

ARTICLE VI 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. [1959 Code, sec. 314. 1951, ch. 534, sec. 33]

[Amended 2-14-72 by Res. No. 152; 10-28-74 by Res. No. 181; 6-3-93 by Res. No. 426; 1-10-00 by Res. No. 688]

§ SC6-2. City of Salisbury Election Board.

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. The term of the members shall be six (6) years staggered. 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 shall be of the same political party. The compensation of the City Board shall be determined by the Council.

[1959 Code, sec. 315. 1951, ch. 534, sec. 34] [Amended 1-10-00 by Res. No. 688]

§ SC6-3. Duties of board.

The duties of the City of Salisbury 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.

[1959 Code, sec. 316. 1951, ch. 534, sec. 35] [Amended 1-10-00 by Res. No. 688]

§ SC6-4. Registration of voters.

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.

[1959 Code, sec. 317; 1951, ch. 534, sec. 36; 1953, ch. 105] [Amended 9-9-63 by Res. No. 25*; 6-28-77 by Res. No. 196; 1-10-00 by Res. No. 688]

* Editor's Note: The preamble to Res. No. 25, adopted 9-9-68, was as follows (and note that this resolution also amended original Sections 42 and 46, below):

"Whereas, confusion and dissatisfaction has been caused in the minds of the public and inconvenience to the public has resulted from the fact that State-wide law now fixes County registration and primary election dates for County voters in April and May of even numbered years, and the provisions of the City's Charter fix dates in March and April for Citywide registration of City voters and City primary and general elections (the second Tuesday in April being thus fixed as the date for both County registration and the City primary), and it is believed desirable and in the public interest that the City's Charter be amended so as to advance the City's registration and election dates to the months of February and March in order to avoid any conflict and confusion with the County's date fixed by State-wide law."

§ SC6-5. Conduct of elections.

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.

[Added 7-22-74 by Res. No. 178*] [Amended 12-21-95 by Res. No. 516; 1-10-00 by Res. No. 688]

* Editor's Note: The preamble to Res. No. 178, adopted 7-22-74, was as follows:

"WHEREAS, past experience dictates that improvements should be made in the procedures governing City elections, and

"WHEREAS it is deemed to be necessary and desirable that certain election functions, particularly in registration, could be performed by the Wicomico County Election Board thus eliminating the requirement of dual registration."

§ 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.

[1959 Code, sec. 322. 1951, ch. 534, sec. 41] [Amended 3-13-95 by Res. No. 484; 8-11-08 by Res. No. 1685; renumbered and amended 1-10-00 by Res. No. 688]

(Charter Res. No. 2024-4, §§ 1, 2, 9-23-2024)

§ SC6-7. Revoked.

Editor's note(s)—Res. No. 2015-3, adopted March 23, 2015, repealed § SC6-7, in its entirety. Former § SC6-7 pertained to "Primary elections," and was derived from 1959 Code, sec. 323. 1951, ch. 534, sec. 42; Res. No. 25, adopted September 9, 1963; Res. No. 304, adopted September 28, 1987; Res. No. 484, adopted March 13, 1995; Res. No. 688, adopted January 10, 2000; Res. No. 742, adopted November 13, 2000; Res. No. 1889, adopted February 22, 2010 and Res. No. 2170, adopted June 11, 2012.

§ SC6-8. 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 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.).

[1959 Code, sec. 326. 1951, ch. 534, sec. 45] [Amended 3-13-95 by Res. No. 494; renumbered and amended 1-10-00 by Res. No. 688]

§ 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.

[1959 Code, sec. 327. 1951, ch. 534, sec. 46] [Amended 11-13-00 by Res. No. 742; 9-9-63 by Res. No. 25; 9-28-87 by Res. No. 304; renumbered and amended 1-10-00 by Res. No. 688; amended 2-22-10 by Res. No. 1889; 6-11-12 by Res. No. 2170; amended 4-25-2022 by Res. No. 2022-3]

(Charter Res. No. 2024-4, §§ 3, 4, 9-23-2024)

Editor's note(s)—For the preamble to Res. No. 25, adopted 9-9-63, see § SC6-4.

§ SC6-10. Notice of elections.

The City Clerk 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.

[1959 Code, sec. 328. 1951, ch. 534, sec. 47][Renumbered and amended 1-10-00 by Res. No. 688]

§ SC6-11. Challengers and Watchers.

Challengers and watchers shall be allowed to be present at each place of registration and election in accordance with state law.

[1959 Code, sec. 332. 1951, ch. 534, sec. 51][Renumbered and amended 1-10-00 by Res. No. 688]

(Res. No. 2015-3, 3-23-2015; Res. No. 2023-2, §§ 1, 2, 5-8-2023)

§ SC6-12. 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.

[1959 Code, sec. 333. 1951, ch. 534, sec. 52][Renumbered and amended 1-10-00 by Res. No. 688]

§ SC6-13. 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:

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- A. Definitions. The following words and phrases shall have, for the purposes of this subsection, the following meanings:
- (1) "Circulator" means a qualified registered voter of the City who obtains signatures of those voters who wish to sign a petition to recall a City Official.
 - (2) "City Official" means a person who is serving as the Mayor or a member of the City Council.
 - (3) "Initiator" means a qualified registered voter of the City who initiates a petition to recall a City Official.
 - (4) "Petition" means a petition to recall a City Official.
 - (5) "Reaffirmation Vote" means an election following the submission of a successful recall petition to determine if a City Official will be "reaffirmed" or "removed" from office.
 - (6) "Recalled Official" means a City Official who has been removed following a reaffirmation vote, but has not been unseated by a special election.
 - (7) "Signatory" means a qualified registered voter of the City who signs a recall petition to recall a City Official.
 - (8) "Special Election" means an election following a reaffirmation vote where the majority vote is to "remove" a City Official.
- B. The citizens of the City of Salisbury who are qualified registered voters shall have the right to recall the Mayor, or any Councilmember from their respective district, and remove them from office. The initiator(s), circulator(s) and signatory(s) of a recall petition shall be qualified registered voters, as defined in § SC6-1 of the City Charter, in the City Official's district at the time of the filing of the recall petition.
- C. A letter of intent, signed by the initiator of the recall, containing the printed name and residence address of the initiator shall be submitted to the City Clerk stating the name and title of the official to be recalled and the reason(s) for recall as described in "E" below. The initiator must be eligible to vote for the office of the City Official they seek to recall. The City Clerk will prepare the petition form and, after review and approval of the City Solicitor, submit the petition to the initiator within seven (7) days after approval of the City Solicitor.
- D. Within 90 days from the initiator's receipt of the recall petition form from the City Clerk, 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 City 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 Councilmember's(s') district electorate will apply. A petition shall contain the name of only one (1) City Official. Signatory(s) of the petition shall sign the petition as their names appear on the City election records and under such signature shall be typed or printed each Signatory's name, address, the district in which he or she votes in City elections and the date the petition was signed. At the bottom of each page of the petition, the Circulator shall sign the petition page and make an affidavit before a notary public that he or she is a registered voter of the City of Salisbury, circulated the petition and witnessed each Signatory whose name appears thereon execute the same in his or her presence.
- E. The petition shall state specifically the reason(s) for recall of the Mayor or, as the case may be, a Councilmember which shall be for one (1) or more of the following reasons:
- (1) Failure to uphold the oath of office.

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- (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").
- F. A Signatory who has signed a recall petition who wishes to withdraw his or her name from the petition may file a written notarized request with the City Clerk no later than the day before the petition is presented to the Mayor and City Council.
- G. The Initiator shall submit a financial report to the City Clerk. The Initiator of a recall shall appoint a treasurer who shall have the responsibility of maintaining a detailed, full and accurate account of the contributions, monies, loans, in-kind services (including personal contributions, loans and monies), the date each contribution was received, and the name and address of each contributor. Contributions by an individual or entity shall not be in excess of \$250.00. The report shall also contain a detailed record of all disbursements made by the initiator for the recall effort.
- The financial report shall be submitted fifteen (15) days prior to filing a recall petition with the Mayor and Council. A final report shall be submitted no later than thirty (30) days after the special election. If the recall effort is deemed unsuccessful (insufficient number of signatures), the final report shall be submitted ten (10) days after the announcement of the verification results.
- H. 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.
- I. The voting ballot will contain the official's name and the choice of "reaffirm" or "remove". If the majority vote is to "remove" the City Official, the City Official shall be removed from office upon the certification of Special Election results and swearing in of his or her successor following a Special Election.
- J. Once the results of the reaffirmation vote are certified and the majority vote is to "remove" the City Official, a special election will be held within forty-five (45) days of the certification. Candidates who wish to have their name placed on the ballot to replace the recalled official shall file a Certificate of Nomination with the City Clerk within fifteen (15) days. Candidates seeking office must qualify as per § SC2-2 of the City Charter and file a campaign financial report as described in Chapter 1.12 of the Salisbury Municipal Code. The first campaign financial report shall be submitted to the City Clerk no later than ten (10) days prior to the special election and a final financial report no later than thirty (30) days after the Special Election.
- K. Special Election.
- (1) No person shall be a candidate for any office unless he or she shall file a Certificate of Nomination with the City Clerk on or before 4:30 p.m. on the fifteenth (15th) day after the reaffirmation vote is certified with a majority vote to remove the City official.

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- (2) Every candidate shall pay the filing fee set forth in § SC6-8 for the office which he or she is seeking.
 - (3) In the case of a Mayoral recall, candidates from any district may run for the Office of Mayor.
 - (4) In the case of a Councilmember recall, only candidates from the recalled Official's district may run for the Councilmember office.
 - (5) If the Recalled Official is the Mayor or a Councilmember, the candidate who receives the most votes in the Special Election shall replace the Recalled Official for the remainder of the official's term.
 - (6) If the Recalled Official includes more than one Councilmember from the same district, the candidates receiving the most votes in the special election shall replace the Recalled Officials for the remainder of the Official's term. If the terms are of different duration, the candidate receiving the most votes shall replace the official with the longest remaining term in office.
 - (7) Nothing in this subsection shall prohibit an official being recalled from being a candidate in the special election.
 - (8) Except as set forth herein, the voting will be conducted in the same manner as prescribed herein for regular City elections. [Added 11-8-93 by Res. No. 438; amended 9-27-04 by Res. No. 1153; renumbered and amended 1-10-00 by Res. No. 688]

(Res. No. 2023-3, §§ 1, 2, 5-8-2023)

§ SC6-14. Nonpartisan elections.

All city elections shall be nonpartisan and no indication of party affiliation shall be placed beside the candidates' names on any ballot.

[Added 3-13-95 by Res. No. 484; renumbered and amended 1-10-00 by Res. No. 688]

§ SC6-15. Tie elections.

General Election.

1. In an election year in which the Mayor and/or council members are to be elected, if the candidates for the Mayor or any of the council positions have an equal number of votes, then, unless all but one such candidate concedes or otherwise becomes ineligible for office, a Special Election shall be held no earlier than forty-five (45) days and no later than sixty (60) days after the date of certification of the General Election results for the Mayor or Council position.
2. The County Election Board shall open for registration of City voters for twenty-one (21) days between the General and Special Election.
3. All incumbent council members or the incumbent mayor shall continue in office until the Special Election results for either the council or the mayor are certified.

[Added 8-11-08 by Res. No. 1685; amended 6-11-12 by Res. No. 2170; 9-8-2014 by Res. No. 2443]

(Res. No. 2015-3, 3-23-2015)

§ 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.

(Charter Res. No. 2024-4, § 5, 9-23-2024)

§ 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.

(Charter Res. No. 2024-4, § 6, 9-23-2024)