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**NOTICE OF AMENDMENT TO THE CHARTER
FOR THE CITY OF SALISBURY**

RESOLUTION NO. 688

CHARTER AMENDMENT

A RESOLUTION to amend the Charter with respect to City elections for the purposes of (a) moving the date of elections from the spring to the fall beginning in the year 2003, (b) renaming the Board of Election Supervisors; (c) removing portions of the Charter so that they may be codified as a part of the Election Code; and (d) renumbering the remaining Charter provisions.

WHEREAS the City Council has determined that it is in the best interest of the citizens of Salisbury that general elections take place in November rather than May, as is currently the case; and

WHEREAS the City Council has also concluded that other changes in the charter made by this resolution will benefit the City of Salisbury and its citizens;

NOW, THEREFORE, be it enacted by the City of Salisbury that Article VI be amended as follows:

ARTICLE VI [Registration, Nominations and] Elections

§SC6-1. Voters.

Every person who is a citizen of the United States; is at least eighteen (18)

years of age; has resided within the corporate limits of the city for thirty (30) consecutive days next preceding any city election; and is registered in accordance with the provisions of this Charter, shall be a duly qualified voter of the city. Every duly qualified voter of the city shall be entitled to vote at any or all city elections. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC6-2. City of Salisbury Election Board. [Board of Supervisors of Elections.]

The Mayor with the advice and consent of the Council shall appoint three (3) resident and qualified voters of the city to serve as a City of Salisbury Election Board [Board of Supervisors of Elections]. [The first three (3) members shall be appointed on or before the first day of February 1952.] The term of the members shall be six (6) years staggered. [except that, of three (3) members first appointed, one (1) shall be appointed for a term of two (2) years, one (1) for a term of four (4) years and one (1) for a term of six (6) years.] Any vacancy during the unexpired term of a member shall be filled by the Mayor with the advice and consent of the Council for the remainder of the term. All members shall serve until their successors are appointed and qualified. No more than two (2) members of the City Board [of Supervisors of Elections] shall be of the same political party. The compensation of the City Board [of Supervisors of Elections] shall be determined

by the Council. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC6-3. [Same: duties.] Duties of board

[The Board of Supervisors of Elections shall generally supervise the conduct of the System of permanent registration, nomination by petition and general, primary and special elections in accordance with the provisions of this Charter and ordinances of the Council. The Board of Supervisors of Elections shall act as a Board of Canvassers for all primary, general and special elections of the city. Within forty-eight (48) hours after the closing of the polls at such elections, said Board shall canvass the return of the Judges of Elections in the several precincts of the city and certify the results thereof to the City Clerk, who shall record same in the minutes of the Council. The City Clerk shall issue certificates of election to the candidates who, based on the results announced by the Board of Supervisors of Elections, sitting as the Board of Canvassers, have been elected to office in any general election.] The duties of the City of Salisbury [Board of Supervisors of Elections] Election Board shall be set forth in Chapter 1.08 of the Salisbury City Code, as the same shall be amended from time to time. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC6-4 [Permanent registration]. Registration of voters.

[There shall be a registration of the voters of Salisbury on a daily basis, Monday through Friday inclusive, during normal business hours, exclusive of state and national holidays. These provisions for registration are for the purpose of keeping up-to-date the system of permanent registration inaugurated by the Council in 1950. No person shall be allowed to vote at any municipal election unless he or she shall have been registered at the time of the original registration or on some succeeding registration day. The Council is hereby authorized and empowered, by ordinance, to adopt and enforce all rules and regulations necessary for establishing and maintaining a system of permanent registration.] The City Council shall determine the method and manner of the registration of the city voters, all of which shall be set forth in Chapter 1.08 of the Salisbury City Code, as the same shall be amended from time to time. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC6-5. [Alternate procedure for permanent registration and] Conduct of elections.

[In lieu of the performance of procedures for permanent registration and the conduct of city elections by the Board of Supervisors of Elections, the Council, in its discretion, shall have the power by ordinance to approve a contract between the city and another Maryland municipal corporation or The Board of Supervisors of

Elections of Wicomico County for the performance, by such other municipal corporation or duties of the Board of Supervisors of Elections pursuant to the terms of said contract as approved by the Council. In such event, the Board of Supervisors of Elections shall be relieved of those duties or functions contracted to be performed by another Maryland municipal corporation of The Board of Supervisors of Elections of Wicomico County.] The Council shall have the power by ordinance to conduct elections and to govern all aspects thereof, which provisions shall be set forth in Chapter 1.08 of the Salisbury City Code, as the same shall be amended from time to time. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

[§SC6-6. Registrars.

It shall be the duty of the Council to divide the city into such precincts as it may deem advisable from time to time. Until and unless the precincts are changed by ordinance, they shall remain as established on January 1, 1952. The Board of Supervisors of Elections shall appoint such registrars as may be necessary to register all voters. All resident voters shall vote in the precincts in which they reside. All nonresident owners of property situate in Salisbury shall register and vote in that precinct wherein the city hall is located. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and

January 1999.]

[§SC6-7. (Reserved) (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)]

[§SC6-8. Appeal.

If anyone shall feel aggrieved by the action of the registrars in refusing to register or to strike off the name of any person, or by any other action, such person feeling aggrieved may appeal to the Board of Supervisors of Elections. Any decision or action of the Board may be appealed to the Council, and the Council's decision shall be final. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)]

[§SC6-9. Voting places and ballots.

It shall be the duty of the Board of Supervisors of Elections to provide for each city and primary election a suitable place or places for voting in each precinct, suitable ballot boxes and ballots in the form and arranged as provided by Article 33 of the Annotated Code of the Public General Laws of Maryland (1957 Edition) and all amendments thereto. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)]

§SC[6-10] 6-6. Nomination.

No person shall be a candidate for any public office in the government of the City of Salisbury unless [such person] he or she shall file a certificate of

nomination with the City Clerk on or before 4:30 p.m. on the ninth Tuesday prior to the date for the general city election. The certificate of nomination shall contain the person's name, address, the name of the office the person is seeking, a statement that the person is qualified to be a candidate for that office and the signature of the person. No person shall file for nomination to more than one (1) elective city office or hold more than one (1) elective city office at one time. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC [6-11] 6-7. Primary elections.

In the year 2000, [T]the primary election, if required, shall be held on March 28 and in the year 2002 on April 2 and thereafter on the fifth Tuesday prior to the date for the general election. The City Clerk [Board of Supervisors of Elections] shall give at least two (2) weeks notice by publication in some newspaper printed in the City of Salisbury of the time and place or places of holding the primary election.

In years in which three (3) Councilmembers are to be elected, if more than six (6) persons file certificates of nomination, a primary election shall be held. Of the candidates participating in such a primary election, the six (6) candidates who receive the most votes shall be named and considered as candidates for the three (3) Councilmember offices in the following general election. If not more than six

(6) persons file certificates of nomination, no primary shall be held and those persons who do file certificates of nomination shall be named and considered as candidates for the three (3) Councilmember offices at the next general election.

In the years in which the Mayor and one (1) Councilmember from each District and at large are to be elected, a primary election shall be held for any available office for which more than two (2) persons file certificates of nomination. Of the candidates participating in such a primary, the two (2) candidates who receive the most votes shall be named and considered as the candidates for that office in the following general election. No primary shall be held for any office for which not more than two (2) persons file certificates of nomination. In such instances, those persons who do file certificates of nomination shall be named and considered as candidates for that office in the general election. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

[§SC6-12. (Reserved) (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)]

[§SC6-13. (Reserved)] (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)]

§SC[6-14] 6-8. **Filing fee.**

Every candidate for the office of Mayor, at the time of filing his or her

certificate of nomination, as set forth above, shall pay to the City Clerk the sum of twenty-five dollars (\$25.). Every candidate for the Councilmember, at the time of filing his or her certificate of nomination, as set forth above, shall pay to the City Clerk the sum of fifteen dollars (\$15.). (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC[6-15] 6-9. Election of Mayor and Council.

[On the first Tuesday in May 1988 and on the same day every four (4) years thereafter, the registered voters of the city shall elect three (3) Councilmen to serve for terms of four (4) years. On the first Tuesday in May 1990 and on the same day every four (4) years thereafter, the registered voters of the city shall elect a Mayor and two (2) Councilmen to serve for terms of four (4) years. The Mayor and Councilmen holding office in 1987 shall continue to hold office for the respective terms for which they have been elected or until their successors are elected and qualified; their successors shall be elected for regular terms expiring on the second Monday after the election of their respective successors.] On the first Tuesday of May 2000, the registered voters shall elect three (3) Councilmembers from District 2 whose terms shall run until the general election of November 2003. Thereafter, the registered voters shall elect their successors, who shall serve four-year terms.

On the first Tuesday of May 2002, the registered voters shall elect a Mayor

and three (3) Councilmembers, one at-large, one from District 1 and one from District 2, whose terms shall run until the general election of November 2005. Thereafter, the registered voters shall elect their successors, who shall serve four-year terms. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC[6-16]6-10. Notice of elections.

The City Clerk [Board of Supervisors of Elections] shall, by publication in one (1) or more newspapers published in the City of Salisbury at least ten (10) days prior to holding any general or special election, give notice thereof, stating the object of said election and the time and place and hours of the same. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

[§SC6-17. Judges of elections.

The Board of Supervisors of Elections shall, at least five (5) days prior to holding any primary, general or special election, appoint as many resident qualified voters of the city as it may deem necessary to act as Judges of the Election. The Board of Supervisors of Elections shall endeavor to assure that not more than one-half ($\frac{1}{2}$) of the Judges so appointed shall be of the same political party. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

[§SC6-18. False returns.

If any of the Judges of Election willfully shall make a false return, he or they shall be deemed guilty of a felony and on conviction shall be sentenced to the penitentiary for not less than one (1) or more than ten (10) years. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

[§SC6-19. Conduct of elections.

The Judges shall keep the polls open from 7:00 a.m. to 7:00 p.m. They shall, within twenty-four (24) hours after the closing of the polls, return under their hands and seals the number of votes cast for each person and for what office or object, together with the ballots, taken in seal packages to the Board of Supervisors of Elections, who shall canvass said returns and preserve said ballots for at least two (2) months. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC[6-20] 6-11. Challengers and Watchers.

Challengers and watchers representing the candidates in any primary or city election shall be allowed to be present at the several voting places during the voting and counting of the ballots as provided by law with respect to general elections. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

§SC[6-21]6-12. Vacancies.

In case of a vacancy for any reason in the Council, the Council, within four (4) weeks of the occurrence of the vacancy, shall elect some qualified person to fill such vacancy for the unexpired term. In case of a vacancy for any reason in the office of Mayor, the Council, within four (4) weeks of the occurrence of the vacancy, shall elect some qualified person to serve as Acting Mayor for the unexpired term. Any vacancies in either the Council or the office of Mayor shall be filled by a majority vote of all the members of the Council. In case the Mayor or any Councilman shall fail to qualify within five (5) days of notification of election, a vacancy shall exist to be filled as provided in this section. The Council shall immediately certify any vote so taken to the City Clerk. The City Clerk shall record the vote and shall forthwith notify the person so elected, who shall, within five (5) days of notice, qualify in the manner as regularly elected city officials. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

[§SC6-22. Failure to act.

Should any person fail to perform any duties which are prescribed for him under §§SC6-2 and SC6-21 of this Charter, he shall be deemed guilty of a misdemeanor. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)]

[§SC6-23. Regulation and control.

The Council shall have the power to provide by ordinance for the conduct, regulation and control of permanent registration; nomination by petition; and primary, general and special elections in every respect not covered by specific provisions of this Charter. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)]

[§SC6-24. (Reserved) (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)]

§SC[6-25]6-13. Recall of elected officials.

The Mayor or a member of the City Council may be recalled from office (removed) in accordance with the following procedure:

A. A petition signed by at least thirty percent (30%) of the qualified registered voters of the City of Salisbury in the case of the Mayor and thirty percent (30%) of the qualified registered voters of the Councilmember's district in the case of a Councilmember must be presented to the Mayor and City Council at a regular Council meeting stating a desire to have the named town official subjected to reaffirmation by a vote of the electorate. In the case of the Mayor, the vote of the full City electorate will apply. In the case of a Councilmember, the vote of the district electorate will apply. A petition shall contain the name of only one (1) City official. The qualified registered City voters signing said petition

shall sign the same as their names appear on the City election records and under each signature shall be typed or printed each petitioner's name, address and district in which he or she votes in City elections. At the bottom of each page of the petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose names appear thereon sign the same in his or her presence.

B. The petition shall state specifically the jurisdiction for recall of the Mayor or, as the case may be, a Councilmember which shall be for one (1) of the following reasons:

- (1) Failure to uphold the oath of office.
- (2) Nonfeasance while in office. (Nonfeasance is defined as "the omission of an act which a person ought to do").
- (3) Misfeasance while in office. (Misfeasance is defined as the "improper doing of an act which a person might lawfully do").
- (4) Malfeasance while in office. (Malfeasance is defined as "the doing of an act which a person ought not to do at all").

C. Upon receipt of a petition, the Mayor and Council shall forthwith refer the petition to the City Board of Election Supervisors for verification of the appropriate number of qualified registered voters' signatures, addresses and districts. The Board shall return said petition with its written findings as to

required voters, addresses and districts to the Mayor and Council at its next regular meeting; and at its meeting, if the petition is authenticated, the Mayor and City Council shall announce that (1) within thirty (30) days a public hearing will be held on the petition and that (2) within forty-five (45) days a special election shall be held in order to allow, in the case of a Mayor, all qualified registered voters of City to vote on the petition and, in the case of a Councilmember, all qualified registered voters of his or her district to vote on the petition.

D. The voting ballot will contain the official's name and the choice of "reaffirm" or "remove," and in order for the official to be removed, a majority of those voting must vote "remove."

The voting will be conducted in the same manner as prescribed herein for regular City elections and, if removal results, the vacancy will be filled as herein prescribed. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)


SC[6-26]6-14. Nonpartisan elections.

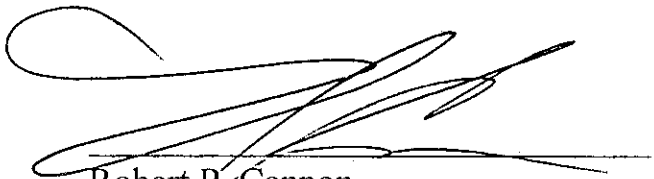
All city elections shall be nonpartisan and no indication of party affiliation shall be placed beside the candidates' names on any ballot. (1996 Salisbury Municipal Code, Charter Section, with supplements of January 1997, November 1997 and January 1999.)

AND be it further enacted by the Salisbury City Council that this Resolution

take effect fifty (50) days from and after the date of its final passage, subject to the right of referendum. The City Clerk is hereby authorized to proceed with the posting and publication of this Resolution pursuant to the requirements of Article 23A of the Annotated Code of Maryland.

The above Resolution was introduced and read and passes at the regular meeting of the City Council of the City of Salisbury held on this 16th day of January, 2000.


Brenda J. Colegrove
City Clerk


Robert P. Cannon
President of the City Council
of the City of Salisbury

Publish: