

CHARTER AMENDMENT RESOLUTION NO. 2024-4

A RESOLUTION TO AMEND SECTION 6 OF THE CITY CHARTER ENTITLED “ELECTIONS” TO AMEND § SC6-6 GOVERNING NOMINATIONS AND § SC6-9 GOVERNING THE ELECTION OF MAYOR AND COUNCIL AND ADDING SECTIONS PROVIDING THE REQUIREMENTS FOR WRITE-IN CAMPAIGNS AND CERTIFICATES OF WITHDRAWAL.

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, 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 Section 6 of the Charter as set forth herein are desirable to update and clarify the Charter and to conform with state law; and

WHEREAS, on August 8, 2024, the City of Salisbury Election Board convened in public session to review potential amendments to the Charter and to offer advice and recommendations to the Mayor and Council; and

WHEREAS, on August 19, 2024, the Mayor and Council convened in public session to review the proposed Charter Amendments to Article VI governing Elections; and

WHEREAS, the Mayor and Council have determined that amendments to Article VI of the Charter 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 § SC6-6 be amended to repeal the language in double bold brackets and adding the underscored and italicized language:

§SC6-6. – Nomination.

No person shall be a candidate for any public office in the government of the City of Salisbury unless he or she shall file a certificate of nomination with the City Clerk on or before 4:30 p.m. on the eleventh Tuesday prior to the date for the general election. The certificate of nomination *shall be filed under oath and* 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 a nomination to more than one (1) elective city office or hold more than one (1) elective city office at one time.

Section 2. With the aforementioned proposed Charter amendment, § SC6-6 of the Charter

would read:

No person shall be a candidate for any public office in the government of the City of Salisbury unless he or she shall file a certificate of nomination with the City Clerk on or before 4:30 p.m. on the eleventh Tuesday prior to the date for the general election. The certificate of nomination shall be filed under oath, and 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 a nomination to more than one (1) elective city office or hold more than one (1) elective city office at one time.

Section 3. It is proposed and recommended that § SC6-9 be amended to add the

underscored and italicized language:

§ SC6-9. – Election of Mayor and Council.

The voters of the City shall, on the first Tuesday in November in the year 2023 and in each fourth year thereafter, elect a Mayor, whose term of office shall be for four (4) years and until his or her successor is elected and qualified, and five Councilmembers, whose terms of office shall be for four years until their successors are elected and qualified.

All elections shall be held and conducted in accordance with the provisions of this Charter, the City Code, and applicable ordinances, which may include provisions for early voting, *and in accordance with Maryland State law and regulations.*

Section 4. With the aforementioned proposed Charter amendment, § SC6-9 of the Charter

would read:

The voters of the City shall, on the first Tuesday in November in the year 2023 and in each fourth year thereafter, elect a Mayor, whose term of office shall be for four (4) years and until his or her successor is elected and qualified, and five

Councilmembers, whose terms of office shall be for four years until their successors are elected and qualified.

All elections shall be held and conducted in accordance with the provisions of this Charter, the City Code, and applicable ordinances, which may include provisions for early voting, and in accordance with Maryland State law and regulations.

Section 5. It is proposed and recommended that Article VI of the Charter be amended to add a new section designated “§ SC6-16. – Write-in Campaigns” by adding the following underscored and italicized language:

§ SC6-16. - Write-in Campaigns.

An individual who seeks election for any public office in the government of the City of Salisbury as a write-in candidate shall file a certificate of nomination with the City Clerk in the form and by the deadline as required by Maryland State law and regulation. Any write-in campaign and voting for a write-in candidate shall be governed by Maryland State law and regulation.

Section 6. It is proposed and recommended that Article VI of the Charter be amended to add a new section designated “§ SC6-17. – Certificates of Withdrawal” by adding the following underscored and italicized language:

§ SC6-17. – Certificates of Withdrawal

An individual who has filed a certificate of nomination may withdraw the candidacy by filing a Certificate of Withdrawal on the form prescribed by the City of Salisbury Election Board within the time prescribed by the board.

Section 7. 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 September 23, 2024 at 6:00 p.m.

Section 8. 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 9. The title of this Resolution shall be deemed a fair summary of the amendments provided herein for public and all other purposes.

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

Section 10. This Resolution shall take effect on the fiftieth day after the Resolution is adopted, subject to the right of referendum.

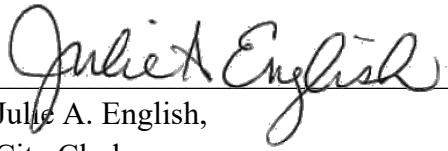
AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 11. 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 12. 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 13. 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 13.

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 23 day of September, 2024.



Julie A. English,
City Clerk



D'Shawn M. Doughty,
City Council President

APPROVED BY ME THIS 24 day of Sept, 2024.



Randolph J. Taylor, Mayor