to conform to the said Charter amendment.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Kensington, Maryland that Chapter II, “Government and Administration”, Article 2, “Elections”, Section 2-201, “General Voter Registration,” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-201. General Voter Registration.

(a) All persons residing within the corporate limits of the Town of Kensington who are now registered voters of the Town shall remain registered as long as they shall meet the qualifications for voters described in Section 701 of the Town Charter, unless such registration shall be withdrawn as hereinafter provided. (b) Pursuant to Section 701 of the Town Charter, [~~qualified citizens~~] A RESIDENT WHO IS A CITIZEN OF THE UNITED STATES, OR WHO IS NOT A CITIZEN OF THE UNITED STATES BUT IS A PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES , who [~~are~~] IS at least 17 years old and will be 18 years old or older on or before the next Town election may register at the Town office on any day in which the office is open for official business, and at regular meetings of the Mayor and Council, or at such other times and places as may be announced from time to time prior to 9:00 p.m. on the fifth Monday preceding any election.

(c) Pursuant to Section 707 of the Town Charter, any Town resident registered with the Montgomery County Board of Supervisors of Elections shall be deemed registered for Town elections, provided that the application for such registration is received by the Montgomery County Board of Supervisors of Elections no later than 9:00 p.m. on the fifth Monday prior to an election.

(d) The Board of Supervisors of Elections shall appoint as registrar the Clerk-Treasurer. Said registrar shall have all the power and duties, including that of administering oaths, to properly register any qualified [~~citizen~~] RESIDENT.

(e) Qualified [~~citizens~~] RESIDENTS may also be registered to vote by the Board of Supervisors of Elections at such other times as may be announced from time to time by the Mayor.

(f) The Board of Supervisors of Elections shall review the books of registration prior to the second Monday in May preceding the next Town election for removal of any person who has died, who has moved out of Town, or who is otherwise legally disqualified. The Board of Supervisors of Elections shall report, in writing to the Town Council the names of all persons whose registrations are withdrawn and the reasons therefor. All questions arising in connection with the registration or withdrawal of registration of any person shall be determined and decided as provided in Section 707 of the Town Charter.

(g) The Board of Supervisors of Elections, appointed pursuant to Section 702 of the Town Charter shall remain in office until their successors are appointed and shall meet from time to time to carry out their duties.

(h) Even though a person may be on the registration rolls of the Town such person may not vote unless he or she is a qualified voter. The Board of Supervisors of Elections may require any person who comes to the polls to vote at any election to furnish proof that such [~~a~~] person is a resident of the Town under the provisions of Section 701 of the Town Charter.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a

notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on May 3, 2022, provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once in the town newsletter.


If any part of provision of this ordinance is lawfully declared 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 or of the Code.

INTRODUCED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the 14th day of February, 2022.

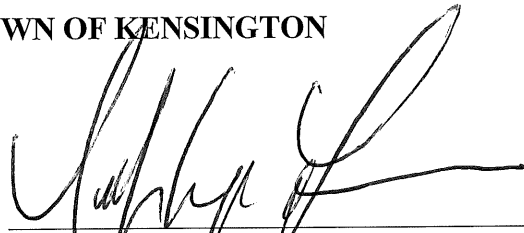
ADOPTED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the 14th day of March, 2022.

EFFECTIVE the 3rd day of May, 2022.

ATTEST:

By: 
Susan Engels, Clerk-Treasurer

TOWN OF KENSINGTON

By: 
Tracey Furman, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Suellen M. Ferguson, Town Attorney