

RESOLUTION NO. 2311

A RESOLUTION OF THE COMMISSIONERS OF OXFORD FOR THE PURPOSES OF AMENDING THE OXFORD TOWN CHARTER TO REMOVE REFERENCES TO A GENERAL ELECTION TO ESTABLISH THAT CERTAIN PROVISIONS ARE APPLICABLE TO ALL TOWN ELECTIONS

WHEREAS, Md. Code Ann. Local Gov't Article § 4-301, *et seq.* confers upon the Commissioners of Oxford the authority to initiate proposed amendments to the Charter for the Town of Oxford; and

WHEREAS, the Commissioners of Oxford have broad home rule authority to conduct elections in the Town of Oxford as they see fit; and

WHEREAS, on April 11, 2023, the Commissioners of Oxford received a Petition to amend Section C5-15 of the Oxford Town Charter (the "Charter") to provide for a special election to fill a vacancy on the Commission, rather than filling the vacancy by a majority vote of the remaining Commission (the "Petition"); and

WHEREAS, the Petition was signed by more than 20% of the qualified voters of the Town of Oxford; and

WHEREAS, pursuant to Local Gov't Article § 4-305, on July 18, 2023, the Town of Oxford held a special referendum election to submit the charter amendment as provided in the Petition to the qualified voters of Oxford; and

WHEREAS, a majority of the qualified voters of Oxford that voted in the special referendum election voted in favor of the Charter amendment as proposed in the Petition; and

WHEREAS, the Charter amendment provided in the Petition became effective on August 17, 2023; and

WHEREAS, the Commissioners of Oxford determined that certain Sections of Article V of the Charter specifically reference a general election which causes ambiguity as to whether those Sections would apply to a special election to fill a vacancy; and

WHEREAS, the Commissioners of Oxford have determined that it is desirable and in the public interest to amend Sections C5-9.1, C5-13, and C5-13.1 of the Charter for the Town of Oxford to remove references to the general election so that the Sections are applicable during the annual election and a special election.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF OXFORD AS FOLLOWS:

Section 1. Section C5-9.1 of the Charter for the Town of Oxford is hereby amended as follows:

ARTICLE V
Registration, Nomination and Elections

. . . .

C5-9.1. Write-In Candidates.

...

(b) A person may run in *an* ~~[the general]~~ election for a Commissioner position as a write-in candidate provided that ~~[he or she is]~~ *they are* qualified to serve as a Town Commissioner in accordance with Section C3-2 of the Town Charter, and provided that ~~[he or she has]~~ *they have* filed a certificate of nomination with the Board of Supervisors of Elections at least ten (10) days prior to the election. A write-in candidate shall comply with all requirements imposed by the Town upon candidates running for office.

(c) In any ~~[general]~~ election, the Board of Supervisors of Elections shall count any write-in vote for a write-in candidate who has complied with the provisions set forth in subsection (b) above.

Section 2. Section C5-13 of the Charter for the Town of Oxford is hereby amended as follows:

ARTICLE V
Registration, Nomination and Elections

. . . .

C5-13. Vote Count.

Within twelve 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 Commission. The candidate for Commissioner with the highest number of votes in the ~~[general]~~ election shall be declared elected.

Section 3. Section C5-13.1 of the Charter for the Town of Oxford is hereby amended as follows:

ARTICLE V
Registration, Nomination and Elections

. . . .

C5-13.1. [General] Election Which Results in a Tie Among Two or More Candidates.

In the event that an election results in a tie among two or more candidates for Commissioner, a special election among the candidates receiving the same number of votes shall be held on or before thirty (30) days of the [general] election to break the tie and determine which of said candidates shall be elected to the office of Commissioner.

Section 4. This Resolution shall be posted and published in accordance with the requirements set forth in Md. Code Ann. Local Government Article § 4-304.

Section 5. The Commissioners shall hold a public hearing on this Resolution on _____, 2023 at 6:00 p.m.

Section 6. This Resolution shall become effective 50 days after final enactment unless a petition for referendum has been filed prior thereto in accordance with Section 4-304 of the Local Government Article of the Code of Maryland. This Resolution shall be deemed “finally enacted” on the date on which the Commissioners of Oxford indicate their approval of this Resolution by affixing their signatures hereto.

Section 7. As soon as this Resolution becomes effective, the Town Clerk shall cause to be delivered to the Department of Legislative Reference all the information regarding the Charter Amendment, this Resolution, and any referendum held thereon as may be required by the Local Government Article of the Annotated Code of Maryland.

BE IT FURTHER RESOLVED this _____ day of _____, 2023.

COMMISSIONERS OF OXFORD:

Tom Costigan, President

Susan Delean-Botkin, Commissioner

Katrina Greer, Commissioner

I hereby certify that the above Resolution was passed by a yea and nay vote of the Commissioners of Oxford on the _____ day of _____, 2023.

Attest: _____
Cheryl Lewis, Town Manager
Town of Oxford

Language ~~stricken~~ and in [] indicates language deleted from the Charter for the Town of Oxford.

Language in ***bold and italics*** indicates language added to the Charter for the Town of Oxford.