

RESOLUTION NO. 6100

A RESOLUTION OF THE TOWN OF EASTON AMENDING THE CHARTER OF THE TOWN OF EASTON TO ESTABLISH A PROCEDURE FOR RESOLVING A TIE VOTE IN AN ELECTION AND MATTERS GENERALLY RELATED THERETO

INTRODUCED BY: _____

WHEREAS, pursuant to the authority of Article XI-E of the Maryland Constitution and Section 4-301 *et. seq.* of the Local Government Article of the Annotated Code of Maryland, the Town of Easton has the authority to enact amendments to the Charter of the Town of Easton;

WHEREAS, pursuant to Section 4-108.4 of the Local Government Article of the Annotated Code of Maryland, a municipality shall fill a vacancy that resulted from a tie vote in an election for a municipal office within 90 days after the date of the election;

WHEREAS, the Town Council wishes to enact a provision in the Charter to establish a procedure for resolving a tie vote in an election; and

WHEREAS, a public hearing on this charter amendment was held on _____, 2019.

NOW, THEREFORE, the Town of Easton hereby resolves as follows:

Section 1. Article V of the Charter of the Town of Easton is hereby amended to add a new Section 11 to read as follows:

Sec. 11. Tie Votes.

In the case of a tie between candidates receiving the highest number of votes in an election, a special election between the persons receiving the tie vote shall be held within 45 days after the date of the election. The special election shall be conducted in accordance with this Article V and in accordance with Chapter 2 of the Easton Town Code. In the event of a tie in the special election, the winner shall be chosen by a coin flip. All incumbent council members or the incumbent mayor shall continue in office until the special election results are certified.

New material is in **bold** and underlined and material to be deleted is enclosed by double bold-faced brackets with bold strike out **[[deleted]]**.

Section 2. The Mayor shall cause a full and exact copy of the Resolution to be continuously posted on the bulletin board of the Town Office for at least forty (40) days after the adoption of this Resolution, and the Town Clerk shall further cause a fair summary of the charter amendment enacted by this Resolution to be published in the *Easton Star Democrat*, a newspaper of general circulation in the Town of Easton, or in any other newspaper of general circulation at weekly intervals in each of the weeks of____, _____, _____ and _____, 2019. The Town Clerk is hereby directed to affix to the minutes of this meeting appropriate certificates of publication and posting.

Section 3. The charter amendment enacted by this Resolution shall become effective on the fiftieth day after its adoption unless a petition requesting that the charter amendment be submitted to referendum is presented to the Town Council on or before the fortieth day after passage of this Resolution in accord with the provisions of Section 4-304 of the Local Government Article of the Annotated Code of Maryland. The Mayor and Town Clerk are

hereby authorized and directed to declare this Resolution to be effective by affixing their respective signatures hereto in the space provided on the effective date hereof.

Section 4. As soon as the Charter hereby enacted becomes effective (whether as herein provided or by referendum), the Town Clerk shall cause to be delivered to the Department of Legislative Reference all the information regarding the newly enacted Charter, this Resolution and any referendum held thereon as may be required by Sections 4-109 and 4-308 of the Local Government Article of the Annotated Code of Maryland;

Silverstein	-
Engle	-
Cook	-
Ford	-

I hereby certify that the above Resolution was passed by a yea and nay vote of the Council this _____ day of _____, 2019.

John F. Ford, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2019.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____

Robert C. Willey, Mayor

EFFECTIVE DATE: _____, 2019.