

CHARTER AMENDMENT RESOLUTION NO. 2023-1

A RESOLUTION TO AMEND § SC2-2 AND § SC20-1 OF THE CITY CHARTER TO CHANGE ALL REFERENCES TO THE “BOARD OF SUPERVISORS OF ELECTIONS” IN THE CHARTER TO THE “CITY OF SALISBURY ELECTION BOARD.”

WHEREAS, the ongoing application, administration, and enforcement of the City Charter demonstrates a need for its periodic review, evaluation, and amendment to keep the provisions of the Charter current; and

WHEREAS, § SC2-2 and § SC20-1 of the Charter refers to the City of Salisbury Election Board as the “Board of Supervisors of Elections,” which is a term no longer used by the City; and

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 4-301 et seq., as amended, and § SC21-2 of the Charter to amend the Charter, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality; and

WHEREAS, the Mayor and Council find that amendments to § SC2-2 and § SC20-1 of the Charter are desirable to update the Charter; and

WHEREAS, on January 6, 2023, the City of Salisbury Election Board convened in public session to review potential amendments to the Charter and Code to offer advice and recommendations to the Mayor and Council about potential amendments and updates; and

WHEREAS, on April 17, 2023, the Mayor and Council convened in public session to review potential amendments to the Charter and Code resulting from the advice and recommendations of the City of Salisbury Election Board; and

WHEREAS, the Mayor and Council have determined that amendments to § SC2-2 and SC20-1 shall be adopted as set forth herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY by virtue of the authority granted in Article XI-E of the Maryland Declaration of Rights, §§ 4-301 *et seq.* of the Local Government Article of the Code of Maryland, and Article XXI of the City Charter as follows:

Section 1. It is proposed and recommended that § SC2-2 be amended to repeal the language in double bold brackets and adding the underscored and italicized language:

Councilmembers shall have resided in Salisbury for at least one (1) year immediately preceding their election and the Councilmembers from each District shall reside in the boundaries of the District from which they are to be elected on the date of filing for election and must continue to reside therein during the term to which they are elected, must be at least twenty-one (21) years of age and shall be qualified registered voters of the City. The [[Board of Supervisors of Elections]] *City of Salisbury Election Board* shall be the judge of the qualifications of candidates for City Council.

Section 2. With the aforementioned proposed Charter amendment, Section SC2-2 of the Charter would read:

Councilmembers shall have resided in Salisbury for at least one (1) year immediately preceding their election and the Councilmembers from each District shall reside in the boundaries of the District from which they are to be elected on the date of filing for election and must continue to reside therein during the term to which they are elected, must be at least twenty-one (21) years of age and shall be qualified registered voters of the City. The City of Salisbury Election Board shall be the judge of the qualifications of candidates for City Council.

Section 3. It is proposed and recommended that § SC20-1 be amended to repeal the language in double bold brackets and adding the underscored and italicized language:

The following persons, before entering upon the duties of their offices, shall make oath before the Clerk of the Circuit Court for Wicomico County that they will diligently and faithfully, without partiality, favor or prejudice, well and truly perform the duties of their office: the Mayor, the members of the Council, the City Administrator, the Director of Finance, the City Clerk, the City Solicitor, the members of the ~~[[Board of Supervisors of Elections]]~~ *City of Salisbury Election Board*, the Judges of Election, the heads of all offices, departments and agencies of the city government and such other officers and employees of the city as the Council may require. Each oath shall be recorded in the office of the Clerk of the Circuit Court for Wicomico County. A certificate of each oath shall be returned by him to the Council and shall be recorded in the proceedings of the Council. Either of these records or a certified copy of either of them under seal may be used as evidence in any court in the state.

Section 4. With this proposed Charter amendment, Section SC20-1 of the Charter would read:

The following persons, before entering upon the duties of their offices, shall make oath before the Clerk of the Circuit Court for Wicomico County that they will diligently and faithfully, without partiality, favor or prejudice, well and truly perform the duties of their office: the Mayor, the members of the Council, the City Administrator, the Director of Finance, the City Clerk, the City Solicitor, the members of the City of Salisbury Election Board, the Judges of Election, the heads of all offices, departments and agencies of the city government and such other officers and employees of the city as the Council may require. Each oath shall be recorded in the office of the Clerk of the Circuit Court for Wicomico County. A certificate of each oath shall be returned by him to the Council and shall be recorded in the proceedings of the Council. Either of these records or a certified copy of either of them under seal may be used as evidence in any court in the state.

AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 5. Pursuant to MD Code, Local Government, § 4-304, a public hearing on this Resolution, providing for the amendment of the City of Salisbury's Charter as set forth herein, shall be and hereby is scheduled for May 8, 2023 at 6:00 p.m.

Section 6. Pursuant to the City of Salisbury's Charter § SC21-2 and MD Code, Local Government,

§ 4-304, the City shall post a complete and exact copy of this Charter Amendment at the City Government Building for at least forty (40) days after the passage of this Resolution and advertise a fair summary of this Resolution in a newspaper of general circulation in the City at least four times at weekly intervals and within forty days after the Resolution has been adopted.

Section 7. The title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes.

AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 8. This Resolution shall take effect on the fiftieth day after the Resolution is adopted, subject to the right of referendum.


AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 9. It is the intention of the Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.


Section 10. It is further the intention of the Council of the City of Salisbury that if any section, paragraph, subsection, clause, or provision of this Resolution shall be adjudged invalid, unconstitutional, or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable

Section 11. The Recitals set forth hereinabove are incorporated into this section of this Resolution as if such recitals were specifically set forth at length in this Section 11.

THIS RESOLUTION was introduced, read, and passed at the regular meeting of the Council of the City of Salisbury held on the 8th day of May, 2023.



Kimberly R. Nichols,
City Clerk



Muir W. Boda,
Council President



City of
Salisbury
John "Jack" R. Heath, Mayor

TO: City Council
FROM: Kimberly Nichols, City Clerk
DATE: April 12, 2023
SUBJECT: Elections Charter Amendments

The City of Salisbury Election Board has reviewed the City Charter pertaining to Elections with Legal and recommend the following Charter Amendment to the City of Salisbury Charter:

Charter Amendment No. 2023-1- § SC2-2 The Council and § SC20-1 Oath of Office

- Change all references to the "Board of Supervisors of Elections" to the "City of Salisbury Election Board"

Charter Amendment No. 2023-2- § SC6-11 Challengers and Watchers

- In reference to Challengers and Watchers being allowed to be present, striking ***representing candidates in any City election allowed at several voting places during the vote and counting of ballots*** and inserting language to allow Challengers and Watchers allowed at each place of registration and election in **accordance with state law.**

Charter Amendment No. 2023-3- § SC6-13(H) Recall of elected officials

- To change all references to the "Board of Supervisors of Elections" to the "City of Salisbury Election Board"
- To remove the random sampling requirement of verifying signatures on a recall petition

If you have any questions about the attached Charter Amendments, please let me know. Otherwise, please approve including them in an upcoming Legislative Session.