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May 2, 2013

Mr. Rick Bishop
Town Clerk
Town of Keedysville
P. O. Box 359
Keedysville, Maryland 21756

Re: Charter Amendments - Elections
Our File: K-87

Dear Rick:

This letter is in reference to the Mayor and Council's request that the Charter be amended regarding the Election dates and times specified in the Charter.

In reviewing the Charter, it appears that it was amended in 2008. At that time the Mayor and Council amended the Charter to require that Elections be held on the first Saturday of May. Previously, Elections were to be held on the first Monday in May. Enclosed please find a copy of the Charter Amendment which was adopted by the Mayor and Council in 2008.

Also, enclosed please find Section 34 of the Charter which specifies that the polls are to be open from 9:00 a.m. until 6:00 p.m. on Election days or for longer hours if the Council would require it. The extended hours would require the passage of a Resolution by the Council prior to any Election. In reviewing the Minutes which you forwarded to me recently, I question whether the requested Charter Amendment is necessary. Technically, the "Saturday preceding the first Monday in May" may be different from the "first Saturday in May". However, I am uncertain from the language of Mr. Levy's Motion whether the Mayor and Council want the Elections to be held on the last Saturday of April or on the Saturday which is currently specified in the Charter (first Saturday in May).

If the latter is the case, it would appear that no Charter Amendment would be necessary because the Charter currently authorizes Elections to be held on the first Saturday of May with the polls being open from 9:00 a.m. until 6:00 p.m. Again, I am

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enclosing a copy of the Charter Amendment which was passed and became effective in 2008 as well as a copy of Section 34 of the Charter for easy reference.

Please advise accordingly as to how you wish us to proceed. If you have any questions, please do not hesitate to contact us. Thank you.

Very truly yours,

KUCZYNSKI & KUCZYNSKI, P.A.

By: 
Edward L. Kuczynski

ELK/rgx
Encls. (As Noted Within)
cc: Mathew Hull, Mayor

Corr.Clerk.Charter Amendment 2013.05.02.13

Acts, Ordinances,
Resolutions - Towns
Clerk of the Circuit Court
Washington County

**RESOLUTION OF THE COUNCIL OF THE TOWN OF
KEEDYSVILLE MARYLAND TO AMEND THE CORPORATE
CHARTER §33 ELECTION OF MAYOR AND COUNCIL MEMBERS**

RESOLUTION of the Council of the Town of Keedysville, 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 Article 23A of the Annotated Code of the Public General Laws of Maryland, entitled "Corporations, Municipal, Charter Amendments", as said sections were enacted by Chapter 423 of the Laws of Maryland, 1957, and subsequent amendments thereto; to amend the now existing §33 of the Corporate Charter of the Town of Keedysville as adopted 6/24/2003, and subsequently amended entitled, ELECTION OF MAYOR AND COUNCIL MEMBERS, and to amend said Corporate Charter in relation to the terms of office of the officers of the Municipal Corporation.

WHEREAS, the Council of the Town of Keedysville deems it in the best interest of the Town of Keedysville and the community to amend said Charter.

NOW, THEREFORE, be it **RESOLVED** by the council of the Town of Keedysville, Maryland, that §33 of the Town of Keedysville, Maryland, Charter, adopted June 24, 2003 and subsequently amended, be and is hereby amended to read as follows:

§33. Election of Mayor and Council Members.

On the first Monday in May ~~[[2004]]~~ 2008, and on the first ~~[[Monday]]~~ Saturday in May every two years thereafter, an election shall be held for the purpose of electing officers of the municipal corporation. At the election to be held on the first ~~[[Monday]]~~ Saturday in May ~~[[2004]]~~ 2008, and every four years thereafter, there shall be elected a Mayor ~~[[Assistant Mayor]]~~ and one Council member whose terms of office shall be for four years or until their successors are duly qualified. ~~[[There shall also elected two Council members for an initial term of two years or until their successors are duly qualified. Thereafter, said two Council members shall be elected at subsequent elections for a period of four years or until their successor has been duly qualified.]]~~ At the time of the election on the first Saturday of 2008, an Assistant Mayor shall be elected for a period of two years or until his/her successor is duly qualified. At the election to be held on the first Saturday of May 2010, and every four years thereafter, there shall be elected an Assistant Mayor and two Council members, whose term of office shall be for four years or until their successor(s) are duly qualified.

BE IT FURTHER RESOLVED, that the said amendment shall become and be considered a part of the Charter of the Town of Keedysville as herein set forth, in all respects to be effective and observed as such, upon the fiftieth day after such passage, unless on or before

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the fortieth day after such passage there shall be presented to the legislative body of the Town of Keedysville, or mailed to it by registered mail, a petition meeting the requirements for referendum.

Notice is further given that the Amendment proposed by the Legislative Body of the Town of Keedysville, Maryland, to the Town of Keedysville, Maryland, Charter shall become and be considered a part of the Municipal Charter, according to the terms of this Amendment, in all respects be effective and observed as such, upon the 50th day after passage, as set forth above, unless on or before the 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 Article 23A of the Annotated Code of the Public General Laws of the State of Maryland.

NOTE: Double brackets indicate deletions from the Charter. Underlining indicates additions to Charter.

**WITNESS AND ATTEST
AS TO CORPORATE SEAL**

By: 

Amy Simmons, Clerk

**MAYOR AND COUNCIL
TOWN OF KEEDYSVILLE, MARYLAND**

By: 

Matthew C. Hull, Mayor

Date of Introduction: 02/04/08
Date of Passage: 02/04/08
Effective Date: 03/25/08

Record & Return to:

Ms. Amy Simmons, Clerk
Town of Keedysville
P. O. Box 359
Keedysville, MD 21756

RECEIVED
FEB 15, 2008 02:01 PM

§ 33. Election of mayor and council members.

On the first Monday in May, 2004, and on the first Monday in May every two years thereafter, an election shall be held for the purpose of electing officers of the municipal corporation. At the election to be held on the first Monday in May, 2004, there shall be elected a Mayor, Assistant Mayor, and one council member whose terms of office shall be for four years or until their successors are duly qualified. There shall also be elected two council members for an initial term of two years or until their successors are duly qualified. Thereafter, said two council members shall be elected at subsequent elections for a period of four years or until their successor has been duly qualified.

§ 34. Conduct of elections generally.

It is the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 9:00 a.m. to 6:00 p.m. on election days or for longer hours if the council requires it.

The Board of Supervisors of Elections shall arrange for voting by absentee ballot in accordance with the provisions of Article 33 §27 of the Annotated Code of Maryland as it now exists and/or may be subsequently amended and shall so notify the voters of same.

§ 35. Special elections.

All special town elections shall be conducted by the board of supervisors of elections in the same manner and with the same personnel, as far as practicable, as regular town elections.

§ 36. Vote count.

Within forty-eight hours after the closing of the polls, the board of supervisors of elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the clerk-treasurer of the town, who shall record the results in the minutes of the council. The candidate for mayor with the highest number of votes in the general election shall be declared elected as mayor. The five candidates for council members with the highest number of votes in the general election shall be declared elected as council members.

§ 37. Preservation of votes.

All ballots used in any town election shall be preserved for at least six months from the date of the election.

§ 38. Vacancies.

In the case of a vacancy on the council for any reason, the council shall elect some qualified person to fill the vacancy for the unexpired term. In case of a vacancy in the office of mayor for any reason, the council shall elect some qualified person to fill the vacancy for the remainder of the unexpired term.