

Sponsored By: Kevin R. Utz, Mayor  
Dennis Frazier, Council Member

CHARTER AMENDMENT RESOLUTION NO. 01-11

A CHARTER AMENDMENT RESOLUTION  
OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF WESTMINSTER  
TO AMEND SECTION C-3 OF THE CITY CHARTER, "QUALIFICATIONS FOR  
AND ELECTION OF MAYOR AND COMMON COUNCIL; NOTIFICATION TO  
THOSE ELECTED", TO CHANGE THE DATE OF CITY ELECTIONS FROM  
THE SECOND MONDAY IN MAY TO THE TUESDAY FOLLOWING THE  
SECOND MONDAY IN MAY AND  
TO EXTEND THE VOTING HOURS FOR CITY ELECTIONS  
FROM 7:00 P.M. TO 8:00 P.M.

WHEREAS, the Mayor and Common Council of Westminster (hereinafter, the "City") is a municipal corporation in the State of Maryland, organized and operating under a Charter in accordance with Article XI E of the Constitution of Maryland, and Article 23A of the Annotated Code of Maryland (hereinafter, "Article 23A"), the Charter being published in the Municipal Charters of Maryland; and

WHEREAS, pursuant to Article 23A, §§ 11-18, the City has the authority to amend the City Charter, in accordance with the procedures set forth therein; and

WHEREAS, the City has adopted, pursuant to the authority of Article XI-E, Section 4 of the Constitution of the State of Maryland and Article 23A, Section 2 of the Annotated Code of Maryland, provisions in its Charter that provide for municipal elections for the offices of Mayor and the members of the Common Council; and

WHEREAS, Section C-3 of the Charter, "Qualifications for and election of Mayor and Common Council; Notification to those elected", provides that City elections will be conducted on the second Monday in May of odd-numbered years, and that City polling places for such elections will be open between the hours of 7:00 a.m. and 7:00 p.m.; and

WHEREAS, the Mayor and Common Council believe that conditions of modern life make it inconvenient for many voters to get to the polls by 7:00 p.m. on election days and, therefore, in the interest of increasing the number of voters for City office, wish to extend voting hours until 8:00 p.m.; and

WHEREAS, the City Code also calls for a regular meeting of the Mayor and Common Council on the second Monday of each month; and

WHEREAS, it has been the experience of the Mayor and Common Council that the conduct of an election on the same night as a regular meeting of that body is inefficient and inconvenient for reasons that include the necessary presence of the City Clerk during the vote counting activities of the City's election judges and that the difficulties will be exacerbated by the extension of voting hours if the elections remain on the dates presently provided by the City Charter and Code; and

**BOLD CAPITALS** : Indicate matter added to existing law.  
[Bold brackets] : Indicate matter deleted from existing law.

WHEREAS, the Mayor and Common Council therefore deem the public interest best served by changing the date of regular municipal elections to the Tuesday after the second Monday in May.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER that Section C-3 of the City Charter, "Qualifications for and election of Mayor and Common Council; Notification to those elected", shall be amended to read as follows:

§ C-3. Qualifications for and election of Mayor and Common Council; Notification to those elected.

The government of the city shall be vested in and enforced by a mayor and common council of five members who shall be elected by the inhabitants of the city qualified to vote for delegates to the general assembly, who have actually resided within the corporate limits of the city, and 5 whose names shall appear upon the books of registered voters as hereinafter provided. The mayor shall be at least twenty-five years of age; the members of the common council shall be at least twenty-one years of age; and the mayor shall have resided at least two years and the members of the council at least one year within said city. The qualified voters of the city shall elect three members of the council on the second [Monday] **TUESDAY** of May, [1967] **2015**, and every four years thereafter, and two members of the council and the mayor on the second [Monday] **TUESDAY** of May [1969] **2013**, and every four years thereafter.

Nominations for offices of mayor and members of the council which are filled by elections under the provisions of this section shall be made as follows: Each candidate for election shall file a certificate of nomination not later than five o'clock P.M. on the Monday which is four weeks before election day, and shall meet the requirements as above set forth as to qualifications. Said certificate shall be filed under oath with the clerk of elections, to be appointed by the mayor, acting for the judges of election of the City of Westminster, and if this date should occur on a legal holiday, the certificate must be filed not later than 9:00 P.M., on the next regular business day which is not a legal holiday. In case of any vacancy which may exist in respect to a candidate for the office of mayor or member of the common council, a town meeting shall be called by the mayor at such time and place as he shall deem proper for the purpose of filling such vacancy or vacancies. Each candidate for nomination for mayor and members of the common council shall pay the sum of twenty-five dollars. All such payments shall be made to the person with whom the certificate of nomination is filed and shall accompany the certificate. These sums shall be retained by the mayor and common council of Westminster to whom the same shall have been paid by the judges of election. In the event that any candidate who has paid a filing fee to said judges of election shall withdraw his certificate of nomination by 11:00 A.M. ten days prior to the day of election, or in the event that the name of any candidate who has paid a filing fee shall not appear on the official ballot by reason of death, he or his estate shall be entitled to a return of said filing fee.

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Said elections shall be held at such place or places as shall be designated by the mayor and common council between the hours of seven o'clock A.M., and [seven] **EIGHT** o'clock in the evening. The mayor shall give at least two weeks' notice of the election in the newspapers published in Westminster and by such other means as he may elect, and shall appoint at least three judges of election for each polling place. The said judges shall keep a record of the persons voting and the persons voted for; and may use voting machines in their discretion; and the persons having the highest numbers of votes for the several offices of mayor and members of the common council shall be declared duly elected. The judges and clerk of election shall notify the persons elected of their election. Said judges shall conduct such election in accord with the ordinance prescribing the same, which shall require them to make return to the mayor and common council, and provide for the preservation of the ballots for a reasonable time. If notice of such election shall not be given as hereinbefore required, or if the judges of election shall not be appointed or refuse to act, five or more voters of said city may call an election for said offices by notice set up in the most public places in said city, not less than one week previous to such election, therein naming the time and place of holding such election, and naming three judges thereof, who, or any two of them, may hold such election, and have the same powers in respect thereto as the judges appointed by the mayor.

Section 2. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted by the Mayor and Common Council of Westminster and that a complete and exact copy of this Charter Amendment Resolution shall be posted at City Hall for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the City not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 3. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of the Mayor and Common Council of Westminster, upon the fiftieth day after being so ordained or passed, unless there shall be presented to the Mayor and Common Council of Westminster, or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, a petition meeting the requirements of Md. Code Ann., Art, 23A, § 13.

Section 4. BE IT FURTHER RESOLVED that the Mayor shall send to the Department of Legislative Services, within 10 days of the date on which the charter amendment become effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mayor and Common Council of Westminster, or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 5. BE IT FURTHER RESOLVED that the Mayor is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, and

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that the City Administrator shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the regular meeting of the Mayor and Common Council at which it is adopted an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and shall further cause to be completed and executed a Certificate of Effect.

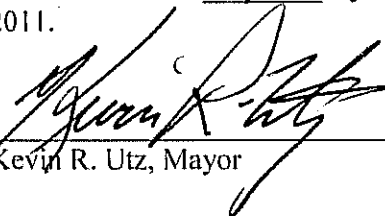
INTRODUCED this 23<sup>rd</sup> day of May, 2011.

  
Margaret L. Wolf, City Administrator

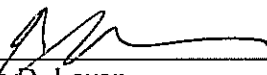
PASSED this 11<sup>th</sup> day of July, 2011.

  
Margaret L. Wolf, City Administrator

APPROVED this 11<sup>th</sup> day of July, 2011.

  
Kevin R. Utz, Mayor

Approved as to form and legal sufficiency  
this 8 day of August, 2011.

  
Elissa D. Levan  
City Attorney

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