

1 **MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE**

2 **CHARTER AMENDMENT RESOLUTION NO. 2022-02**

3 **A RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF**
4 **PERRYVILLE, MARYLAND, TO AMEND CERTAIN PROVISIONS OF THE CHARTER OF**
5 **THE TOWN OF PERRYVILLE TO ALTER CERTAIN TERMINOLOGY RELATING TO**
6 **THE MAYOR AND COMMISSIONERS OF THE TOWN AND OTHER ARCHAIC**
7 **TERMINOLOGY; ALTERING CERTAIN PROVISIONS OF THE CHARTER RELATING TO**
8 **THE TOWN'S ELECTORAL PROCESS; PROVIDING CERTAIN CAMPAIGN FINANCE**
9 **REQUIREMENTS; RENUMBERING CERTAIN PROVISIONS; AND GENERALLY**
10 **RELATING TO AMENDMENTS TO THE CHARTER OF THE TOWN OF PERRYVILLE.**

11 **BY** repealing and reenacting, with amendments
12 Charter of the Town of Perryville
13 (as published in the Perryville Town Code)
14 Article V, Registrations, Nominations and Elections
15 Sections C5-2, C5-3, C5-6, C5-7, C5-8.A., C5-9.D., C5-12.A., C5-14 and C5-15

16
17 **BY** adding
18 Charter of the Town of Perryville
19 (as published in the Perryville Town Code)
20 Article V, Registrations, Nominations and Elections
21 Section C5-15
22
23

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

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26 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN**
27 **OF PERRYVILLE** that Sections C5-2, C5-3, C5-6, C5-7, C5-8.A., C5-9.D., C5-12.A., C5-14 and C5-
28 15 of Article V, Registrations, Nominations and Elections, of the Charter of the Town of Perryville (as
29 published in the Perryville Town Code), are repealed and reenacted, with amendments, to read as
30 follows:
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ARTICLE V
Registrations, Nominations and Elections

§ C5-2. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the MAYOR AND Commissioners on or before the first Tuesday in March for a term of one (1) year. The terms of members of the Board of Supervisors of Elections shall begin on the first Tuesday in March in the year in which they are appointed and shall run for one (1) year. Members of the Board of Supervisors of Elections shall be registered voters of the Town and shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the MAYOR AND Commissioners for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the MAYOR AND Commissioners.

§ C5-3. Removal of Board members.

Any member of the Board of Supervisors of Elections may be removed for good cause by the MAYOR AND Commissioners. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against ((him)) THE MEMBER and shall have a public hearing on them before the MAYOR AND Commissioners if ((he)) THE MEMBER so requests within ten (10) days after receiving the written copy of the charges ((against him)).

§ C5-6. Registration of voters.

The MAYOR AND Commissioners are hereby authorized to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a reregistration when necessary. Such action shall be by ordinance or resolution; in addition, the MAYOR AND Commissioners shall also provide for a system, in cooperation with the Cecil County Board of Elections that shall permit a voter who resides within the Town of Perryville municipal limits and who is registered with the County Board of Elections to vote in all municipal elections held within the Town of Perryville.

§ C5-7. Appeals.

If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the MAYOR AND Commissioners. Any decision or action of the MAYOR AND Commissioners upon such appeals may be appealed to the Circuit Court for Cecil County within thirty (30) days of the decision or action of the Commissioners.

§ C5-8. Nominations.

- A. Persons shall be nominated for elected office in the Town by filing a certificate of nomination with the Board of Supervisors of Elections ON OR AFTER FEBRUARY 1 AND on or before the second Monday in April next preceding the Town election, during normal operating hours

80 of the Town Hall. IF FEBRUARY 1 FALLS ON A DAY ON WHICH TOWN HALL IS NOT
81 OPEN FOR BUSINESS, THE FIRST DAY FOR FILING A CERTIFICATE OF
82 NOMINATION SHALL BE EXTENDED TO THE FIRST DAY AFTER FEBRUARY 1
83 THAT TOWN HALL IS OPEN FOR BUSINESS.
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85 **§ C5-9. Conduct of elections.**
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87 D. The Board shall permit one (1) ((election observer)) POLL WATCHER for each candidate AT
88 EACH ELECTION. THE BOARD ALSO SHALL ALLOW POLL WATCHERS AT A
89 RECALL ELECTION AS PRESCRIBED IN SECTION C3-11 OF THIS CHARTER. THE
90 MAYOR AND COMMISSIONERS, BY ORDINANCE, SHALL PRESCRIBE ADDITIONAL
91 RULES AND REGULATIONS TO GOVERN THE CONDUCT, RIGHTS AND
92 RESPONSIBILITIES OF POLL WATCHERS.
93

94 **§ C5-12. Vote count.**
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96 A. Immediately after the closing of the polls, the Board of Supervisors of Elections shall determine
97 the vote cast for each candidate or question and shall certify the results of the election to the
98 Town Clerk who shall record the result in the minutes of the ((Town)) MAYOR AND
99 Commissioners. Notwithstanding the foregoing sentence, the Board of Supervisors of Elections
100 shall not count and certify any votes cast for any individual whose name does not appear on the
101 ballot or voting machine.
102

103 **§ C5-14. Power of regulation and control.**
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105 The MAYOR AND Commissioners shall have the power to provide by ordinance in every respect
106 not covered by the provisions of this Charter for the conduct of registration, nomination and elections
107 and for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or
108 fraud
109

110 **§ ((C5-15)) C5-16. Violations and penalties.**
111

112 Any person who fails to perform any duty required of ((him)) THAT PERSON under the provisions
113 of this ((subtitle)) ARTICLE or any ordinances passed thereunder or in any manner willfully or
114 corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder or willfully
115 or corruptly does anything which will or will tend to affect fraudulently any registration, nominations
116 or election shall be deemed guilty of a misdemeanor. Any officer or employee of the Town government
117 who is convicted of a misdemeanor under the provisions of this section shall immediately upon
118 conviction thereof cease to hold such office or employment.
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120 **SECTION 2. BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE**
121 **TOWN OF PERRYVILLE** that new Section C5-15 be and it is hereby added to Article V,
122 Registrations, Nominations and Elections, of the Charter of the Town of Perryville (as published in the
123 Perryville Town Code), to follow immediately after Section C5-14, and to read as follows:
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ARTICLE V
Registrations, Nominations and Elections

§ C5-15. CAMPAIGN FINANCE AND CAMPAIGN MATERIALS.

THIS SECTION APPLIES TO EACH ELECTION CONDUCTED IN ACCORDANCE WITH THIS ARTICLE. UNLESS OTHERWISE PROVIDED IN THIS ARTICLE, AND TO THE EXTENT PRACTICABLE, THE LAWS, RULES, REGULATIONS, AND PROCEDURES GOVERNING CAMPAIGN FINANCE AND CAMPAIGN MATERIALS OF THE TOWN OF PERRYVILLE SHALL BE AS PROVIDED IN TITLE 13, MD. ELECTION LAW CODE ANNOTATED, SECTION 13-101 THROUGH SECTION 13-605 AND MAY BE AMENDED FROM TIME TO TIME.

SECTION 3: 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 4: AND BE IT FURTHER RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that the date of adoption of this Resolution is _____, 202__, and the amendment to the Charter of the Town of Perryville, hereby enacted shall become effective on _____, 2023, 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 _____, 2023, 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 _____, 202__, _____, 202__, _____, 202__, and _____, 202__.

SECTION 5: 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 3 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 6: 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.

172 The above Amendment to the Charter of the Town of Perryville was enacted by the foregoing
173 Resolution which was passed at a _____ meeting of the Mayor and
174 Commissioners of the Town of Perryville on _____, 202__, _____
175 members voting in the affirmative, _____ members voting in the negative,
176 _____ members abstaining and _____ members absent and the
177 Resolution becomes effective in accordance with law on the _____ day of
178 _____, 2023, if a petition for referendum has not been filed in the time prescribed
179 by law.
180

181 READ AND PASSED THIS ____ day of _____, 202__.

182
183 ATTEST:

MAYOR
TOWN OF PERRYVILLE:

184
185
186
187 _____
188 Jackie Sample, Town Clerk

Matt Roath, Mayor

