

**Town of Perryville
Public Hearing Minutes
December 3, 2019**

ATTENDANCE: Mayor: Robert R. Ashby Jr., Commissioners: Michelle Linkey, Pete Reich, Robert Taylor, Timothy Snelling, Town Administrator: Denise Breder, Finance Director: Debra Laubach, Planning and Zoning Director: Dianna Battaglia, Police Chief: Al Miller, Outreach Director: Danielle Hemling, Town Attorney: Fred Sussman, Town Clerk: Jackie Sample, Billing Clerk: Tara Blevins.

The Public Hearing in its entirety can be listened to on the Town's web site at www.perryvillemd.org.

The Public Hearing was called to order at 7:00 p.m. by Mayor Ashby.

Mayor Ashby stated that the Public Hearing is to discuss the proposed Charter Amendment 2019-01 to eliminate write-in-votes at the Municipal Elections held in the Town of Perryville. The Public Hearing is in accordance with §4-304 of the Local Government Article of the Maryland Code.

Ms. Breder, the Town Administrator, stated that as the Mayor stated we are here to have a Public Hearing to discuss prohibiting write-in-votes at the Town of Perryville Municipal Elections. Ms. Breder provided some background information regarding the proposed Charter Amendment. The Town Charter is the document by which the Town was founded, and its rights and authorities defined. The last comprehensive update of the charter was done in 1981, several additional updates were done in 1983 and 1990 and a few updates were adopted through the years after that. In 2010 the Town undertook a full review of the charter. Some of the changes from the 2010 review were implemented, but for the most part, minimal changes were made. One of the changes discussed at that time was to remove from the charter the provisions that allow write-in votes at elections. This particular amendment was considered by the Board in 2016 and it died for lack of a majority vote. More recently some of the Board members asked that this amendment be brought forward again for consideration. Ms. Breder made note that the items in double parenthesis on the Charter Amendment indicates matter removed from existing law and capitals indicate matter added to existing law. What this would be doing is removing the ability to write-in-votes on the ballot from Town residents and the Board of Supervisors of Elections shall not count and certify any votes cast for an individual whose name does not appear on the ballot or voting machine. In accordance with State law, this public hearing was advertised 21 days prior to the hearing. It was advertised in the Cecil Whig, on the Town's website and social media sites. Should the Board choose to approve the amendment, an exact copy of the resolution will be posted for 40 days at Town Hall. A fair summary will be published in the Cecil Whig four times at weekly intervals within 40 days after the resolution is adopted. If no petition for referendum signed by 20% + of the qualified voters of the Town is received, the resolution will take effect on the 50th day after the resolution is adopted.

Ms. Breder summarized some of the comments that we received from one of our social media sites that we posted information on about the proposed Charter Amendment. Some of the questions included what the motivation was behind this amendment. Our response was that some of the discussion at the October Work Session on the topic included that citizens are not as informed if there are write-in-votes. Also, that everyone already has a chance to run in an Election, they just need to complete the paperwork and get the forms in by the April deadline. The person did not agree with that but appreciated the response. Another comment was that they believe that write-in-voting is essential to democracy and allowing them to vote for anyone, whether or not they are on the ballot, is essential to that and that they do not agree with the amendment. Another comment was that it was their right to vote for whoever they feel is best for the job, regardless if they are on the ticket or not. Another comment was that you should be able to vote for any candidate you want. Another person misunderstood what the Charter Amendment was about and that was clarified for them. Ms. Breder responded that next thing on the agenda is for any questions or comments from the Mayor and the Town Commissioners.

Commissioner Snelling inquired what the extent of the advertising is for an Election.

Ms. Breder responded that the Election is advertised in the local newspaper, the Town's website, social media, and an initiative from Commissioner Taylor to start to get yard signs out to try to get more word out and we also put it on the community boards.

Commissioner Linkey pointed out that this advertising is for when the Election is, not who is on the ballot.

Commissioner Taylor inquired if we advertise the filing deadline as much as we do the Election, to which Ms. Breder responded that we do, we may not have space on the yard signs for that, but maybe that would be an option.

Commissioner Reich brought up the fact that we had someone that had won by write-in-votes and only served three or four months and resigned.

There was conversation regarding the procedure for filing for office, which Mr. Sussman confirmed that the individual that is running for office has to be the one to file the Certificate of Nomination.

Commissioner Linkey responded that she is the one who initiated this because she thinks that it is important that we know who is running so that we can make an informed choice. If there is a group of people that may have wanted to put someone on the ballot, she may have wanted to vote for them, but she would not know about them if they were a write-in-vote.

Commissioner Reich's point was that you would have to want to do the job, so you need to come in and fill out the paperwork.

Ms. Breder responded that Commissioner Reich is correct on filling out the paperwork. Later there will be discussion on an Ordinance which is a companion to this Charter Amendment. The way our current code is written, if someone is elected by write-in, they must

come in within a few days and file their Financial Disclosure, and if they don't do that it is a problem.

From the Floor

Julie Rachel, who resides at 301 Beacon Point Drive, was unclear about what the initiative was for this, but Commissioner Linkey did explain that her reasoning was so that the voters would be more informed on who they are voting for and what they stood for, which she understands. Although she questioned if someone writes themselves in, or if someone had done that for them, if there is not a process during that Election where the person that is being written in gives a speech or any information.

The response from the majority of the board was no and Commissioner Linkey commented that the person would be written in during the polling time of 7 a.m.-7 p.m. on that Tuesday and the winners would be announced after the polls close at 7 p.m.

Commissioner Taylor commented that the Election takes place here from 7 a.m.-7 p.m. and the candidates are not allowed within 100 yards of the polling place during the Election.

Ms. Rachel also understood that Commissioner Reich commented that the person must want to do the job. She would hope that if someone was to write themselves in that they would want to actually do the job, she is not sure what may have happened with that previous person who did not finish their term, she feels that that could happen with an elected person as well. She thinks the write-in vote is important for anyone who wants to run to be able to run. She thinks with most Elections a write-in-vote is normal, it is in our Federal Election and many State and local Counties have it. She asked what other recommendations had been addressed that were not implemented and how many were pushed aside that this initiative was put forward.

Ms. Breder responded that we looked at the full Charter and we were just slowly working our way through it. This particular Charter Amendment was requested to be revisited by Commissioner Linkey as she had mentioned earlier.

Ms. Rachel asked where those instructions are for filling out the paperwork to file for candidacy, she did not find anything on the website.

Ms. Breder responded that she will have to get back to her on that, usually at least when the Election time rolls around the information is provided and covered in the same manner as the advertising mentioned earlier, and will be doing yard sign this year too, making more people aware of our Election. You would not be able to put all of the information on the yard signs, but it would direct people to Town Hall and what they would need to do. Also, if you sign in from our website to receive notifications, that is an additional way of being informed.

Ms. Rachel responded that she is signed up for that, but it has been hit or miss whether she gets the notifications or not. She just wants to make sure that people know the process for running for office and she wasn't finding that information.

Commissioner Taylor responded that if you go on the Perryville's website and look up the Town Charter, Section C58, it spells out how and when to file. The forms that need to be filled out are not available on-line, you must come in person and file.

Commissioner Reich added that we do try to get the information out the best that we can but also his thoughts is if someone is serious about filing for one of the positions that they would also be proactive in getting the information that they need by calling Town Hall in a timely matter, the number is widely available.

Ms. Breder commented that we do actively try to get information out in all of the ways that we can.

Mayor Ashby asked for closing comments from the Commissioners.

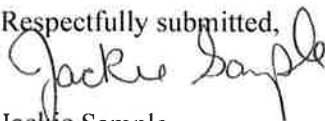
Commissioner Taylor commented that he does not feel that this is a good idea for the Town and is strongly opposed to it for several reasons. For the argument that people are not going to be informed if it is a write-in-vote; he referred to the last Election, where we had a write-in-candidate who got 25 votes, when the winner got like 72, those people were not uninformed of who he was. The other point is if we do not have write-in-candidates, the next step is if you have two people running for two Commissioner spots and they are unopposed, the next step is for the Town to do away with Elections, since there is only two people running and no write-in-candidates, therefore no reason to hold the Election. Once we get to that point we are going to be in a position where people are going to make it onto this board who have not received one single vote from one person in town who will be deciding how you are taxed and how we are spending your money.

Commissioner Linkey responded that we did have a write-in-candidate that got the 25 votes, but perhaps the other 72 people who voted for the people that ran may have wanted to vote for that person more but they did not know about them.

Commissioner Snelling sees both point of views but does not feel that it is worth the effort for a write-in-candidate, he feels that they should file the papers to run.

Mayor Ashby sees both sides as well, there are some write-ins that are not taken seriously, but also sees when someone is serious about it, but if they want to run then file the paperwork. With eliminating the write-ins, the next process is to not have an Election if running unopposed which would save the Town around \$3,000 a year.

Motion was made by Commissioner Taylor and seconded by Commissioner Reich to adjourn the December 3, 2019 Public Hearing at 7:25 p.m. and go into the Town Meeting. **All in Favor: Motion Carried.**

Respectfully submitted,

Jackie Sample
Perryville Town Clerk