

CHARTER AMENDMENT RESOLUTION NO. 2023-3

A RESOLUTION TO AMEND § SC6-13(H) OF THE CITY CHARTER TO CHANGE THE REFERENCE TO THE “BOARD OF SUPERVISORS OF ELECTIONS” IN THE CHARTER TO THE “CITY OF SALISBURY ELECTION BOARD” AND TO REMOVE THE RANDOM SAMPLING REQUIREMENT OF VERIFYING SIGNATURES ON A RECALL PETITION.

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, § SC6-13(H) 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, § SC6-13(H) requires that, with a petition to recall an elected official, the City of Salisbury Election Board and City Clerk shall verify the appropriate number of qualified registered voters' signatures, addresses and districts, and, in addition, conduct a random sampling of ten percent (10%) of the signatures to compare with voter registration cards; and

WHEREAS, if a petition complies § SC6-13(D), as reasonably determined by the City of Salisbury Election Board and City Clerk, they shall not also be required to conduct a random sampling of ten percent (10%) of the signatures to compare with voter registration cards; 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 § SC6-13(H) 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 § SC6-13(H) 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 § SC6-13(H) be amended to repeal the language

in double bold brackets and adding the underscored and italicized language:

Upon receipt of a petition, the Mayor and Council shall forward the petition to the ~~[[City Board of Election Supervisors]]~~ *City of Salisbury Election Board* and the City Clerk for verification of the appropriate number of qualified registered voters' signatures, addresses and districts. ~~[[In addition to the computer verification program, a random sampling of ten percent (10%) of the signatures shall be compared with their voter registration cards.]]~~ The Board and the City Clerk shall return said petition with their written findings as to required Signatory(s), addresses and districts to the Mayor and Council at the Council meeting following the expiration of thirty (30) calendar days; and at its meeting, if the petition is authenticated, the Mayor and Council shall announce that (1) within thirty (30) days a public hearing will be held on the petition to allow the initiator and the official being recalled an opportunity to speak; and that (2) within forty-five (45) days of the authentication, a reaffirmation vote 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.

Section 2. With the aforementioned proposed Charter amendment, Section SC6-13(H) of the Charter would read:

Upon receipt of a petition, the Mayor and Council shall forward the petition to the City of Salisbury Election Board and the City Clerk for verification of the appropriate number of qualified registered voters' signatures, addresses and districts. The Board and the City Clerk shall return said petition with their written findings as to required Signatory(s), addresses and districts to the Mayor and Council at the Council meeting following the expiration of thirty (30) calendar days; and at its meeting, if the petition is authenticated, the Mayor and Council shall announce that (1) within thirty (30) days a public hearing will be held on the petition to allow the initiator and the official being recalled an opportunity to speak; and that (2) within forty-five (45) days of the authentication, a reaffirmation vote 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.

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

Section 3. 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 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 9.

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.