

COPY

RESOLUTION 2022-1

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FUNKSTOWN,
MARYLAND, TO ADD TO THE CORPORATE CHARTER §36A RUN-OFF
ELECTIONS**

RESOLUTION of the Mayor and Council of the Town of Funkstown, Maryland, adopted pursuant to Article XI-E, Section 4, of the Constitution of the State of Maryland, entitled, "MUNICIPAL CORPORATION, PROCEDURES FOR ADOPTION, AMENDMENT OR REPEAL OF CHARTERS", and pursuant to §4-403 entitled "Initiation of charter amendment by legislative body," to add §41 to the Corporate Charter of the Town of Funkstown as adopted entitled *Run-off elections*.

WHEREAS, the Mayor and Council of the Town of Funkstown deem it in the best interest of the Town of Funkstown and the community to amend said Charter.

NOW, THEREFORE, be it **RESOLVED** by the Mayor and Council of the Town of Funkstown, Maryland, that §36A entitled *Run-off elections* be added to the *Town of Funkstown, Maryland, Charter* dated November 30, 1994 and subsequently amended, be and are hereby amended to read as follows:

§36A Run-off elections

Should any election conducted pursuant to this Charter result in two or more candidates for an elective office receiving an equal number of votes, such that the outcome of the elections may not be determined, the Board of Supervisors of Elections shall call for a special election at the earliest possible date, but not later than fourteen days after the date of the election in which the tie vote occurred. Notice of the election shall be given in accordance with Section 29 of the Charter. Registration shall remain open prior to the run-off election in the manner provided by the Charter. The conduct of the election shall be in accordance with Section 34 of this Charter. The ballots or voting machines shall set forth the name of each candidate who shall have received an equal number of votes, in alphabetical order, with no party designation of any kind. The ballot or voting machine shall not provide for write-in candidates. The procedure following the election shall be in accordance with this Charter as to any elective office in which the provisions of this section are applicable, the results of the election, even if previously certified to the Clerk of the Town, shall not result in a declaration of election with respect to the office or offices in which the election provided for in this Section is conducted, but the incumbent official or officials shall remain in office until the new official or officials for such position or positions have been elected. In the event two or more candidates in a run-off election receive an equal number of votes, such that the election is not decided, the Council shall, by a majority vote, excluding candidates who appeared on the ballot or voting machine in a run-off election, select and declare one of the candidates in the run-off election.

And be it further **RESOLVED** that the exact text of the proposed Charter Amendment prepared so that each provision is shown as the provision would read when amended or enacted is

attached hereto as Exhibit "A" and is incorporated herein by reference; and be it further

RESOLVED, that said Amendment shall become and be considered a part of the *Charter of the Town of Funkstown* as herein set forth in all respects to be effective and observed as such upon the fiftieth (50th) day after such passage unless on or before the fortieth (40th) day of such passage there shall be presented to the legislative body of the Town of Funkstown, or mailed to it by registered mail, a Petition meeting the requirements for referendum; and be it further

RESOLVED, that pursuant to the Annotated Code of Maryland, Local Government Article, §4-303(d) the proposed Amendment specifically repeals and/or is intended to repeal any provision in the *Charter for the Town of Funkstown* that is inconsistent with the Amended provision; and be it is further

RESOLVED, that notice is further given that the Amendment proposed by the Legislative Body of the Town of Funkstown Maryland, that the Municipal Charter according to this Amendment, shall be effective and observed as such, in all respects set forth above on the fiftieth (50th) after passage, as set forth above, unless on or before the fortieth (40th) day after passage there shall be presented to the Mayor and Council (Legislative Body) or mailed to it by registered mail, a petition for referendum in accordance with the applicable provisions of the Local Government Article.

(Note: Double [[]'s indicate deletion. *Italics* indicates additional/new text.)

WITNESS AND ATTEST
AS TO CORPORATE SEAL
MARYLAND

MAYOR AND COUNCIL OF THE
TOWN OF FUNKSTOWN,

Brenda Haynes
Brenda Haynes, Town Manager

Paul Crampton
Paul Crampton, Mayor

Date of Introduction: 02/28/2022
Date of Passage: 02/28/2022
Effective Date: 04/19/2022

Record and Return to:

Ms. Brenda Haynes, Clerk
Town of Funkstown
30 W. Baltimore Street
Funkstown, MD 21734

EXHIBIT "A"

§36A Run-off elections

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