

CHARTER AMENDMENT RESOLUTION NO. 2022-01

A CHARTER AMENDMENT RESOLUTION
AMENDING THE TITLE OF CHAPTER 5 OF THE TOWN CHARTER TO
REFLECT THE ELIMINATION OF THE NOMINATION REQUIREMENTS
FOR CANDIDATES FOR TOWN ELECTED OFFICE; AMENDING SECTION
C-24 OF THE TOWN CHARTER WITH RESPECT TO THE RESIDENCY
REQUIREMENTS FOR ELECTION JUDGES; REPEALING SECTION C-30,
“NOMINATIONS” OF THE CHARTER OF THE TOWN OF SYKESVILLE
AND ENACTING SECTION C-30, “FILING FOR CANDIDACY” TO ALTER
THE TOWN’S PROCEDURES FOR ESTABLISHING CANDIDACY FOR
TOWN ELECTED OFFICE

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Sykesville Town Council (the “Commissioners”), as the legislative body of the Town of Sykesville (the “Town”), are authorized and empowered to amend the Charter of the Town of Sykesville (the “Charter”); and

WHEREAS, pursuant to Article XI-3, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Town Council or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the Town and filed with the Town Council; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Town Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the Town by a majority of all the individuals elected to the Town Council, as the legislative body of the Town, subject to the right of referendum; and

WHEREAS, Section C-24 of the Charter specifies that election judges must be Town residents; and

WHEREAS, the Town has experienced certain difficulties with locating persons willing and able to serve as election judge from among the persons who are residents of the Town and therefore wishes to permit, under certain circumstances, persons who are residents of Carroll County but not of the Town to serve as election judges; and

WHEREAS, Section C-30 of the Charter specifies, among other things, that persons wishing to become candidates for Town elected office must be nominated for candidacy at a Town meeting held on the 4th Monday of March of every odd-numbered year; and

WHEREAS, the Town Council deems Section 30 of the Town Charter to be obsolete and inefficient and desires to replace the nomination process with one in which persons wishing to become candidates for Town elective office may submit an application for candidacy.

SECTION 1. NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE SYKESVILLE TOWN COUNCIL that the title of Article 5 of the Town Charter be and hereby is amended to read as follows:

ARTICLE V. REGISTRATION, ~~[NOMINATIONS]~~ FILING FOR CANDIDACY, AND ELECTIONS.

SECTION 2. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCIL that Section C-24 of the Charter, "Appointment of elections judges; terms; qualifications; vacancies", be and hereby is amended to read as follows:

§ C-24. Appointment of election judges; terms; qualifications; vacancies.

There shall be three election judges appointed by the Mayor with the approval of the Council on or before the first Monday in March of every odd-numbered year (herein referred to as the "Board" or the "Board of Election Supervisors"). The terms of the election judges shall begin the first Monday in March and shall run for two years. The election judges shall be registered voters of the Town and shall not hold or be candidates for any elective office during their term of office. SO AS NOT RENDER THE BOARD INCAPABLE OF ACTION DUE TO LACK OF A QUORUM, IN THE EVENT THAT THE TOWN, AFTER ADVERTISING A VACANT POSITION(S) ON THE BOARD, IS UNABLE TO FILL A VACANCY OR VACANCIES, AN ELECTION JUDGE MAY BE APPOINTED AS PROVIDED FOR HEREINABOVE WHO IS A REGISTERED VOTER OF CARROLL COUNTY, MARYLAND, BUT NOT THE TOWN OF SYKESVILLE. [Any compensation of the election judges shall be determined by the Council.] Vacancies shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. ANY COMPENSATION OF THE ELECTION JUDGES SHALL BE DETERMINED BY THE COUNCIL.

SECTION 3. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCIL that Section 30, "Nominations", of the Charter of the Town of Sykesville shall be and hereby is REPEALED in its entirety.

SECTION 4. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCIL that Section 30, "Filing for Candidacy" of the Town Charter be and hereby is ADOPTED as follows:

SEC. 30. FILING FOR CANDIDACY.

A. ALL INDIVIDUALS WISHING TO HAVE THEIR NAMES INCLUDED ON A BALLOT AS A CANDIDATE FOR TOWN OFFICE SHALL:

- (1) BE DULY REGISTERED AND QUALIFIED VOTERS IN THE TOWN;
- (2) FILE A COMPLETED APPLICATION FOR CANDIDACY ON THE FORMS PRESCRIBED AND PROVIDED BY THE BOARD OF ELECTION SUPERVISORS ON OR BEFORE 12:00 NOON ON THE FOURTH MONDAY IN THE MONTH OF MARCH OF THE YEAR THAT THE ELECTION IS TO BE HELD AND TENDER THE FILING FEE IN AN AMOUNT ESTABLISHED IN THE TOWN OF SYKESVILLE FEE SCHEDULE;
- (3) AT A MINIMUM, THE APPLICATION FOR CANDIDACY SHALL AFFIRM UNDER OATH THE CANDIDATE'S FULL LEGAL NAME, DATE OF BIRTH, AND RESIDENCE ADDRESS; AND
- (4) COMPLY WITH ALL OTHER QUALIFICATIONS AND PROVISIONS OF THE TOWN

CHARTER, TOWN CODE AND LAWS OF THE STATE.

B. A CANDIDATES MAY WITHDRAW HIS OR HER CANDIDACY AT ANY TIME PRIOR TO 9:00 A.M. ON THE SECOND MONDAY IN APRIL FOLLOWING THE DEADLINE FOR FILING THE APPLICATION FOR CANDIDACY.

C. THE BOARD SHALL TIMELY REVIEW ALL APPLICATIONS FOR CANDIDACY AND SHALL CONDUCT ANY NECESSARY INVESTIGATIONS TO DETERMINE ELIGIBILITY OF EACH APPLICANT FOR CANDIDACY, INCLUDING VERIFICATION THAT THE APPLICANT IS A BONA FIDE RESIDENT OF THE TOWN.

D. THE BOARD SHALL REVIEW THE REQUIRED DOCUMENTATION FOR ALL APPLICATIONS FOR CANDIDACY RECEIVED AND SHALL PROMPTLY THEREAFTER DETERMINE THE COMPLETENESS AND ELIGIBILITY OF ALL POTENTIAL CANDIDATES AND COMMUNICATE THE DETERMINATION TO THE CANDIDATE ACCORDINGLY.

E. NO PERSON SHALL FILE FOR MORE THAN ONE ELECTED TOWN OFFICE OR HOLD MORE THAN ONE ELECTED TOWN OFFICE AT ANY ONE TIME.

SECTION 5. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCIL that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new or added language is underlined and set forth in small caps and deleted text is enclosed in double bold parentheses. Language added after the date of introduction, if any, is in italicized type and text deleted after the date of introduction is enclosed in bold brackets.

SECTION 6. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCIL that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 7. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCIL that to the extent that any section of the Charter is in conflict with the provisions of Sections 1, 2 or 4 of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 8. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCIL that the Charter amendments adopted by this Resolution shall become effective upon the fiftieth (50th) day after adoption unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after adoption, as provided by law. A complete and exact copy of this Resolution shall be posted at Town House for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the Charter amendments adopted hereby, shall be published in a newspaper of general circulation in the Town not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its adoption.

SECTION 9. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCIL that as soon as the Charter amendment adopted by this Resolution shall become effective, either as herein provided or following a referendum, the Town Clerk shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment herein: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the members of the Town Council or in a referendum; and (4) the effective date of the Charter amendment.

SECTION 10. BE IT FURTHER RESOLVED BY THE SYKESVILLE TOWN COUNCL that the Town Clerk is hereby authorized and directed to carry out the provisions of Sections 8 and 9 hereof; and as evidence of compliance herewith, the Town Clerk shall cause to be affixed to the minutes of the Town Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 8 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments herein shall have been published as provided in Section 8 herein; and (3) the return receipt of the mailing as provided in Section 9 herein; provided, however, that failure to comply with any of the foregoing shall not invalidate this Resolution.

THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SYKESVILLE THIS _____ DAY OF _____, 2022.

ATTEST:

Kerry Kavaloski, Town Clerk

Stacy Link, Mayor

Anna Carter, Council President

Mark Dyer, Council Member

Al Grasley, Council Member

Elizabeth Guroff, Council Member

Leo Keenan, Council Member

Jeremiah Schofield, Council Member