

MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE

CHARTER AMENDMENT RESOLUTION NO. 2016-03

A RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE, MARYLAND, TO AMEND THE CHARTER OF THE TOWN OF PERRYVILLE TO ESTABLISH A PROCEDURE TO RESOLVE TIE VOTES IN TOWN MUNICIPAL ELECTIONS; AND GENERALLY RELATING TO PROCEDURES TO RESOLVE TIE VOTES IN TOWN OF PERRYVILLE ELECTIONS.

BY repealing and reenacting, with amendments
Charter of the Town of Perryville
(as published in the Perryville Town Code)
Article V, Registration, Nominations and Elections
Section C5-12

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or
deleted from the law by amendment.

*** indicates matter not affected by this Ordinance and omitted

SECTION 1. BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that Section C5-12 of Article V, Registration, Nominations and Elections, of the Charter of the Town of Perryville (as published in the Perryville Town Code), is repealed and reenacted, with amendments, to read as follows:

ARTICLE V

Registration, Nominations and Elections

§ C5-12. Vote count.

A. Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Town Clerk who shall record the result in the minutes of the Town Commissioners.

B. IF TWO CANDIDATES FOR MAYOR RECEIVE THE SAME AND HIGHEST NUMBER OF VOTES CAST FOR MAYOR, THE PERSON ELECTED AS MAYOR SHALL BE DETERMINED BY A FLIP OF A COIN AS PROVIDED IN SUBSECTION D. OF THIS SECTION.

C. IF TWO CANDIDATES FOR COMMISSIONER RECEIVE THE SAME NUMBER OF VOTES, AND, AS A RESULT OF THE TIE VOTE NEITHER CANDIDATE RECEIVES A SUFFICIENT NUMBER OF VOTES TO BE ELECTED, THE PERSON ELECTED AS COMMISSIONER AS BETWEEN THE TWO CANDIDATES WITH THE EQUAL NUMBER OF VOTES SHALL BE DETERMINED BY A FLIP OF A COIN AS PROVIDED IN SUBSECTION D. OF THIS SECTION.

D. THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF ELECTIONS SHALL CONDUCT THE FLIP OF A COIN REQUIRED TO DECIDE AN ELECTION. THE PERSON CONDUCTING THE FLIP SHALL DISPLAY THE COIN TO THE CANDIDATES, SHALL ANNOUNCE WHICH FACE OF THE COIN IS "HEADS" AND WHICH FACE IS "TAILS," AND SHALL DETERMINE WHICH CANDIDATE SHALL BE "HEADS" AND WHICH CANDIDATE SHALL BE "TAILS." THE COIN FLIP SHALL BE CONDUCTED IN A PUBLIC LOCATION, AND IN THE PRESENCE OF THE CANDIDATES, IMMEDIATELY FOLLOWING THE DETERMINATION OF THE VOTES CAST FOR EACH CANDIDATE AND BEFORE THE BOARD OF SUPERVISORS OF ELECTIONS CERTIFIES THE RESULTS OF THE ELECTION TO THE TOWN CLERK. UPON COMPLETION OF THE COIN FLIP THE BOARD OF SUPERVISORS OF ELECTIONS SHALL CERTIFY TO THE TOWN CLERK THAT THE WINNER OF THE COIN FLIP IS ELECTED AS MAYOR OR COMMISSIONER.

SECTION 2: AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE, that if any provision of this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution are hereby declared to be severable.

SECTION 3: AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that the date of adoption of this Resolution is September 6, 2016, and the amendment to the Charter of the Town of Perryville, hereby enacted shall become effective on October 26, 2016, unless a proper petition for referendum hereon shall be filed as permitted by law, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the Town Hall until October 16, 2016 and provided further that a copy of the title of this Resolution shall be published in a newspaper of general circulation in the Town of Perryville, or in any other newspaper of such general circulation, once in each of the weeks beginning September 12, 2016, September 19, 2016, September 26, 2016, and October 3, 2016.

SECTION 4: AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE, that the Town Administrator is hereby specifically commanded to carry out the provisions of Section 4 of this Resolution, and, as evidence of such compliance, the Town Administrator shall cause to be maintained appropriate certificates of publication of the newspaper or newspapers in which the title of the Resolution shall have been published and if a favorable referendum is held on the Charter change, the Mayor shall declare the Charter Amendment hereby enacted to be effective on the date provided by law.

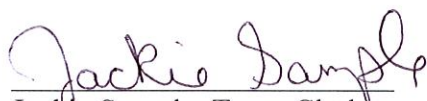
SECTION 5: AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that as soon as the Charter Amendment

hereby enacted shall become effective, either as provided herein or following a referendum, the Town Administrator shall send to the Department of Legislative Services of Maryland a copy of this Resolution showing the number of members of the Council voting for and against it and a report on the votes cast for or against the Charter Amendment hereby enacted at any referendum thereon and the date of such referendum.

The above Amendment to the Charter of the Town of Perryville was enacted by the foregoing Resolution which was passed at a Town meeting of the Mayor and Commissioners of the Town of Perryville on September 6, 2016, 4 members voting in the affirmative, 0 members voting in the negative, 0 members abstaining and 1 member absent and the Resolution becomes effective in accordance with law on the 26 day of October, 2016, if a petition for referendum has not been filed in the time prescribed by law.

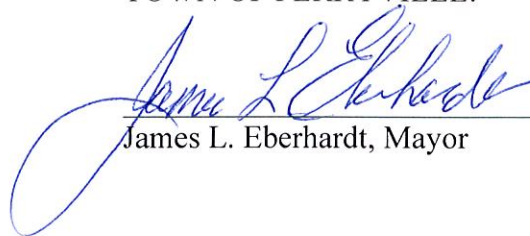
READ AND PASSED THIS 6th day of September, 2016.

ATTEST:



Jackie Sample, Town Clerk

MAYOR
TOWN OF PERRYVILLE:



James L. Eberhardt, Mayor