

RESOLUTION NO.: 2009 - 18

A CHARTER AMENDMENT RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS, MARYLAND PASSED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E, § 4 OF THE CONSTITUTION OF THE STATE OF MARYLAND (2002 REPLACEMENT VOLUME AND 2007 SUPPLEMENT) AND SECTION 13 OF ARTICLE 23A, OF THE ANNOTATED CODE OF MARYLAND (2005 REPLACEMENT VOLUME AND 2007 SUPPLEMENT), TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS FOR THE FOLLOWING PURPOSES: TO CONFORM ARTICLE IV, § C-22 "REGISTRATION OF VOTERS" WITH SUBTITLE 4 OF TITLE 1 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND; TO PROVIDE THAT APPOINTED COMMISSIONERS EXERCISE THE SAME VOTING PRIVILEGES AS ELECTED COMMISSIONERS AND; TO PROVIDE THE PROCEDURES TO BE FOLLOWED FOR THE EFFECTIVENESS OF THE CHARTER AMENDMENT ADOPTED BY THIS RESOLUTION.

WHEREAS, Section 22 of the Charter for the Town of St. Michaels (the "Charter") requires those who are eligible to vote in municipal elections to register to vote under the universal voter registration system provided by Talbot County, Maryland; and

WHEREAS, Subtitle 4 of Title 1 of the Election Law Article of the Annotated Code of Maryland (the "State Election Law") provides the process and procedures by which persons are registered to vote under said universal registration system; and

WHEREAS, State Election Law provides procedures for maintaining voter registration and specifically provides both the circumstances which allow a person's registration to be cancelled and the process by which such cancellations occur; and

WHEREAS, the Charter requires certain activities in regard to maintaining voter registration roles that involve the Town Clerk and which are inconsistent with State Election Law and thus the Charter is required to be amended to more closely conform with State Election Law; and

WHEREAS, in addition to the Charter's above inconsistency with State Election Law, it has come to the attention of the Commissioners of St. Michaels (the "Commissioners") that current Charter provisions do not unambiguously provide that a Commissioner who is appointed to the office of Commissioner of the Town of St. Michaels is entitled to vote on all matters that come before the Commissioners; and

WHEREAS, the Commissioners believe that it is in the best interests of the Town for an appointed Commissioner to enjoy the same rights and exercise the same voting privileges as a Commissioner who is elected to Office, and have determined that it is in the best interest of the Town to amend the Charter to so provide.

SECTION 1:

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of

Maryland (2002 Replacement Volume and 2007 Supplement) and Section 13 of Article 23A of the Annotated Code of Maryland (2005 Replacement Volume and 2007 Supplement), Article IV, § C-22 of the Charter of the Town of St. Michaels be, and the same is hereby, amended as follows, with added language shown in *italics* and underlined and with deleted language shown in (parenthesis) and with a ~~strikethrough~~:

§ C-22. Registration of Voters.

A. The Town shall provide for the registration of the names of all the persons who possess the qualifications prescribed in this Article IV to be qualified voters, which registration shall be conclusive evidence to the Town Clerk of the right of every person, thus registered, to vote in any election held in the Town; but no person shall vote at any election held in the Town unless his or her name appears in the list of registered voters under the universal voter registration system for Talbot County, Maryland; the names of all persons who have the qualifications prescribed in the § C-23B of this Article IV, and who are not disqualified under this article, shall be added to the list of qualified voters (~~by the Town Clerk~~). Registration shall be permanent until a registrant becomes disqualified.

B. The Town Clerk shall not maintain a separate registration for voters who do not wish to be registered for county, state or national elections through the universal voter registration system.

C. (~~If a voter has not voted at least once within the five preceding calendar years in any election conducted in Talbot County, Maryland, for which registration in the universal voter registration system for Talbot county, Maryland, is required, it shall be the duty of the Town Clerk, or the Talbot County Board of Elections, unless cause to the contrary be shown, to cause the registration of that voter to be cancelled.~~) *Voters shall be removed from the registry of the universal registration system provided by Talbot County, Maryland in accordance with State law.* Notice of this action and *the rights of persons affected by such removal shall be in accordance with State law.* (~~the reason therefor shall be sent to the last known address of the voter, notifying him or her to appear before the Town Clerk, or his or her designee through universal voter registration, at a date specified in the notice, to show cause why his or her name should not be removed from the voter registry.~~)

D. A voter whose registration has been cancelled under this section shall not thereafter be eligible to vote except by registering again as provided in this article.

(~~E. Annually the Town Clerk, or the Talbot County Board of Elections, shall determine which such persons have not voted at least once in a Town election within the five calendar years immediately preceding January 1 of the current year and send those persons the notice required in Subsection C of this section.~~)

SECTION 2:

AND BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland (2002 Replacement Volume and 2007 Supplement) and Section 13 of Article 23A of the Annotated Code of Maryland (2005 Replacement Volume and 2007 Supplement), Article IV, § C-35 of the

Charter of the Town of St. Michaels be, and the same is hereby, amended as follows, with added language shown in *italics* and underlined and with deleted language shown in (parenthesis) and with a ~~strikethrough~~:

§ C-35. Vacancies.

A. In case of a vacancy that occurs more than 90 days before the next regular election of Commissioners:

(1) The Commissioners shall appoint some qualified person to fill the vacancy, *who shall enjoy and exercise the same voting rights and privileges as those enjoyed and exercised by Commissioners elected to office.*

(a) Appointments shall be made upon a favorable vote by a majority of the remaining Commission members (~~elected by the voters~~). The result of the vote shall be recorded in the minutes of the Commission.

(b) The term of a Commissioner so appointed shall expire on the second ~~Tuesday~~ Wednesday in the month of June following the next regular election of Commissioners.

(c) If the original term of the vacancy filled by appointment does not expire following the next regular election, the remaining two years of the term shall be placed on the ballot and shall be filled by the winning candidate with the least number of votes.

SECTION 3:

AND BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland (2002 Replacement Volume and 2007 Supplement) and Section 13 of Article 23A of the Annotated Code of Maryland (2005 Replacement Volume and 2007 Supplement), Article V, § C-45 of the Charter of the Town of St. Michaels be, and the same is hereby, amended as follows, with added language shown in *italics* and underlined and with deleted language shown in (parenthesis) and with a ~~strikethrough~~:

§ C-45. Public meeting on budget; adoption.

Before adopting the budget the Commission shall consider the budget at a regular or special public meeting of the Commissioners. Said consideration of the budget shall take place after notice of said meeting, and the purpose thereof, is published at least once in a newspaper having general circulation within the municipality at least six days before said meeting. The Commission may insert new items or may increase or decrease the items of the budget. If the Commission increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of a resolution. A favorable vote of at least a majority of the total (~~elected~~) membership of the Commission is necessary for adoption of the budget.

SECTION 4:

AND BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS that to the extent that any Section of the Charter of the Town is in conflict with the provisions of Sections 1 through 3 of this Resolution, such Section or Sections be and hereby are repealed to the extent of such conflict.

SECTION 5:

AND BE IT FURTHER RESOLVED, that the Town Clerk/Manager shall give notice of the adoption of the aforesaid amendment to the Charter of the Town of St. Michaels by posting this resolution on the bulletin board in the Town Office for a period of at least forty (40) days following the adoption of this resolution, and by publishing a fair summary of said amendment to the Charter in a newspaper of general circulation in the Town not less than four (4) times at weekly intervals within a period of forty (40) days after the adoption of this Resolution.

SECTION 6:

AND BE IT FURTHER RESOLVED that the date of the passage of this Resolution is the 26th day of August, 2009, and that this Charter Amendment, as hereby adopted by the Commissioners of St. Michaels, shall become, and be considered, a part of the Charter of the Town of St. Michaels in all respects on the 6th day of October, 2009, unless on or before the 40th day following its passage (the 5th day of October, 2009), there shall be presented to the Commissioners of St. Michaels by registered mail, a Petition signed by twenty percent (20%) or more of the qualified voters of the Town, requesting that the proposed Charter Amendment be submitted on referendum to the voters of the Town, with each person signing any such Petition indicating thereon both his name and his residence address, and otherwise meeting the requirements of Maryland Code (1957, as amended, Article 23A, Section 13; and in the event of the proper and timely presentation of such a Petition, a time for submitting the proposed Charter Amendment on referendum to the voters of the Town shall be specified by The Commissioners of St. Michaels.

INTRODUCED, at the public meeting of the Commissioners of St. Michaels on the 12th day of August, 2009, at 5:00 o'clock p.m. in the meeting Room of the Town Office, 300 Mill Street, St. Michaels, Maryland.

HAVING BEEN PASSED, by a yea and nay vote of the Commissioners of St. Michaels at the public meeting of The Commissioners of St. Michaels on the 26th day of August, 2009, at 6:30 o'clock p.m. in the meeting room of the St. Michaels Free Library, 106 S. Fremont Street, St. Michaels, Maryland.

Brady	-	<u>yea</u>
Clark	-	<u>yea</u>
Dinkel	-	<u>yea by absentee ballot</u>
Hunt	-	<u>yea</u>
Snyder	-	<u>yea</u>

I HEREBY CERTIFY that the above Resolution was passed by a yea and nay vote of the Commissioners of St. Michaels on the 26th day of August, 2009.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

Cheril S Thomas
Cheril S. Thomas, Town Clerk/Manager

By: *Michael W Brady* (SEAL)
Michael W. Brady, President

I HEREBY CERTIFY that an exact copy of the above Resolution was posted from the 27th day of August, 2009, at 8:30 o'clock a.m., to the 5th day of October, 2009, at 4:30 o'clock p.m., on the bulletin board of the Town Office, 300 Mill Street, St. Michaels, Maryland; and that a fair summary of the aforesaid Resolution, including the date of its passage and its effective date of the Charter Amendment therein contained, and the fact that the proposed Charter Amendment may be submitted on referendum to the voters of the Town by filing a Petition containing the signatures, names and addresses of twenty (20%) or more of the qualified voters of the Town, has been published at least once each week for four (4) consecutive weeks following the passage of said Resolution within forty (40) days of the passage thereof, in a newspaper having general circulation in the Town.

By: _____ (SEAL)
Cheril S. Thomas, Town Clerk/Manager