

THE TOWN OF MOUNT AIRY, MARYLAND

**CHARTER AMENDMENT
RESOLUTION NO. 2021-1**

**A RESOLUTION TO AMEND ARTICLE V ENTITLED
“REGISTRATION, NOMINATION AND ELECTIONS”,
SECTION C5-6 ENTITLED “NOMINATIONS”, AND SECTION C5-7 ENTITLED
“ELECTION OF MAYOR AND COUNCIL”,
OF THE CHARTER OF THE TOWN OF MOUNT AIRY FOR THE PURPOSE OF
CHANGING THE DATES FOR NOMINATIONS OF
CANDIDATES FOR MAYOR AND COUNCIL TO THE THIRD AND FOURTH
TUESDAY OF FEBRUARY IN EACH ELECTION YEAR,
AND FOR THE PURPOSE OF CHANGING THE DATES OF TOWN ELECTIONS
TO THE FIRST TUESDAY IN MAY IN EACH ELECTION YEAR
BEGINNING WITH THE 2023 ELECTION**

WHEREAS, pursuant to Article XI-E of the Constitution of Maryland Article of the Md. Code Ann. as currently in effect and Md. Code Ann., Local Gov’t. Article §4-301 *et seq.* as currently in effect, and the Town Charter, Section C12-7, the Town Council of Mount Airy, the legislative body of the Town, has the authority to amend the Charter of the Town, in accordance with the procedures set forth therein; and

WHEREAS, the Town Board of Supervisors of Elections has made certain recommendations to the Town Council regarding changes to Article V of the Town Charter for the purpose of changing the dates for nominations of candidates for Mayor and Council to the third and fourth Tuesday in February, and to change the date of town elections to the first Tuesday of May in each election year, beginning with the 2023 election; and

WHEREAS, the reasons for these proposed changes are: (1) Town Staff is not available to assist the Board of Supervisors of Elections on the evenings of the first Monday in May, when elections are currently held, due to the Town Council meeting that same evening, (2) incumbent candidates have to cease campaigning before the polls close to attend the Town Council meeting that evening, (3) reporting of election results may be delayed due to the length of the Town Council meeting, (4) reporting election results at the conclusion of a Town Council meeting is not necessary because under the Town Charter, the Town Council does not certify election results, (5) national and state elections are held on Tuesdays, so voters in the Town should be familiar with voting in Town elections on a Tuesday, (6) financial statements of candidates nominated to run for office must be reviewed by the Ethics Commission, which can delay formal acceptance of a nomination for up to 10 days, (7) if the Board of Supervisors of Elections believe it in the best interest of the Town to use paper ballots for a Town election, such ballots take substantially more time to prepare, (8) more time will be provided to candidates to campaign and engage with voters between nomination and the election, and (9) the Board of Supervisors of Elections can hold nominating meetings without conflict with other Town meetings at Town Hall, which are often held on Mondays; and

WHEREAS, a public hearing was held on this proposed Charter Amendment on November 1, 2021 as required by Md. Code Ann., Local Gov't. Article §4-304(a)(2) before this Charter Amendment Resolution was considered for adoption; and

WHEREAS, the Town Council having determined that the proposed changes recommended by the Town Board of Supervisors of Elections are in the best interests of the Town and its citizens, hereby enacts those changes to the Town Charter; and

WHEREAS, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Hall building or other public place for forty (40) days following its adoption by the Council and a fair summary of the Charter amendment shall be published in a newspaper of general circulation in the Town at least four (4) times, at weekly intervals, within the forty (40) days following adoption of this Charter Amendment Resolution; and

WHEREAS, promptly after this Charter Amendment Resolution becomes effective, either as herein provided or following referendum, the Mayor of the Town shall send or cause to be sent to the Maryland Department of Legislative Services in accordance with Md. Code Ann., Local Gov't. Article §§4-308 and 4-109, the following information concerning this Charter Amendment Resolution: (i) the complete text of the Charter amendment; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council or in a referendum; and (iv) the effective date of the Charter amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Article V of the Town Charter entitled "Registration, Nomination and Elections", Section C5-6 entitled "Nominations" be and is hereby repealed and reenacted with amendments as follows:

§C5-6. Nominations.

- A. The Board of Supervisors of Elections shall convene a citizens' nomination meeting on the ~~second~~ third ~~Monday~~ Tuesday of ~~March~~ February of an election year for the purpose of opening nominations for elective town office. Nominations shall remain open until the Board of Supervisors of Elections' meeting on the ~~third~~ fourth ~~Monday~~ Tuesday of ~~March~~ February, at which time the Board shall accept additional nominations from the floor and accept nominations submitted during the open nomination period. Upon closing nominations, the Board of Supervisors of Elections shall approve the list of nominees and instruct the Town Clerk that their names appear on the approved ballot provided that their financial disclosure statement is timely filed with the Town Clerk. In the event of a special election, the Board of Supervisors of Elections shall establish a time frame for nominations and set a date, time and place for the election.

* * *

Section 2. That Article V of the Town Charter entitled “Registration, Nomination and Elections”, Section C5-7 entitled “Election of Mayor and Council” be and is hereby repealed and reenacted with amendments as follows:

§ C5-7. Election of Mayor and Council.

- A. On the first Monday in May 1952, and on the same day every two years thereafter, the qualified voters of the Town shall elect a Mayor to serve for a term of two years or until his successor is elected and qualified. Also on the first Monday in May 1952, the qualified voters of the Town shall elect five Councilmen. The two Councilmen elected by the highest number of votes shall serve for a term of four years, and the three remaining Councilmen shall serve for a term of two years. On the first Monday in May 1954, the qualified voters of the Town shall elect three Councilmen. The two Councilmen elected by the highest number of votes at this election shall serve for a term of four years, and the remaining Councilmen shall serve for a term of two years. Thereafter, on the first Monday in May 1956, and on the same day every two years thereafter, the qualified voters of the Town shall elect the requisite number of Councilmen to serve for a term of four years;
- B. Provided that on the first Monday in May 1990, and on the same day every four years thereafter, the qualified voters of the Town shall elect a Mayor to serve for a term of four years and until a successor is elected and qualified.
- C. Notwithstanding the provisions of Subsections A and B, above, the terms of the Mayor elected on the first Monday of May, 2014 and of the members of the Council elected on the first Monday of May, 2012 and on the first Monday of May, 2014 shall be three years or until successors are elected and qualified. Beginning on the first Monday of May, 2017, and on the same day every four years thereafter, the qualified voters of the Town shall elect a Mayor to serve for a term of four years or until his successor is elected and qualified. Beginning on the first Monday of May, 2015, on the same day every two years thereafter, the qualified voters of the Town shall elect the requisite number of Council members to serve for a term of four years and until successors are elected and qualified.
- D. Notwithstanding the provisions of Subsections A, B and C. above, beginning with the election of May, 2025, and on the same day every four years thereafter, the qualified voters of the Town shall elect a Mayor to serve for a term of four years or until his or her successor is elected and qualified. Beginning on the first Tuesday of May, 2023, and on the same day every two years thereafter, the qualified voters of the Town shall elect the requisite number of Council members to serve for a term of four years or until successors are elected and qualified.

Section 3. That any provision of the Town Charter in conflict with these amendments be and are hereby repealed.

BE IT RESOLVED BY THE AUTHORITY AFORESAID, that this Charter Amendment Resolution shall take effect on the 21st day of December, 2021, fifty (50) days after adoption of this Charter Amendment Resolution by the Council unless petitioned to referendum in

accordance with Md. Code Ann., Local Gov't. Article §§4-304(d) and 4-307 within 40 days following its adoption.

Approved this 1st day of November, 2021 by a vote of _____ in favor and _____ opposed.

ATTEST:

Pamela Reed, Secretary

Jason Poirier,
President of the Town Council

ATTEST:

Pamela Reed, Secretary

Jason Poirier, Acting Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This 1st day of November, 2021.

Thomas V. McCarron, Town Attorney

Note: Matter underlined is new material to be added to existing law. Matter in [brackets] and ~~striketrough~~ is proposed to be deleted from existing law.