

RESOLUTION NO. 1685

CHARTER AMENDMENT

A RESOLUTION AMENDING ARTICLE VI ELECTIONS, AS FOLLOWS:

(1) §SC6-6, NOMINATION, FOR THE PURPOSE OF MOVING THE TIME FRAME FOR A CANDIDATE FOR PUBLIC OFFICE TO FILE A CERTIFICATE OF NOMINATION WITH THE CITY CLERK TO ON OR BEFORE 4:30 P.M. ON THE ELEVENTH TUESDAY PRIOR TO THE DATE FOR THE GENERAL CITY ELECTION;

(2) §SC6-12, VACANCIES, TO CALL FOR A SPECIAL ELECTION IN CASE OF A VACANCY FOR ANY REASON ON THE COUNCIL OR IN THE OFFICE OF MAYOR WITHIN THE FIRST FORTY-TWO MONTHS (42) OF THE TERM AND PROVIDING FOR APPOINTMENT BY COUNCIL WITH SIX MONTHS (6) OR LESS IN THE TERM; AND

(3) §SC6-15, TIE ELECTIONS, FOR THE PURPOSE OF CREATING A PROCEDURE FOR FORWARDING CANDIDATES FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION WHO HAVE AN EQUAL NUMBER OF VOTES; AND FOR PROVIDING A SPECIAL ELECTION FOR CANDIDATES WITH AN EQUAL NUMBER OF VOTES FOR CERTAIN OFFICES IN THE GENERAL ELECTION.

WHEREAS, the City Charter Article VI Elections, §SC6-6, Nomination, currently sets the deadline for filing a certificate of nomination with the City Clerk on or before the ninth Tuesday prior to the date for the general city election; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of Salisbury that more time be allowed for the mailing and receipt of absentee ballots by requiring earlier filing of a certificate of nomination; and

WHEREAS, the City Council has determined that a special election is desirable to fill a vacancy in the office of the Mayor or Council within the forty-two (42) months of the term and providing for appointment by the Council with six (6) months or less remaining in the term;

WHEREAS, the City Council has determined that it is in the best interest of the City of Salisbury to create a procedure for providing for candidates with equal number of votes for certain offices in the primary and general election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Salisbury Charter Article VI Elections, Section SC6-6, Nomination, Section SC6-12, Vacancies, and Section SC6-15, Tie Elections, be amended or enacted as follows:

## ARTICLE VI Elections

### §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 ninth eleventh Tuesday prior to the date for the general election. The certificate of nomination 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.

### §SC6-12. Vacancies

In case of a vacancy for any reason in the Council or the office of Mayor within the first forty-two (42) months of the term, a special election shall be held no earlier than forty-five (45) days and no later than sixty (60) days after the vacancy for the purpose of electing a candidate to fill the unexpired term.

In case of a vacancy for any reason in the Council with six (6) months or less remaining in the term, the Council, within four (4) weeks of the occurrence of the vacancy, shall elect some qualified person as defined in §SC2-2 to fill such vacancy for the unexpired term. In case of a vacancy for any reason in the office of Mayor with six (6) months or less remaining in the term, the Council, within four (4) weeks of the occurrence of the vacancy, shall elect some qualified person as defined in §SC3-2 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 same manner as regularly elected city officials.

### §SC6-15. Tie Elections.

#### A. Primary Election.

1. In the election years in which three (3) council members are to be elected from District 2, if the candidates for the sixth (6<sup>th</sup>) ~~council~~ position on the ~~Primary Election B~~ ballot have an equal number of votes, then all such candidates shall be listed on the General Election Ballot.

2. In the election years in which the Mayor and two (2) council members, one (1) from District 1 and one (1) from District 2, are to be elected, if ~~more than two (2) the~~ candidates for the second position on the ballot for any each office have an equal number of votes, then all such candidates shall be listed on the General Election Ballot.

B. General Election.

1. In the election years in which three (3) council members are to be elected from District 2, if the candidates for the third (3<sup>rd</sup>) council position 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 third council position.

2. In the election years in which the Mayor and two (2) council members, one (1) from District 1 and one (1) from District 2, are to be elected, if the candidates for the Mayor or either 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.

3. The County Election Board shall open for registration of City voters for twenty-one (21) days between the General and Special Election.

4. 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.

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 \_\_\_\_ day of \_\_\_\_\_, 2008.

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Brenda J. Colegrove  
City Clerk

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Louise Smith  
President of the City Council