

COUNCIL OF THE TOWN OF LA PLATA
Resolution No. 06-2

Introduced By: Mayor Gene Ambrogio

Date Introduced: September 12, 2006

Amendments adopted:

Date Adopted: October 10, 2006

Date Effective: November 29, 2006

1 **A RESOLUTION** concerning

2
3 **Charter Amendment - Elections**
4

5 **FOR** the purpose of amending the Charter of the Town of La Plata to alter the dates upon which
6 certificates of nominations must be filed and when Town primary elections are conducted;
7 clarifying the composition and altering the process for appointment of the Town's Board of
8 Supervisors of Elections; altering the circumstances when a primary election must be
9 conducted; reassigning certain electoral process duties and responsibilities formerly assigned
10 to the Clerk-Treasurer; eliminating staggered terms of office for members of the Town
11 Council commencing in 2009 and providing a certain term of office for members of the
12 Council elected in 2007; providing that members of the Town Council from each
13 Councilmanic ward shall be elected by the qualified voters of the entire Town; altering the
14 process for filling vacancies in the offices of Mayor and members of the Town Council;
15 altering the process for appeals from certain decisions of the Board of Supervisors of
16 Elections and Town Council; altering the time for conducting a referendum election following
17 the filing a recall petition; authorizing the Town Council to enact ordinances to regulate
18 campaign finance and reporting for Town elections; making certain clarifying and stylistic
19 changes; repealing certain obsolete provisions; and all matters generally relating to the process
20 of conducting elections and terms of office of the Mayor and members of the Town Council in
21 the Town of La Plata.

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24
25 **BY** repealing and reenacting, with amendments
26 Article III Registration, Nominations and Elections
27 Section C-3-1

28 Charter of the Town of La Plata
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30

31 **BY** repealing and reenacting, with amendments
 32 Article VII Registration, Nominations and Elections
 33 Sections C-7-1, C-7-2, C-7-3, C-7-4, C-7-7, C-7-8, C-7-9, C-7-13, C-7-13.1, C-7-15, C-7-17
 34 and C-7-19
 35 Charter of the Town of La Plata
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37 **SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**
 38 **LA PLATA** that Section C3-1 of Article III, Council, of the Charter of the Town of La Plata be and
 39 it is hereby repealed and reenacted, with amendments, to read as follows:
 40

41 **Article III Council**
 42

43 **Section C-3-1 Number; selection; term.**
 44

45 All legislative powers of the town shall be vested in a Council consisting of a Mayor and four
 46 (4) Councilmen, who shall be elected as hereinafter provided and who shall hold office for a term of
 47 four (4) years or until the succeeding Council takes office. The regular term of the Mayor and the
 48 Councilmen shall expire on the second Monday in May following the election of their successors.
 49 ((The Mayor and Councilmen holding office on February 28, 1985, shall continue to hold office for
 50 the term for which they were elected and until the succeeding Council takes office under the
 51 provisions of this Charter.))
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53 **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
 54 **TOWN OF LA PLATA** that Sections C-7-1, C-7-2, C-7-3, C-7-4, C-7-7, C-7-8, C-7-9, C-7-13, C-
 55 7-13.1, C-7-15, C-7-17 and C-7-19 of Article VII, Registration, Nominations, and Elections of the
 56 Charter of the Town of La Plata be and it is hereby repealed and reenacted, with amendments, to read
 57 as follows:
 58

59 **Article VII Registration, Nominations and Elections**
 60

61 **Section C-7-1 Eligibility to vote.**
 62

63 A. Registration with the Board of Supervisors of Elections of Charles County, in accordance
 64 with the provisions and requirements of state law, constitutes registration for the purposes of voting
 65 in a town election if the registrant was a resident of the town at the time for closing of registration
 66 next preceding the election as set forth in Subsection B.
 67

68 B. In lieu of registration WITH the Board of Supervisors of Elections of Charles County, a
 69 person may register to vote only in town elections with the Board of Supervisors of Elections of the
 70 town, provided that the person satisfies the same qualifications as required for registration with the
 71 Board of Supervisors of Elections of Charles County.
 72

73 C. A person may not vote in a town election if the person is not registered with the Board of
74 Supervisors of Elections of Charles County or the Town of La Plata on or before the fifth Monday
75 preceding ((the)) ANY town election.

76
77 D. A notification of change of address or name received by the Board of Supervisors of
78 Elections of Charles County, or the Town of La Plata WITH RESPECT TO THOSE VOTERS
79 REGISTERED WITH THE TOWN, after the fifth Monday preceding ((a)) ANY town election is not
80 effective for that election.

81
82 **Section C-7-2 Board of Supervisors of Elections.**

83
84 A. There is hereby created a Board to be known as the "Board of Supervisors of Elections."

85
86 B. EXCEPT FOR THE TOWN CLERK, ((Members)) MEMBERS of the Board of
87 Supervisors of Elections shall ((either)) be qualified voters of the town ((or the duly appointed Clerk-
88 Treasurer)). A MEMBER OF THE BOARD ((and)) shall not hold or be candidate((s)) for any
89 elective office during ((their)) THE MEMBER’S term of office.

90
91 C. The Board shall appoint one (1) of its members, OTHER THAN THE TOWN CLERK, as
92 Chairman. THE TOWN CLERK, OR ANY ACTING TOWN CLERK, SHALL SERVE AS
93 SECRETARY TO THE BOARD.

94
95 D. ((Vacancies)) A VACANCY on the Board, OTHER THAN THE TOWN CLERK, shall be
96 filled by the Mayor, with the approval of the Council, for the remainder of the unexpired term. A
97 VACANCY ON THE BOARD RESULTING FROM A VACANCY IN THE POSITION OF
98 TOWN CLERK SHALL BE FILLED BY THE APPOINTMENT OF A NEW OR ACTING TOWN
99 CLERK.

100
101 E. The compensation of the members of the Board shall be determined by the Council, except
102 that the TOWN Clerk ((-Treasurer)) shall serve without additional compensation.

103
104 F. The Board shall consist of three (3) members, ((including)) TWO OF WHOM SHALL BE
105 RESIDENTS OF THE TOWN AND ONE OF WHOM SHALL BE the Town Clerk ((-Treasurer)).
106 The two (2) ((outside)) RESIDENT members shall be appointed by the Mayor, with the approval of
107 the Town Council, on or before ((the fourth Thursday in May)) OCTOBER 1 OF EACH YEAR IN
108 WHICH THE TOWN HOLDS A GENERAL ELECTION FOR THE ELECTION OF MAYOR.

109
110 G. The term of each RESIDENT member so appointed shall be for four (4) years or until
111 his OR HER successor qualifies and takes office; except, however, that the terms of ALL RESIDENT
112 MEMBERS HOLDING OFFICE ON JANUARY 1, 2007 SHALL EXPIRE ON OCTOBER 1, 2009
113 OR WHEN HIS OR HER SUCCESSOR QUALIFIES AND TAKES OFFICE, REGARDLESS OF
114 THE LENGTH OF THE TERM TO WHICH EACH MEMBER WAS APPOINTED ((either of the

115 two (2) members first appointed may be for less than (4) years to provide for staggered terms. The
116 length of the terms of members shall be designated by the Mayor at the time of appointment)). The
117 term OF OFFICE of the TOWN Clerk ((-Treasurer, who shall always serve as Secretary of the
118 Board,)) shall correspond to the official term as TOWN Clerk ((-Treasurer)).

119
120 ((H. Any Acting Clerk-Treasurer may also be appointed as an acting member of the Board to
121 serve as Secretary.))

122
123 **Section C-7-3. Removal of Board members.**

124
125 Any member of the Board of Supervisors of Elections, except for the TOWN Clerk ((-
126 Treasurer)), may be removed for good cause by the Council if, in the judgment of the Council, the
127 member is not properly performing or will not properly perform the duties of the position. Before
128 removal, the member of the Board of Supervisors of Elections to be removed shall be given a written
129 copy of the charges against him OR HER and shall be given a public hearing on them before the
130 Council if he OR SHE so requests within ten (10) days after receiving the written copy of the charges.

131 THE TOWN CLERK MAY NOT BE REMOVED FROM THE BOARD, BUT SHALL VACATE
132 THE BOARD UPON TERMINATION OF THE TOWN CLERK’S EMPLOYMENT WITH THE
133 TOWN.

134
135 **Section C-7-4. Duties of Board.**

136
137 Except as otherwise provided, the Board of Supervisors of Elections of the town shall be in
138 charge of the registration of voters, nominations and all town elections. ((The Clerk -Treasurer shall
139 serve as Secretary of the Board, and the)) THE CHIEF EXECUTIVE OFFICER ((Council)) may
140 appoint OR DESIGNATE other employees to assist ((him)) THE TOWN CLERK in ((his)) THE
141 CLERK’S duties.

142
143 **Section C-7-7. Appeal from action of Board of Supervisors of Elections.**

144
145 If any person shall feel aggrieved by the action of the Board of Supervisors of Elections in
146 refusing to register or in striking off the name of any person or by any other action, such person may
147 appeal to the Council WITHIN FIVE (5) DAYS AFTER THE ACTION OF THE BOARD FROM
148 WHICH THE APPEAL IS TAKEN. THE COUNCIL SHALL HEAR AND DECIDE ANY SUCH
149 APPEAL WITHIN FOURTEEN (14) DAYS AFTER THE FILING OF THE NOTICE OF
150 APPEAL. Any PERSON AGGRIEVED BY THE decision or action of the Council upon such
151 appeals may ((be appealed to)) SEEK JUDICIAL REVIEW OF SUCH DECISION BY the Circuit
152 Court for ((the county)) CHARLES COUNTY BY FILING A PETITION FOR JUDICIAL
153 REVIEW WITH THE COURT IN THE MANNER PROVIDED BY THE MARYLAND RULES
154 OF PROCEDURE within thirty (30) days of the decision or action of the Council.

155

156 **Section C-7-8 Nominations.**
157

158 Persons may be nominated for elective office in the town by filing a certificate of nomination
159 at the office of the Board of Supervisors of Elections on or before the first Monday in ((April))
160 MARCH next preceding ((the)) A town election. No person shall file for nomination to more than
161 one (1) elective town ((public)) office or hold more than one (1) elective town ((public)) office at any
162 one (1) time.
163

164 **Section C-7-9 Primary election; time of holding; conduct.**
165

166 Primary elections shall be held in the town on the third Monday in ((April)) MARCH in every
167 OTHER odd-numbered year in order to select candidates for the general election on the first Tuesday
168 in May. The primary election shall be conducted generally as specified in this Charter for the conduct
169 of special and general elections. Candidates' names shall appear in alphabetical order for the office
170 sought on the ballots or voting machine labels, with no party designation of any kind. If not more than
171 ((three (3))) TWO (2) persons from each councilmanic ward have filed as candidates for the office of
172 Councilman or if not more than ((three (3))) TWO (2) persons have filed for the office of Mayor, no
173 primary election shall be held as to that office or those offices. In such instances, those nominated for
174 Mayor or the nominees for Councilmen shall be considered as nominees, and their names shall be
175 placed on the ballot or voting machines at the general election on the first Tuesday in May. Of the
176 candidates participating in the primary election, the ((three (3))) TWO (2) persons receiving the
177 highest number of votes cast for the office of Mayor shall be named and considered as nominees at
178 the general municipal election following and the ((three (3))) TWO (2) persons from each ward
179 receiving the highest number of votes cast ((in that ward)) for the office of Councilman shall be
180 named and considered as nominees at the general municipal election following.
181

182 **Section C-7-13 Election of Councilmen.**
183

184 A. ((On)) COMMENCING ON the first Tuesday in May IN 2009, AND in every other odd-
185 numbered year THEREAFTER, the qualified voters of ((each of the four (4) councilmanic wards))
186 THE TOWN shall elect one (1) Councilman from ((their ward)) EACH OF THE TOWN'S FOUR
187 COUNCILMANIC WARDS TO HOLD OFFICE FOR A FOUR YEAR TERM OR, IF THE
188 COUNCILMAN'S SUCCESSOR DOES NOT TAKE OFFICE, UNTIL THE VACANCY IS
189 FILLED IN THE MANNER PROVIDED IN SECTION C-7-17. ((In the first general election and
190 alternating general elections thereafter, the voters of Wards 1 and 2 shall elect a Councilman to serve
191 for a four-year term. In the second general election and alternating general elections thereafter, the
192 voters of Wards 3 and 4 shall elect a Councilman to serve for a four-year term.))
193

194 B. AT THE GENERAL ELECTION TO BE HELD IN 2007 ((Notwithstanding Subsection A
195 hereof, Councilmen shall be elected in the years 1985 and 1987 as follows:

- 196 (1) In 1985,)) Councilmen from Wards 1 and 2 shall be elected for a two-year term.
197 ((2) In 1985, Councilmen from Wards 3 and 4 shall be elected for a four-year term.))

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C. ((From and after the 1987 election, Councilmen shall be elected in accordance with Subsection A hereof.)) COUNCILMEN ELECTED FROM WARDS 3 AND 4 AT THE ELECTION HELD IN 2005 SHALL CONTINUE TO HOLD OFFICE UNTIL THEIR SUCCESSORS ARE ELECTED AT THE ELECTION IN MAY, 2009 AND TAKE OFFICE.

Section C-7-13.1. Recall of elected officials.

Any elected official of the Town of La Plata may be recalled from the office upon petition by the voters, followed by a successful referendum on the matter. The petition must be signed by twenty percent (20%) or more citizens qualified to vote in the town elections. The petition shall satisfy all the requirements of Maryland law prescribed for petitions to Charter amendments. Upon receipt of a petition for recall, the Board of Supervisors of Elections shall verify that the signers are valid as to voter registration and the required twenty percent (20%). The Board of Supervisors of Elections shall notify the Town Council of the receipt of a valid petition within ten (10) days and shall schedule a referendum on the matter ((within)) NOT LESS THAN FORTY-FIVE NOR MORE THAN sixty (60) days following receipt of the petition. If a majority of the persons voting on the matter shall be in favor of the recall, the recalled official shall immediately forfeit his office. The vacancy caused by the recall shall be filled as any other vacated elective office.

Section C-7-15 Vote count.

Within forty-eight (48) hours after 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 Council of the town. The TOWN Clerk ((-Treasurer)) shall record the results in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. ((In each councilmanic ward, the)) THE candidate FROM EACH COUNCILMANIC WARD with the highest number of votes in the general election shall be declared elected Councilman.

Section C-7-17. Vacancies.

In case of a vacancy on the Council for any reason, the Council shall elect some qualified person to fill such vacancy. In case of a vacancy in the office of Mayor for any reason, the Council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the Council or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members or member of the Council. The results of any such vote shall be recorded in the minutes of the Council. When a vacancy is filled in the manner set forth herein, the person elected ((shall serve only until the next general election, at which time the vacancy)) shall SERVE ((be filled for)) the unexpired term ((by the voters, as set forth herein)) AND UNTIL HIS OR HER SUCCESSOR IS ELECTED AND TAKES OFFICE.

240 **Section C-7-19. Regulation and control.**

241
242 The Council shall have the power to provide by ordinance, in every respect not covered by the
243 provisions of this Charter, for the conduct of registration, nomination and town elections and for the
244 prevention of fraud in connection therewith, INCLUDING CAMPAIGN FINANCE AND
245 REPORTING, and for a recount of ballots in case of doubt or fraud and for absentee registration and
246 balloting.

247
248 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
249 **TOWN OF LA PLATA** that the date of adoption of this Resolution is October 10, 2006, and the
250 amendment of the Charter of the Town of La Plata hereby enacted shall become effective on
251 November 29, 2006, unless a proper petition for referendum hereon shall be filed as permitted by law,
252 provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin
253 board in the La Plata Town Hall until November 19, 2006, and provided further that a copy of the
254 title of this Resolution shall be published in the Maryland Independent, a newspaper of general
255 circulation in the Town of La Plata, or in any other newspaper of such general circulation, once in
256 each of the weeks beginning October 18, October 25, November 1 and November 8, 2006.

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258 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
259 **TOWN OF LA PLATA** that the Town Clerk is hereby specifically commanded to carry out the
260 provisions of Section 3. hereof, and, as evidence of such compliance, the Town Clerk shall cause to
261 be maintained appropriate certificates of publication of the newspaper or newspapers in which the title
262 of the Resolution shall have been published. If a favorable referendum is held on the Charter change
263 the Mayor shall proclaim the Charter change hereby enacted to have been approved by the voters and
264 the charter amendment shall become effective on the date provided by law.

265
266 **SECTION 5. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
267 **TOWN OF LA PLATA** that as soon as the Charter Amendment hereby enacted shall become
268 effective, either as provided herein or following a referendum, the Town Chief Executive Officer shall
269 send by mail to the Department of Legislative Services of Maryland, a clear certified copy of this
270 Resolution showing the number of Councilmen voting for and against it and a report on the votes cast
271 for or against the amendment hereby enacted at any referendum thereon and the date of such
272 referendum.

273
274 The above Charter Amendment was enacted by the foregoing Resolution which was passed at
275 a regular meeting of the Council of the Town of La Plata on October 10, 2006, 5 members of the
276 Town Council voting in the affirmative, 0 members of the Town Council voting in the negative,
277 0 members of the Town Council abstaining, and 0 members of the Town Council absent,
278 and the said Resolution becomes effective in accordance with law on the 29th day of November, 2006.

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280 **ADOPTED** this 10th day of October, 2006.
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SEAL:

COUNCIL OF THE TOWN OF LA PLATA

Gene Ambrogio, Mayor

R. Wayne Winkler, Councilman

C. Keith Back, Councilman

ATTEST:

Paretta D. Mudd, Councilwoman

Judith T. Frazier, Town Clerk
Date _____

Vic E. Newman, Councilman

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.