CHARTER AMENDMENT

RESOLUTION NO. 1889

A resolution amending the Salisbury Charter, Article VI, Elections, as follows:

(1)   §SC6-7, Primary elections, for the purpose of providing that a voter may vote for no more than one candidate per available position from the candidates on the primary election ballot; and

(2)   §SC6-9, Election of Mayor and Council, for the purpose of (a) moving the date of elections from April to November beginning in the year 2015, (b) modifying the terms of the three Councilmember positions who will be elected in April 2011, and (c) modifying the terms of the Mayor and the two Councilmembers who will be elected in April 2013.

WHEREAS, the City Council has determined that it is in the best interest of the citizens of Salisbury that a provision be included in the Salisbury Charter stating the number of votes that may be cast per available position on the primary election ballot; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Salisbury to move the City elections from April to November;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Salisbury Charter Article VI, Elections, §SC6-7, Primary elections, and §SC6-9, Election of Mayor and Council, be amended as follows:

ARTICLE VI   Elections

§SC6-7. Primary elections.

Any required primary election shall be held on the fifth Tuesday prior to the date for the general election. The City Clerk 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. A voter may vote for no more than one (1) candidate per available position from the candidates on the primary election ballot. 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 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. A voter may vote for no more than one (1) candidate per available position from the candidates on the primary election ballot. 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 no 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.

§SC6-9. Election of Mayor and Council.

[**The terms of the three (3) Councilmembers from District 2 who were elected in May 2000 shall run until November 4, 2003. Then, the registered voters shall elect their successors, who shall serve until the general election to be held on the first Tuesday of April 2007. Thereafter, the registered voters shall elect their successors on the first Tuesday of April, who shall serve four-year terms.**

On the first Tuesday of May 2002, the registered voters shall elect a Mayor and two (2) Councilmembers, one from District 1 and one from District 2, whose terms shall run until the general election of April 2005. Thereafter, the registered voters shall elect their successors on the first Tuesday of April, who shall serve four-year terms.]
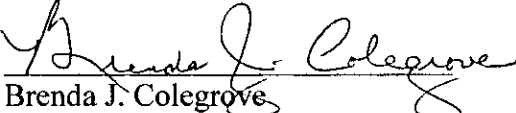
On the first Tuesday of April 2011, the registered voters shall elect three (3) Councilmembers from District 2, whose terms shall run until the general election of November 2015. Thereafter, the registered voters shall elect their successors on the first Tuesday of November, and they shall serve four-year terms.
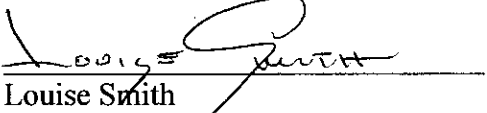
On the first Tuesday of April 2013, the registered voters shall elect a Mayor and (2) Councilmembers, one from District 1 and one from District 2, whose terms shall run until the first Tuesday of November 2017. Thereafter, the registered voters shall elect their successors on the first Tuesday of November, and they shall serve four-year terms.

AND be it further resolved by the City Council of the City of Salisbury that the title of this Resolution shall be deemed a fair summary of the amendment provided for herein for publication and all other purposes.

AND be it further resolved by the City Council of the City of Salisbury that this Resolution shall 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 passed at the regular meeting of the City Council of the City of Salisbury, Maryland held on this 22nd day of February, 2010.

Brenda J. Colegrove
City Clerk

Louise Smith
President of the City Council

THE DA
DELMA
618 BE
SALISB
PHONE:
FAX:

CITY OF SALISBURY
ATTN: BRENDA J. COLEGROVE, MMC
125 N. DIVISION ST., ROOM 305
SALISBURY, MD 21801-4940

Dear MS. COLEGROVE:

Here is the certificate of publication for your ad that was run
3/5, 12, 19, 26, '10.

Sincerely,

MEGHAN STORKE
LEGALS AD REPRESENTATIVE / 410-749-7171 X220 / shorelegals

CERTIFICATION OF PUBLICATION

We hereby certify that the annexed: 3/26/2010

CHARTER AMENDMENT RESOLUTION NO. 1889

ran 3/5, 12, 19, 26, '10.   in THE DAILY TIMES

The Daily Times

MUNICIPAL CHARTER OR ANNEXATION RESOLUTION REPOSITION FORM

Article 23A, §9A of the Annotated Code of Maryland requires municipal officials to deposit certain municipal documents with the Department of Legislative Services. Please use this registration form for each resolution that alters the charter or the boundaries of your municipal corporation. Complete a separate form for each resolution, and mail the entire text of the resolution, along with this form to:

Georgeanne Carter, Legislative Counsel
Municipal Resolution Reposition
Department of Legislative Services
90 State Circle
Annapolis, MD 21401-1991

City of Salisbury	Wicomico
Municipal Corporation	County(ies)

Brenda J. Colegrove, City Clerk
Name and Title of Official Submitting this Resolution

125 N. Division Street	410-548-3140
Address	Phone
Room 305	April 15, 2010
Salisbury, MD 21801-4940	Date of Submitting this Resolution*

1889	February 22, 2010
Resolution Number	Date Enacted by Legislative Body
	April 13, 2010
	Effective Date**

1) *For an annexation resolution,* state the charter section (e.g., boundary description section, appendix) that is amended _____ OR state the charter section (e.g., general powers section) pursuant to which the property is annexed _____. *(Enclose a copy of the metes and bounds description of the complete boundaries of your municipal corporation that includes the newly annexed property, including the number of acres and the point of beginning coordinates for the newly annexed property.)*

For a charter resolution, state whether the entire charter is repealed and a new charter is adopted OR state the specific section(s) that is added, repealed, renumbered, or repealed and reenacted with amendments ___§SC6-7, §SC6-9_____.

2) Number of votes cast by the legislative body for _____5___ and against _____0_____ this resolution.

3) Will this resolution be petitioned to referendum? _____No_____
    If "yes," date of the referendum election (if known) _____.

* *A resolution should be submitted to the Department of Legislative Services **10 days after the effective date** of the resolution (Art. 23A, §9A(c)). Generally, provided that a resolution is not petitioned to referendum, the effective date for a charter resolution is 50 days after enactment (Art. 23A, §13(f), and for an annexation resolution is no earlier than 45 days after enactment (Art, 23A, §19(e)).*

DLS/1-08

Office of the City Clerk
410-548-3140

To: City Council

From: Brenda J. Colegrove, MMC
             City Clerk

Subject: Charter Amendment
             Resolution No. 1889

Date: February 3, 2010

During the Council's work session on October 5, 2009, there was a consensus to move forward with an amendment to the Charter to 1) provide that a voter may vote for no more than one candidate per available position from the candidates on the primary election ballot and 2) move the date of the elections from the spring to the fall (November).

Issue #1 – In the past, it has been the practice (although not codified in the Charter or Code) in the City's primary elections for voters to have the option of voting for no more than six on the ballot in the years in which three Council seats are open in District 2. In the years in which the Mayor, District 1 and one District 2 seats are open, the voters have the option of voting for no more than two for each race. Amending §SC6-7 will discontinue this practice and codify that a voter may vote for no more than one candidate per available position from the candidates on the primary election ballot.

Issue #2 – To accommodate moving the elections from the spring to the fall, a modification of the length of terms for the officials elected in 2011 (three Council seats in District 2) and 2013 (Mayor, District 1 and one seat in District 2) is also reflected in §SC6-9. It will lengthen their terms by seven months. Thereafter, they will serve four-year terms.

A Charter Amendment Resolution is attached for consideration and adoption by Council.

cc: Mayor James Ireton, Jr.
     John Pick