

COUNCIL OF THE TOWN OF RIVERDALE PARK
CHARTER AMENDMENT RESOLUTION 2022-CR-01

Introduced By: CM David Lingua
Date Introduced: January 3, 2022
Date Adopted: February 28, 2022
Date Effective: April 19, 2022

A RESOLUTION concerning

CHARTER AMENDMENT – ELECTIONS

FOR the purpose of amending the Charter of the Town of Riverdale Park to provide for the creation, composition, terms, duties and responsibilities of a Board of Elections for the Town of Riverdale Park; to specify the duties and responsibilities of the Board of Elections and alter certain duties and responsibilities of election judges for municipal elections; to provide for the designation, duties and responsibilities of a Chief Election Judge and Deputy Chief Election Judge; to make certain changes in style and terminology; and generally to relate to the conduct and management of municipal elections in the Town of Riverdale Park.

BY repealing and reenacting, with amendments
Charter of the Town of Riverdale Park (January 2008 Revision, as amended)
ARTICLE V, Nominations and Elections
§§ 502, 504, 506, 508, 511 and 514

Key:

CAPITAL LETTERS indicate matter added to existing Charter.
~~Strike-through~~ indicates existing matter deleted from Charter.

SECTION 1: BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that §§ 502, 504, 506, 508, 511 and 514 of the Charter of the Town of Riverdale Park (January 2008 Revision), ARTICLE V, Nominations and Elections, are repealed and re-enacted, with amendments, to read as follows:

(G) THE MAYOR AND COUNCIL SHALL DESIGNATE ONE MEMBER OF THE BOARD AS THE CHIEF ELECTION JUDGE AND ONE MEMBER AS DEPUTY CHIEF ELECTION JUDGE. THE CHIEF ELECTION JUDGE SHALL BE THE CHAIR OF THE BOARD AND SHALL HAVE SUCH DUTIES AND RESPONSIBILITIES AS PROVIDED IN THIS ARTICLE, AND SUCH OTHER DUTIES AND RESPONSIBILITIES AS THE MAYOR

(F) FOLLOWING APPOINTMENT AND BEFORE ASSUMING THE DUTIES OF THE OFFICE, EACH MEMBER OF THE BOARD SHALL APPEAR BEFORE THE MAYOR AND TAKE AND SUBSCRIBE TO THE OATH AS DESCRIBED IN ARTICLE I, § 9, OF THE MARYLAND CONSTITUTION.

(E) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION, EXCEPT AS PRESCRIBED BY THE MAYOR AND COUNCIL BY ORDINANCE FOR PERFORMING THE DUTIES OF AN ELECTION JUDGE.

(D) NO OFFICEHOLDER, CANDIDATE FOR ANY TOWN PUBLIC OFFICE, TOWN EMPLOYEE, OR IMMEDIATE FAMILY MEMBER OF AN OFFICEHOLDER, CANDIDATE OR EMPLOYEE, MAY SERVE AS A MEMBER OF THE BOARD OF ELECTIONS.

(C) MEMBERS OF THE BOARD SHALL BE REGISTERED VOTERS AT LEAST 18 YEARS OF AGE RESIDING IN THE TOWN. IN ADDITION TO THE FIVE MEMBERS OF THE BOARD, THE MAYOR AND COUNCIL MAY APPOINT A REGISTERED VOTER LESS THAN EIGHTEEN YEARS OF AGE RESIDING IN THE TOWN AS A NON-VOTING PARTICIPANT IN MEETINGS OF THE BOARD. THE PARTICIPANT'S TENURE TERMINATES WHEN THEY TURN 18 YEARS OF AGE.

(B) THE BOARD CONSISTS OF FIVE MEMBERS APPOINTED BY THE MAYOR AND COUNCIL ONE YEAR BEFORE THE NEXT TOWN ELECTION, FOR TERMS OF TWO YEARS EACH. MEMBERS OF THE BOARD AND THE CHIEF ELECTION JUDGE AND DEPUTY CHIEF ELECTION JUDGE SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED AND TAKE OFFICE.

(A) THERE IS A BOARD OF ELECTIONS FOR THE TOWN OF RIVERDALE PARK. THE BOARD SHALL BE APPOINTED BY THE MAYOR AND COUNCIL AND HAVE SUCH DUTIES AND RESPONSIBILITIES AS PROVIDED IN THIS ARTICLE AND SUCH OTHER DUTIES AND RESPONSIBILITIES AS THE MAYOR AND COUNCIL MAY PRESCRIBE BY ORDINANCE.

~~The mayor and council shall biennially appoint election judges and clerks to supervise voter registration, candidate nominations, and all town elections.~~

§ 502: Supervision of Town Elections – BOARD OF ELECTIONS

**ARTICLE V
Nominations and Elections**

AND COUNCIL MAY PRESCRIBE BY ORDINANCE. THE DEPUTY CHIEF ELECTION JUDGE SHALL ASSUME AND PERFORM THE DUTIES AND RESPONSIBILITIES OF THE CHIEF ELECTION JUDGE IN THE ABSENCE OF THE CHIEF JUDGE OR TEMPORARY INABILITY OF THE CHIEF ELECTION JUDGE TO SERVE.

(H) THE MAYOR AND COUNCIL MAY REMOVE A MEMBER OF THE BOARD OR PARTICIPANT FOR CAUSE AFTER NOTICE AND OPPORTUNITY TO RESPOND.

(I) THE MAYOR AND COUNCIL SHALL FILL ANY VACANCY FOR THE UNEXPIRED PORTION OF THE INDIVIDUAL'S TERM.

(J) IN ADDITION TO SUCH OTHER DUTIES AND RESPONSIBILITIES AS MAY BE PROVIDED IN THIS ARTICLE OR BY ORDINANCE, THE BOARD OF ELECTIONS SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

1) IN COORDINATION WITH THE TOWN CLERK, PLAN AND CONDUCT ALL TOWN REGULAR AND SPECIAL ELECTIONS IN ACCORDANCE WITH THIS ARTICLE, THE TOWN OF RIVERDALE PARK CODE, THE TOWN OF RIVERDALE PARK ELECTION MANUAL, AND STATE LAW AS MAY BE APPLICABLE TO THE CONDUCT OF MUNICIPAL ELECTIONS.

2) SERVE AS ELECTION JUDGES FOR ALL TOWN ELECTIONS.

3) RECOMMEND TO THE MAYOR AND COUNCIL QUALIFIED INDIVIDUALS TO SERVE AS ELECTION JUDGES FOR ALL TOWN ELECTIONS.

4) PERIODICALLY REVIEW TOWN ELECTION PROCEDURES AND BEST PRACTICES FOR THE CONDUCT OF MUNICIPAL ELECTIONS.

5) SOLICIT COMMUNITY INPUT AND RECOMMEND TO THE MAYOR AND COUNCIL CHANGES TO THE TOWN'S ELECTORAL PROCESS.

6) CONDUCT VOTER EDUCATION PROGRAMS.

7) PREPARE AND DISTRIBUTE VOTER OUTREACH MATERIALS.

§ 504: Notice of Elections

Notices of designated dates and places and registration deadlines for all town elections shall be published in at least one newspaper of general circulation in the town and posted in at least one (1) prominent public place in each ward, as may apply, by the ~~chief election judge~~ TOWN CLERK UPON AUTHORITY OF THE CHIEF ELECTION JUDGE at least twenty (20) days before an election.

§ 506: Candidates for Office to File Petition

Any person desiring to be a candidate for any elective office in the town shall on or before the twenty-fifth (25th) day preceding the election file with the judges of election BOARD OF ELECTIONS a petition to have ~~his~~ THEIR name printed on the ballot or placed on the voting machines. The petition shall set forth the office to which ~~he~~ THEY desires to be elected and shall contain a statement that the candidate is qualified to hold the office if elected. In the case of any candidate seeking election as mayor, the petition shall be signed by not less than twenty-five (25) qualified voters from the town at large; in the case of a candidate for the council, the petition shall be signed by not less than fifteen (15) qualified voters from the ward in which the candidate resides. No appointed official of the town shall continue in such position after becoming a candidate for nomination or election to any town elective office. Filing fee for each office shall be set by ordinance. This section applies only to regular elections; printing of names on the ballot or placement of names on the voting machine for runoff elections is detailed in §511.

§ 508: Conduct of Elections

The council by ordinance shall provide for all elections; shall designate in said ordinance a convenient polling place or places, provided, however, that such polling place or places shall remain open for a minimum of twelve (12) consecutive hours; shall appoint A BOARD OF ELECTIONS, AND judges and clerks of election; shall designate whether voting machines or paper ballots shall be used; shall provide the voting machines or paper ballots as the case may be; and shall conduct said elections in accordance with the provisions of this article.

§ 511: Vote Count, Declaration of Persons Elected, and Determination of Candidates for Runoff Election

Within five (5) calendar days after the closing of the polls, the ~~election-judges~~ BOARD OF ELECTIONS shall determine and record the vote cast for each candidate and shall seal the ballots and/or machine tallies. Within five (5) calendar days after the closing of the polls, the judges BOARD shall present the record of votes cast to the mayor and council, who shall declare that person or persons elected who received more than half of the votes for the respective office or offices. The results shall be recorded in the minutes of the council.

In the event no person receives more than half of the votes cast for all candidates for any office, a runoff election shall be held. To determine which persons' name shall be printed on the ballot or placed on the machines for a runoff election, the following procedure shall be followed:

a) Candidates' names shall be placed on a list in ranked order by the number of votes received, with highest rank for the candidate with the highest number of votes, and lowest rank for the candidate with the lowest number of votes. If two or more candidates received the same number of votes, they will appear on the list at the same rank.

b) If there is only one candidate at the highest rank, and there is only one candidate at the second highest rank, then these town candidates' names shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

c) If there are two candidates at the highest rank, then both of the candidates at this rank shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

d) If there are more than two candidates at the highest rank, then two of the candidates shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May. The two candidates shall be chosen from all of the candidates at highest rank by coin tosses, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief ELECTION judge-of-election.

e) If there is only one candidate at the highest rank, and there is more than one candidate at the second highest rank, then one candidate shall be chosen from all the candidates at the second highest rank by coin tosses, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief ELECTION judge-of-election. The name of the candidate at the highest rank and the name of the winner of the game of chance between the candidates at the second rank shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

The results of the runoff election shall be reported to the mayor and council, who shall declare that person or persons elected who shall have received the highest number of votes for the respective office or offices. In the event of a tie vote for any office, the person or persons elected shall be determined by a coin toss, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief ELECTION judge of-election.

§ 514: Recall

(a) Recall of the mayor or any council member may be initiated at any time after the end of the sixth (6th) month of a term until the end of the eighteenth (18th) month of a term by the filing of a petition with the mayor and council, at a regular or special meeting, seeking the recall of the named elected official and containing the signatures of at least twenty-five percent (25%) of the total number of voters qualified to vote for the office from which recall of the named elected official is sought, but only for one or more of the following reasons, which shall be specified in the petition: failure to uphold the oath of office; malfeasance in office; misfeasance in office; or nonfeasance in office. Only one person may be named in a petition. A petition may contain several pages, but each page shall contain the name and office of the official sought to be removed and the reason(s). Each signer shall print and sign ~~his~~ THEIR name as it appears on the county or town voter registration records and shall add ~~his~~ THEIR residence address to ~~his~~-THEIR signature. At the bottom of each page of the petition, the person circulating the petition, who shall be a qualified voter for the office from which recall is sought, shall sign the page and make an affidavit before a notary public that ~~he~~ THEY circulated the petition and saw each person whose name appears thereon sign ~~his~~ THEIR name in the circulator's presence. All pages composing such petition shall

SECTION 4: AND BE IT FURTHER RESOLVED that the Town Manager is hereby authorized and directed to carry out or cause to be carried out the provisions of Sections 2 and 3 hereof; and as evidence of compliance herewith, the Town Manager shall cause to be maintained in the records of the Town an appropriate certificate of publication in the newspaper in which the fair

SECTION 3: AND BE IT FURTHER RESOLVED that the Town Manager shall send or cause to be sent to the Department of Legislative Services of the State of Maryland in accordance with the provisions of §§ 4-308 and 4-109 of the Local Government Article of the Annotated Code of Maryland, the following documents or information concerning the Charter amendments: (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 Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 2: AND BE IT FURTHER RESOLVED that the amendments to the Charter adopted by this Resolution shall become effective upon the fiftieth (50th) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of § 4-304 of the Local Government Article of the Annotated Code of Maryland shall be presented or mailed to the Council on or before the fortieth (40th) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at the Town Hall of Town of Riverdale Park (the "Town") or other main municipal building or public place for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the amendments to the Charter 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 forty (40) days starting immediately after the date of adoption of this Resolution.

(d) The official whose recall is sought shall continue to serve pending the results of the recall election, but shall excuse himself THEMSELVES from all council actions in connection with his THEIR recall. If removal is voted by a majority of the qualified voters voting in the election, the official shall be recalled and the office declared vacant. Vacancies shall be filled in accordance with § 209 or § 405 of this charter, as may apply.

(c) Upon certification of the petition by the board of election-judges ELECTIONS, the council shall hold a special recall election within thirty (30) days in accordance with § 510 of this charter. The voting ballot shall contain the official's name and the office from which removal is sought and the choice of reaffirm or remove.

(b) Upon receipt of the petition, the council shall refer the petition to the board of election-judges ELECTIONS for verification of the validity and sufficiency of the signatures thereon and receive the written report of the board and to consider the petition. If the board reports that the petition lacks the sufficient amount of valid signatures or cannot otherwise be certified, the council shall declare the petition as of no effect.

as assembled and filed as a single instrument, with the endorsements thereon of the names and addresses of at least three (3) persons designated as filing said petition, and once filed, may not be returned.

summary of the Charter amendments shall have been published or other evidence of publication; provided that, the failure to so maintain the same shall not invalidate the effectiveness of the Charter amendments provided for in this Resolution.

The above amendments to the Charter of the Town of Riverdale Park were adopted by the foregoing Resolution which was passed at a Special Legislative meeting of the Town Council on February 28, 2022, 5 members of the Town Council voting in the affirmative, 0 members of the Town Council voting in the negative, 1 members of the Town Council abstaining and 1 members of the Town Council absent, and the said Resolution becomes effective on the 19th day of April, 2022 if a petition for referendum has not been filed in the time prescribed by law.

ADOPTED this 28th day of February, 2022.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes
Jessica Barnes, Town Clerk

Alan K. Thompson
Alan K. Thompson, Mayor