

TITLE VII
Registration, Nominations, and Elections

Section C-27. Voters.

Every person who, (a) is a citizen of the United States, (b) is at least eighteen years of age, (c) has resided in the City for at least thirty days next preceding ~~and~~ ANY City election, and (d) is registered in accordance with the provisions of this **CHARTER AND THE WORCESTER COUNTY BOARD OF ELECTIONS**, shall be a qualified voter of the City. Every qualified voter of the City shall be entitled to vote at ~~any or all~~ City elections, subject to the provisions of Section C-35 and any other applicable provisions of this **CHARTER AND Code**.

Section C-28. Board of Supervisors of Elections.

A. There shall be a Board of Supervisors of Elections consisting of five (5) members who shall be appointed by the Mayor with the approval of the Council on or before the fourth Monday in January in every even-numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in February in the year in which they are appointed and shall run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as Chairman. Vacancies on the board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Council.

B. IN ADDITION, THERE SHALL BE TWO (2) ALTERNATE MEMBERS OF THE BOARD OF SUPERVISORS OF ELECTIONS APPOINTED WITH TERMS, AND WITH PROVISIONS FOR FILLING VACANCIES, THE SAME AS FOR REGULAR MEMBERS. ALTERNATES SHALL SERVE AT THE DIRECTION OF THE CHAIRMAN IN CASES WHERE A REGULAR MEMBER OF THE BOARD OF SUPERVISORS OF ELECTIONS IS UNABLE TO SERVE FOR ANY REASON INCLUDING, BUT NOT LIMITED TO, A CONFLICT OR POTENTIAL CONFLICT OF INTEREST.

C. NO MEMBER OF THE BOARD OF SUPERVISORS OF ELECTIONS SHALL PARTICIPATE IN ANY MATTER OR ELECTION IF SAID MEMBER HAS A CONFLICT OF INTEREST WITH RESPECT TO ANY CANDIDATE AS IS DEFINED AND SPECIFIED IN CHAPTER 37 OF THE CODE OR IF A FAMILY MEMBER IS A CANDIDATE IN THE ELECTION OR MATTER AT ISSUE OR IF A FAMILY MEMBER IS A MEMBER OF A CANDIDATE'S STAFF OR SERVING IN A CAMPAIGN POSITION INCLUDING, BUT NOT LIMITED TO, CAMPAIGN CHAIR, TREASURER, OR SPOKESPERSON. FOR PURPOSES HEREOF, FAMILY MEMBER INCLUDES ANY FAMILIAL RELATIONSHIP BY BLOOD OR MARRIAGE. NO MEMBER MAY ASSIST ANY CAMPAIGN OR CANDIDATE IN ANY MANNER.

Section C-29. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. 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~~ **GROUNDS FOR SUCH REMOVAL** and shall have a public hearing on them before the Council, if he so requests within ten days after receiving the written copy of the ~~charges against him~~. **GROUNDS FOR REMOVAL.**

Section C-30. Duties.

A. The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all City elections. The board may appoint election clerks or other employees to assist it in any of its duties., **PROVIDED, HOWEVER, THAT FUNDING FOR SUCH STAFFING OR ASSISTANCE IS SUBJECT TO THE SOLE DISCRETION OF THE COUNCIL.**

B. THE BOARD OF SUPERVISORS OF ELECTIONS SHALL OBTAIN FROM THE WORCESTER COUNTY BOARD OF ELECTIONS, AT A REASONABLE TIME PRIOR TO ANY CITY ELECTION, BUT NOT EARLIER THAN TWENTY-ONE DAYS PRIOR TO AN ELECTION, A LIST OR ROLL OF VOTERS RESIDING IN THE CITY, BY DISTRICT OR DISTRICT DISCERNIBLE, FOR USE IN A PENDING ELECTION. SUCH LIST OR ROLL SHALL BE PRESUMED TO BE CORRECT AND COMPLETE. VOTERS MUST HAVE REGISTERED WITH THE WORCESTER COUNTY BOARD OF ELECTIONS TO BE ELIGIBLE TO VOTE.

Section C-31. Notice.

The Board of Supervisors of Elections shall give at least four weeks' notice of every election by an advertisement published in at least one newspaper of general circulation in the City, and by posting a notice thereof in some public place or places in the City, and are authorized to give two weeks notice of the deadline for filing a certificate of nomination or election to the offices of the city council or mayor in a manner the Board deems appropriate. (Amended 2-3-75 by Res. No. 71, approved 2-3-75; Res. No. 307, effective 8-4-98; Res. No. 326, 7-4-00.)

Section C-32. Reserved. (Res. No. 443, 6-21-11.)Section C-33. Reserved. (Res. No. 443, 6-21-11.)Section C-34. Nominations.

A. Persons may be nominated for elective office in the City by filing a certificate of nomination. The fee to file a certificate of nomination shall be \$25.00. The certificate of nomination shall state the following: (1) the office for which the candidate is seeking the nomination, and (2) the name of the candidate. The certificate shall be filed with the Board of

~~Election~~ Supervisors **OF ELECTIONS** at least sixty calendar days prior to the election, except in the event a person currently holding a municipal elective public office files a certificate of nomination and a letter of resignation from the currently held municipal elective public office, a candidate may file a certificate of nomination for the office affected by the resignation until a day which is thirty calendar days prior to the election. No person shall file for nomination to more than one elective public office or hold more than one elective public office at any one time. (Res. No. 307, effective 8-4-98; Res. No. 325, 7-4-00; Res. No. C-03-01, 8-5-03.)

Section C-35. Election of Mayor and Councilmen.

A. On the first Tuesday in April in 1966 the Mayor shall be elected for a two-year term. On the first Tuesday in April every two years thereafter a Mayor shall be elected to serve for a period of two years until the first Tuesday in April in 2002 and every three years thereafter, to serve for a period of three years.

B. The City shall be divided by law into five (5) legislative districts for the election of members of the City Council. Each legislative district shall contain one Councilmember who shall be elected by the registered voters of that legislative district only. All Councilmembers shall serve for a period of three years. Notwithstanding the above, all presently elected Councilmembers shall be allowed to complete their present terms regardless of which district they reside in.

Each legislative district shall consist of adjoining territory, be relatively compact in form, and include substantially the same population as other districts. Due regard shall be given to all constitutional standards in creating the legislative districts.

From time to time as based on the latest U.S. Census Bureau data and after public hearing, the Council may reestablish boundaries of the legislative districts for elections of the members of the Council.

The City shall retain the present staggered-term election system as originally established by Resolution No. 1 of 2-7-66 and included in the Charter of 1968. On the first Tuesday of April in 1986 the qualified voters of Legislative Districts 1 and 2 shall elect their respective Councilmembers. On the first Tuesday of April 1987 the qualified voters of Legislative District 3 shall elect their Councilmember. On the first Tuesday of April in 1988, the qualified voters of Legislative Districts 4 and 5 shall elect their respective Councilmembers. On the first Tuesday of April in 1989, and every year thereafter, each position on the Council which shall become vacant on the second Tuesday in April of that year shall be filled by an election of the qualified voters in that legislative district of the City. (Res. No. 151, 2-25-86; Res. No. 323, 7-4-00.)

Section C-36. Conduct of elections.

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and **FOR** suitable ballot boxes ~~and ballots and/or voting machines~~. **ALL ELECTIONS SHALL BE CONDUCTED BY PAPER**

BALLOT. The ballots ~~and/or voting machines~~ shall show the name of each candidate nominated for elective office, in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 7:00 p.m. on election days or for longer hours if the Council requires it. In the event that there is no contest for any of the offices for which an election shall be proper, the Board of Supervisors of Elections ~~are authorized and directed to~~ **SHALL** cancel the election with respect to said office or offices ~~after giving public notice thereof by publication for two successive weeks in a newspaper or newspapers having general circulation in the City,~~ and ~~to certify as elected,~~ in **THE CERTIFICATION REQUIRED PURSUANT TO SECTION C-38 OF THE CHARTER**, the candidate or candidates therefore who have filed a valid certificate of nomination pursuant to Section C-34 of the Charter. (Amended 3-19-73 by Res. No. 50, approved 3-20-73.)

Section C-37. Special elections.

All special City elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular City elections.

Section C-38. Vote count.

A. Within twelve hours after the 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 City Manager who shall cause the results to be recorded in the minutes of the Council. **SAID CERTIFICATION SHALL STATE CLEARLY WHETHER THERE IS A TIE VOTE FOR ANY OFFICE AND WHETHER THERE ANY ISSUES SURROUNDING THE ELECTION TO WHICH THE BOARD OF SUPERVISORS OF ELECTIONS WISHES TO BRING TO THE ATTENTION OF THE MAYOR AND CITY COUNCIL. IT SHALL BE UP TO THE CITY COUNCIL TO ACCEPT THE CERTIFICATION IN WHOLE OR IN PART AND/OR TO CAUSE ANY INVESTIGATION OR REVIEW OF ANY MATTER ARISING FROM THE ELECTION. NOTHING HEREIN SHALL AFFECT OR IMPEDE THE RIGHT OF ANY CANDIDATE TO CHALLENGE AN ELECTION WITH THE MAYOR & COUNCIL OR SEEK ANY LEGAL REMEDY AVAILABLE.**

B. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidate ~~or candidates~~ for Councilman **IN EACH DISTRICT** with the highest number of votes ~~in each general election~~ shall be declared elected as Councilman**MAN**.

C. **IN THE EVENT THAT THERE IS A TIE IN THE NUMBER OF VOTES FOR AN OFFICE, AT THE NEXT MEETING OF THE MAYOR & CITY COUNCIL, EACH OF THE AFFECTED CANDIDATES SHALL DRAW FROM A PREVIOUSLY UNOPENED DECK OF PLAYING CARDS PROVIDED BY THE CITY MANAGER AND MIXED AND SHUFFLED BY THE THEN CURRENT MAYOR. THE CANDIDATE WITH THE HIGHEST RANKING CARD SHALL BE DECLARED THE WINNER AND SWORN IN AS OTHERWISE PROVIDED FOR IN THIS CHARTER.**

Section C-39. Preservation of ballots and voting-machine totals.

All ballots used in any City election shall be preserved for at least six months from the date of the election. In any City election in which voting machines are used, after the voting machines have been locked against voting, a tabulation of votes appearing on the public counters shall be made, then all voting machines used shall be sealed for a six months' [six-month] period. In the event that the voting machines used cannot be sealed for six months, the Mayor and Council shall pass an ordinance setting forth the procedure to be followed for a certification and the preservation of all votes cast on such voting machines.

Section C-40. Vacancies.

In case of a vacancy on the Council for any reason, the Council may either leave the office vacant until the next election for that District or fill such vacancy for the unexpired term by either appointing some qualified person to fill such vacancy or by a special election held either in conjunction with the next General Election or at any other time specified by the Council. In case of a vacancy in the office of Mayor for any reason, the Council may either leave the office vacant until the next General Election or fill such vacancy for the remainder of the term by either appointing some qualified person to fill the vacancy or by a special election.

Section C-41. Women.

Women shall have equal privileges with men in registering, voting, and holding City offices. Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender.

Section C-42. Regulation and control.

The Council shall have the power to provide by ordinance or resolution in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and City elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section C-42A. Election - 1966.

Nothing contained in this Charter shall affect appointment of judges of election, registration officials, registration of voters, appointment of election officials, nomination and qualifications of candidates or the conduct of the election for Mayor and Councilmen to be held on the first Tuesday in April, in the year 1966. The election to be held on the first Tuesday in April, in 1966, shall be governed by the provisions of the Charter of the Mayor and Council of Pocomoke City in force and effect prior to the adoption of this Charter.

Section C-43. Penalties.

Any person who (a) fails to perform any duty required of him under the provisions of this Title or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this Title or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or City election, shall be deemed guilty of a misdemeanor. Any officer or employee of the City government who is convicted of a misdemeanor under the provisions of this section shall immediately, upon conviction thereof, cease to hold such office or employment.

CHARTER AMENDMENT RESOLUTION NO. 503

**A RESOLUTION TO AMEND THE CHARTER OF POCOMOKE CITY,
MARYLAND BY ADDING AND DELETING LANGUAGE TO SECTION
C27-C37 CONCERNING THE CONDUCT OF ELECTIONS**

**WHEREAS, the Municipal Corporation Charter of Pocomoke City,
Maryland, § C27-C37 sets the rules and procedure the conduct of elections;
and**

**WHEREAS, the Mayor and Council of Pocomoke City have concluded that it
is appropriate for them to amend §C27-C37 of the Charter; and**

**WHEREAS, the Mayor and Council have determined that these proposed
changes are for the peace, order, and benefit of Pocomoke City and its
citizens;**

- 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of
Pocomoke City, by virtue of the authority granted in Article XI-E of the
Constitution of Maryland, that Sections C27-C37 of the Municipal Charter of
Pocomoke City, be amended to read as follows*:**

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* Italicized print indicates material added to existing law. Deleted material from the existing Charter is indicated by bold double bracketed [[]] language.

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2. AND BE IT FURTHER RESOLVED THAT

In accordance with § 4-304 of the Local Government Article of the Annotated Code of Maryland, the City Manager shall:

- a. Post a complete and exact copy of this Charter Amendment at the City Hall Office, for at least forty (40) days after the passage of this Resolution; and
- b. Publishing a fair summary of this Resolution once per week for four (4) weeks in a newspaper of general circulation beginning immediately after the passage of this resolution.

3. AND BE IT FURTHER RESOLVED THAT

This Resolution shall become effective forty (40) days after passage, in accordance with § 4-304 of the Local Government Article of the Annotated Code of Maryland.

This Resolution was introduced and read at a meeting of the Mayor and Council of Pocomoke City held on the 21st day of November, 2016, and passed for Second Reading.

The Resolution was finally passed and signed and approved by the Mayor and Council of Pocomoke City on the ___ day of December, 2016.

Attest:
POCOMOKE CITY, MARYLAND

THE MAYOR AND COUNCIL OF

Carol L. Sullivan, City Clerk

Bruce Morrison, Mayor

R. Dale Trotter, First Vice-President

Publish: