

**RESOLUTION FOR AN AMENDMENT
TO THE CHARTER OF THE
CITY OF CAMBRIDGE, MARYLAND**

CHARTER RESOLUTION NO. CR-2016-05

A RESOLUTION OF THE COMMISSIONERS OF CAMBRIDGE TO AMEND THE CHARTER OF THE CITY OF CAMBRIDGE BY AMENDING CHARTER SECTIONS 3-10, 3-13, 3-18, 3-20 AND 3-21 FOR THE PURPOSE OF ELIMINATING PRIMARY ELECTIONS, TO PROVIDE FOR A CHANGE IN THE DATE OF THE GENERAL ELECTION, TO PROVIDE FOR A GENERAL ELECTION RUN-OFF SHOULD NO CANDIDATE RECEIVE MORE THAN FIFTY PERCENT OF THE VOTES CAST IN THE GENERAL ELECTION, AND TO AMEND THE EFFECTIVE DATE OF THE TERM OF OFFICE FOR COMMISSIONERS AND MAYOR.

WHEREAS, pursuant to Article XI-E, Section 4 of the Constitution of Maryland, Section 4-301 et seq. of Local Government Article of the Annotated Code of Maryland, and the Charter of the City of Cambridge, the Commissioners are authorized to amend the City Charter, and hereby desire to amend Section 3-5 of the City Charter to provide for a qualifications of Commissioners, including a specific period of residency prior to the date of the election.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF CAMBRIDGE, that the following amendment to the Charter of the City of Cambridge is proposed, and upon completion of the requirements of Article XI-E, Section 4 of the Constitution of Maryland, Section 4-301 et seq. of Local Government Article of the Annotated Code of Maryland, and the Charter of the City of Cambridge, shall be amended as follows:

FIRST: Section 3-10 of the Charter of the City of Cambridge shall be amended to read as follows:

Sec. 3-10. – [~~Primary elections~~] QUALIFICATIONS OF CANDIDATES.

(a) [~~Date; judges~~] **General.** Candidates to be voted for at all elections for commissioners **and mayor** [~~or for any other elective office under this Charter shall be nominated by a primary election, and no other name shall be placed upon the official ballot in any general election except those selected in the manner hereinafter prescribed. Primary elections shall be held for such nominations upon the second Tuesday in June prior to the general election held on the second Tuesday of July following and the judges appointed for the general election shall be the judges for the primary election and shall qualify for such primary election and be subject in respect to the primary election to the provisions of section 3-14 hereinafter.~~] **shall file a statement of candidacy as set forth herein and shall meet all of the qualifications for office as set forth in Section 3-5 and 3-20 of this Charter.**

(b) (1) *Statement of Candidacy.* Any person desiring to become a candidate for commissioner or ~~[any other elective office under this Charter]~~ **mayor** shall at least 45 days prior to the date for the ~~[primary]~~ election, file with the supervisor of elections a statement of such candidacy in substantially the following form, to wit:

Candidate for Nomination for _____

State of Maryland, Dorchester County, to wit:

I, _____ being first sworn, **hereby declare and affirm under the penalties of perjury, [say] that I reside at _____ Street, City of Cambridge, County of Dorchester, State of Maryland, and that the aforesaid address is my principal and legal residence, and has been my principal and legal residence continuously for at least six (6) months prior to the date of the election for which I am filing my statement of candidacy,** and I am a qualified voter therein; that I am a candidate for the office of _____ to be voted upon at the ~~[primary]~~ election to be held on the _____ day of _____, 20_____, and I further certify and affirm, under the penalties of perjury, that (a) I am at least twenty-five (25) years of age **(or will attain the age of 25 years prior to the date of the election),** (b) that I have been a bona fide resident of the city of Cambridge for one (1) year **prior to the date of the election,** and (c) that I ~~[am]~~ **have continuously been** a bona fide resident of Ward No. _____ **for at least six (6) months prior to the date of the election;** and I hereby request my name be placed upon the official ballot for ~~[nomination-by such primary]~~ election for such office.

I hereby acknowledge, confirm and agree, that in addition to any other penalties which may be applicable, any person who knowingly misrepresents his/her legal residency, and/or who knowingly makes a false statement in writing regarding their residency as a qualification for election, shall be guilty of perjury and shall be disqualified to hold the public office for which they have filed.

Signed _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20_____.

Accompanying the Statement of Candidacy shall be a copy of ~~[a valid driver's license or other official photo identification card of the applicant, which sets forth the applicant's name and address]~~ **the documentation set forth in Section 3-5 of this Charter.**

(b) (2) *Candidate Financial Disclosure.* Any person desiring to become a candidate for commissioner or ~~[any other elective office under this Charter]~~ **mayor** shall comply with all applicable financial disclosure requirements and election finance reporting requirements, of the City's Ethics Code in effect at the time of said filing.

(c) *Filing fees.* At the same time candidates for mayor shall deposit with the supervisor of elections the sum of \$50 and candidates for commissioner shall deposit with the supervisor of elections the sum of \$25, which sums shall be paid over to the Commissioners of Cambridge for the purpose of defraying in whole or in part, the expenses of such election.

(d) *Published notice.* Immediately upon the expiration of the time for filing such statements of candidacy the supervisor of elections shall cause to be advertised in two newspapers published in Cambridge, one of which shall be a daily newspaper, if there be a daily newspaper published in said city, the names of the persons who have filed statements of their candidacy and have deposited the filing fee as hereinbefore provided, designating the office for which such person is a candidate.

(e) *Ballots.* The supervisor of elections shall at least two days prior to the date of said city election prepare the ballots for such primary elections, which ballots shall comply with the requirements of ballots for State and County elections as set forth in Section 9-201 et seq. of the Election Law Article, Annotated Code of Maryland, as amended from time to time, to the extent not inconsistent with the City Charter. All city elections are non-partisan and the ballots therefor shall not state the name of any political party. The ballots shall be in legible type, and shall be headed "[Primary] Ballot," and the names of the candidates for the respective office thereon shall be arranged in alphabetical order, and grouped according to their ward residence, and upon each group of names shall appear the words "Vote for One," and after the name of each candidate shall be a square in which the voter may make a cross mark for the candidate of his choice. Nothing herein shall prohibit the publishing of a sample ballot to the public.

(f) *Voters; challenges.* The persons who are qualified to vote at the general election shall be qualified to vote at the [primary] election, and challenges can be made by not more than two persons to be appointed at the time of the opening of the polls by the judges of election, or such challenge shall be made in person by the candidate themselves.

(g) *Tally of ballots; canvass.* Upon the closing of the polls the judges of election shall immediately count the ballots and ascertain the number of votes cast in each ward or polling place for each of the candidates, and make return thereof to the supervisor of elections, at the City Hall, upon blanks to be furnished by said supervisor of elections before the noon hour of the day following said [primary] election, and at said time shall return the poll books and registry books, and on the same day the said supervisor of elections shall canvass the returns so received from all the wards or precincts or polling places wherein such [primary] election has been held and shall publish at least once in a daily newspaper, and in such other newspapers as he may deem proper the result of such election.

(h) *Nominees.* ~~[The two persons receiving the highest number of votes for mayor shall be the candidates and the only candidates for said office and their names shall be placed upon the ballot at the ensuing municipal election as the candidates whose election is hereinafter provided. For the office of commissioner, the two residents of each ward receiving the highest total number of votes]~~ **All persons who satisfy all of the qualifications for** candidacy shall be the candidates and the only candidates for ~~[said]~~ **any elected** office and their names shall be placed upon the ballot at the ensuing municipal election as the candidates whose election is hereinafter provided for.

SECOND: Section 3-13 of the Charter of the City of Cambridge shall be amended to read as follows:

Sec. 3-13. - General elections.

(a) *Date.* On the ~~[second]~~ Tuesday **immediately following the first Monday** of ~~[July]~~ **November**, in the year ~~[nineteen hundred seventy-two]~~ **two thousand twenty (2020)**, and on the ~~[second]~~ Tuesday **immediately following the first Monday** of ~~[July]~~ **November** every four years thereafter, there shall be an election held in the City of Cambridge for the purpose of choosing commissioners **and the mayor**, as hereinafter provided.

(b) *Ballots; provided.* The supervisor of elections shall provide the official ballot for such election or elections, the form and arrangement of such ballot shall be consistent with the State election laws applicable to ballots, as codified in the Election Law Article, Annotated Code of Maryland, as amended, and candidates for the same office shall be grouped together and the names shall be arranged alphabetically according to said group on said ballot.

(c) *Same; form.* The supervisor of elections or the Director and staff of the Dorchester County Board of Elections shall deliver at each polling place on the day of said election to the judges of election before the opening hour, the said registries of voters and a sufficient number of the said official ballots or voting machines or systems, certified and approved by the State, and each qualified voter shall be provided a ballot or access to a ballot on the voting machine or system, for the purpose of voting and shall be accepted by the judges or counted in canvassing the vote provided that nothing herein shall be deemed to prevent candidates for the various offices to have sample ballots, to be provided for at their own expense, for instructing the voters. After each name on said ballot and to the right thereof, shall be a square upon which the voter shall make a cross mark or by such other means as approved by the State of Maryland to indicate the candidate of his choice.

(d) *Procedure.* If any voter cannot read or write, or is disabled by reason of any physical infirmity, he may ask one of the judges of election to mark his ballot as he desires. When a voter offers to vote, the judges shall ascertain by reference if his name is on the registry of voters. Provided, however, that in any ~~[special, primary or general]~~ election held in the City of

Cambridge, voting machines may be used in the same manner as provided for elections held in Dorchester County.

(e) *Hours.* In every **referendum or** election, whether such election be the regular election or any special election, the polls shall be opened at 7 a.m. and closed at 7 p.m. [~~In all elections to ascertain the sense of the qualified voters of the city as to the passage of any ordinance or ordinances the election shall be held by wards and all the polls shall be opened at 7 a.m. and closed at 7 p.m. on the day appointed for such election.~~]

(f) In the event one of the qualifying candidates receives more than fifty percent (50%) of the votes cast in the General Election, said candidate shall become the elected official and no run-off shall be held.

(g) Election Run-off. If neither of the qualifying candidates receives more than fifty percent (50%) of the votes cast at the General Election, then the two candidates receiving the most votes cast shall proceed to a General Election Run-off to be held on the first Tuesday of December immediately following the General Election. The candidate receiving the most votes cast in the Run-Off shall become the elected official.

(h) The elected officials of the General Election shall be sworn in at the beginning of the first city council meeting in January immediately following the General Election.

THIRD: Section 3-18 of the Charter of the City of Cambridge shall be amended to read as follows:

Sec. 3-18. - Organization of commissioners; oath.

On the first regularly scheduled City Council meeting **in January** following the certification of a general election results, the newly elected commissioners shall meet in the City Hall and take the oath required by Article 1, Section 9 of the Constitution of Maryland before the outgoing mayor, the clerk, or any officer authorized to administer oaths in the State of Maryland; any newly elected commissioner not present may take such oath as soon as practical subsequent thereto, but in no event later than thirty days after the said first regularly scheduled City Council meeting **in January** following the certification of the general election results.

FOURTH: Section 3-20 of the Charter of the City of Cambridge shall be amended to read as follows:

Sec. 3-20. - Mayor; election, compensation, veto powers.

The Mayor of Cambridge shall be nominated in the manner set forth in Section 3-10 of this subtitle and shall be elected by the voters of the entire town for a term of four (4) years, **with the**

exception of the term of office commencing July, 2016, which term shall expire on December 31, 2020, or at such time as the mayor elected in the 2020 General Election takes the oath of office, and the election for mayor shall be held at the same time as the commissioners, the qualifications for the office of mayor shall be the same as those of the commissioners as expressed in section 3-5 of the charter of the City of Cambridge. The mayor shall receive an annual salary as set from time to time by an ordinance passed by the commissioners in the regular course of business. Provided, however, that no change shall be made in the salary for any mayor during the term for which he was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding mayor, and shall take effect only as to the next succeeding mayor. In addition to the powers, hereinafter vested in him, said mayor shall have the power to veto any ordinances passed by the commissioners of said city. Every ordinance passed by said commissioners, before it becomes valid, shall be presented to said mayor; if he approved it he shall sign it but if not he shall return it with his objections to said commissioners; if, after reconsideration thereof, four-fifths of said commissioners vote affirmatively for said ordinance, it shall become valid. If any ordinance shall not be returned by the mayor within six (6) days after it shall have been presented to him, the same shall become valid.

FIFTH: Section 3-21(a) of the Charter of the City of Cambridge shall be amended to read as follows:

Sec. 3-21. [Same] Mayor; oath of office, duties.

(a) *Oath of office.* The mayor-elect shall, on or before **the second Monday in January** [~~thirty (30) days after the third Monday in July~~] following his **or her** election, **but not before the first day of January following his or her election**, appear before the clerk of the circuit court and make the declaration and take the oath prescribed by the Constitution, and procuring from said clerk a certificate of the declaration and oath taken by him as mayor, shall return the same to the commissioners.

AND BE IT FURTHER RESOLVED that the effective date of this Charter Amendment shall be **AUGUST**, 2016.

AND BE IT FURTHER RESOLVED, that upon passage or adoption of this Resolution by The Commissioners of Cambridge, the City Manager shall (a) post a complete and exact copy of this Resolution, containing the proposed amendments, at the City office on the public bulletin board for a period of at least forty (40) consecutive days following its adoption; and (b) cause a fair summary of the proposed amendments, as contained herein, to be published not less than four (4) times, at weekly intervals within a period of at least forty (40) days after adoption of the above Resolution, in a newspaper of general circulation in the City.

AND BE IT FURTHER RESOLVED, that this Resolution, having been passed by the Commissioners of the City of Cambridge on the ____ day of JUNE, 2016, shall be considered a part of the City Charter, according to the terms of the amendments, and in all respects shall become effective upon the fiftieth (50th) day after being so ordained or passed, that is to say becoming effective on the ____ day of AUGUST, 2016, unless a proper Petition for Referendum shall have been filed as provided by Section 4-304 of Local Government Article of the Annotated Code of Maryland, on or before the fortieth (40th) day after passage of this Resolution.

AND BE IT FUTHER RESOLVED, that the Commissioners and the City Manager shall cause to be affixed to this Charter Amendment Resolution a certificate of publication of the newspaper in which such fair summary of the amendments appearing shall have been published and, if there is no timely and properly filed Petition for Referendum, the Commissioners of Cambridge shall declare the Charter Amendment herein contained to be effective on the effective date as first indicated above by properly executing this Resolution in the space provided below.

AND BE IT FUTHER RESOLVED, that if a proper Petition for Referendum is timely filed, the Commissioners of Cambridge shall comply with the requirements of Section 4-304 of the Local Government Article of the Annotated Code of Maryland, and shall set a date and hours for the Referendum on this Charter Amendment Resolution.

AND BE IT FURTHER RESOLVED, before the Charter Amendments hereby proposed and passed shall become effective, either as herein provided or following a referendum, the Commissioners of Cambridge shall promptly register the Charter Amendments with the Director of the Hall of Records by sending by registered mail, return receipt requested to the Department of Legislative Reference of Maryland, a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Commissioners voting for and against the Charter Amendment hereby enacted or the number of votes cast in any referendum hereon, and the effective date of the Charter Amendment, and affixing the return receipt hereto.

THIS RESOLUTION HAVING BEEN INTRODUCED unto the Commissioners of Cambridge at a regular meeting of the Commissioners of Cambridge on the ____ day JUNE, in the year Two Thousand and Sixteen (2016), and approved by a majority vote on the ____ day of JUNE, in the year Two Thousand and Sixteen (2016)

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones
City Manager

By: _____ (SEAL)
Donald Sydnor, Council President
Acting Mayor

NOTE: Word(s) being underscored in bold type are the proposed new word(s) to be added to the City Charter. Words or provisions enclosed in boldface brackets are to be repealed from the City Charter.

CERTIFICATIONS

CHARTER AMENDMENT RESOLUTION NO. **CR-2016-05** HAVING BEEN PASSED by a majority yea vote of THE COMMISSIONERS OF CAMBRIDGE, on the _____ day of **JUNE, 2016** as follows:

Commissioners casting a yea vote for the Resolution:

Commissioners casting a nay vote for the Resolution:

I HEREBY CERTIFY that Charter Amendment Resolution No. **CR-2016-05** was passed by a yea and nay vote of The Commissioners of Cambridge, by a vote of _____ () in favor of the Resolution on the _____ day of **JUNE, 2016**.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones
City Manager

By: _____ (SEAL)
Donald Sydnor, Council President
Acting Mayor

I HEREBY CERTIFY that an exact copy of the foregoing Charter Amendment Resolution No. **CR-2016-05** was posted on the bulletin board in the Town Office on the _____ day of **JUNE**, 2016, at 2:00 p.m. and was there continuously posted for at least forty (40) consecutive days, said posting having terminated on the _____ day of **August**, 2016 at 2:00 p.m.

WITNESS:

Sandra Tripp-Jones, City Manager (SEAL)

I HEREBY CERTIFY that a summary of the proposed Charter Amendment Resolution No. **CR-2016-05** was published in the Banner, a newspaper of general circulation in the Town of Cambridge not less than four (4) times, at weekly intervals within a period of forty (40) days after the adoption of the above Resolution, as evidenced by the attached Certificate of Publication issued by the newspaper. Said dates of publication were as follows: _____

WITNESS:

Sandra Tripp-Jones, City Manager (SEAL)

I HEREBY CERTIFY that the 2016 Charter Amendment enacted by the foregoing Charter Amendment Resolution No. **CR-2016-05** became effective on the ____ day of **August, 2016**, without a Petition for Referendum and Referendum Vote having been held thereon.

ATTEST: THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones
City Manager
By: _____ (SEAL)
Donald Sydnor, Council President
Acting Mayor

I HEREBY CERTIFY that a copy of the 2016 Charter Amendment enacted by the foregoing Charter Amendment Resolution No. **CR-2016-05**, was mailed by certified mail, return receipt requested, to the Department of Legislative Reference of Maryland in accordance with Sections 4-109 and 4-308 of the Local Government Article of the Annotated Code of Maryland on the ____ day of **August, 2016**, as evidenced by the attached receipt from the U.S. Postal Service.

WITNESS:

Sandra Tripp-Jones, City Manager (SEAL)