

Introduced and Read: September 16, 2008  
2<sup>nd</sup> Reading and Adoption: September 30, 2008  
Posted: October 1 to November 9, 2008  
Effective Date: November 19, 2008

## CITY OF MOUNT RAINIER, MARYLAND

### Charter Amendment Resolution No. 2-2008

(Drafted by: Councilmember Knedler and City Attorney)

Introduced by: Mayor Miles, Council members Briones, Knedler, Morton, and Tarlau

**A Resolution to amend the Charter of the City of Mount Rainier to make minor revisions to the election procedures, including eliminating the rule that a person can sign only one nominating petition for Mayor or Councilmember, removing the form of the nominating petition from the Charter, deleting obsolete matter relating to the 1997 City election, and clarifying the location of the two Council wards.**

**SECTION 1.** NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, pursuant to Article XI-E of the *Constitution of the State of Maryland* and Article 23A of the *Annotated Code of Maryland* that Article V, Registration, Nomination, and Election Procedures, of the Charter of the City of Mount Rainier is amended as follows:

**Section 502. Voter Qualifications.** Every person who meets all the following requirements may vote in City elections.

- A. Is a citizen of the United States;
- B. Is at least eighteen (18) years of age;
- C. Is registered to vote in accordance with the provisions of this Charter; and
- D. Has resided in the corporate limits of the city for at least thirty (30) days immediately preceding the next City election. [[; and]]
- [[E. Has registered to vote at least thirty (30) days prior to any election.]]

**Section 505. Nomination Procedures.**

- A. Any person desiring to have his or her name placed upon the official ballot for Mayor or Councilmember at any city election shall present to the Supervisor of Elections a petition setting forth his or her name and residence, and the office sought, and such petition shall be signed by at least twenty (20) qualified voters. In the case of a petitioner for Councilmember only signatures of qualified voters residing within the ward from which the petitioner is running shall be counted. [[No signature may

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appear on more than one nominating petition, provided, however, that if both Councilmembers from the same ward are to be elected, no signature may appear on more than two nominating petitions for Councilmember from that ward. If a signature appears on more than one nominating petition for Mayor it shall be considered invalid on all such nominating petitions; if both Councilmembers from the same ward are to be elected and a signature appears on more than two nominating petitions for Councilmember for that ward, the signature shall be considered invalid on all such nominating petitions.]] No person may file for nomination to more than one elective public office or hold more than one elective public office at one time. Any person nominated as a candidate for elective office must meet the qualifications of the office for which he or she is nominated. The Mayor and Council shall develop such rules and procedures as are necessary relating to nomination procedures consistent with the provisions of this Charter.

[[B. For the purposes of nomination for the office of Mayor or Councilmember, a petition in the following form shall be used:

CERTIFICATE OF NOMINATION

To the Supervisor of Elections of Mount Rainier, Maryland:

I hereby request that you print my name on the official ballot to be used in the city election to be held \_\_\_\_\_ as a candidate for \_\_\_\_\_ and I hereby certify that my name is \_\_\_\_\_ and that I am a resident of the \_\_\_\_\_ Ward of the City of Mount Rainier, Maryland.

\_\_\_\_\_  
Signature Date

We, the undersigned qualified voters of Mount Rainier, Maryland, request the candidacy of \_\_\_\_\_ for the office of \_\_\_\_\_. We understand that we may sign only one petition for Mayor and no more than two petitions for Councilmember from our ward.

NAME	ADDRESS	WARD
_____		
_____		

[[C.]] B. Nominating petitions shall be submitted on a form developed by the City and [[Nominating forms]] shall be available from City Hall, from the Supervisor of Elections, and such other places as the Mayor and Council or the City Board of Elections may deem appropriate.

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[[D]] C. Nominating petitions must be presented by the petitioner to the Supervisor of Elections sitting at City Hall between the hours of 6:00 p.m. and 8:00 p.m. on the first Monday in April of every odd-numbered year. On that date and at that time, the Supervisor of Elections, with whatever assistance he or she deems appropriate, shall meet in open session at City Hall to certify nominating petitions. No nominating petition shall be accepted by the Supervisor of Elections after the deadline set forth herein, except that in the event of a vacancy occurring between said date and the date of the election, the Supervisor of Elections shall be permitted to accept additional nominating petitions for those positions in which such a vacancy occurs.

**Section 506. Establishment of Wards and Ward Boundaries.**

A. Two Council wards are hereby established within the City. The boundaries of the wards shall be as follows:

The dividing line between the two wards shall be a line North on 34th Street from the City limits at Eastern Avenue to the intersection with Shepherd Street, then West along the middle of Shepherd Street to its intersection with 31st Street, then North along the middle of 31st Street till its intersection with Arundel Road, then West along the middle of Arundel Road to 30th Street, then North along the middle of 30th Street to the City limits. All other boundaries are defined by the City limits. The ward east of this dividing line shall be Ward 1 and the ward west of this dividing line shall be Ward 2.

B. The boundaries of the two wards shall be reviewed and adjusted as necessary after each census in accordance with any applicable State and Federal laws. The Council may review and adjust the ward boundaries on a more frequent basis if deemed necessary.

C. In addition to the decennial review of ward boundaries required by this section, the Mayor and Council shall review the boundaries of the wards after each annexation and may adjust the boundaries if it is deemed necessary by the Mayor and Council.

**Section 509. Election of Councilmembers.**

A. On the first Monday in May in odd numbered years, at the same polling places designated for the election of Mayor, registered voters residing in each City ward shall vote for candidates to serve as Councilmembers for that ward.

[[B. In 1997 only, each registered voter will receive a ballot permitting the voter to cast two votes for candidates to serve as Councilmembers from that voter's ward. No voter may cast more than one vote for a candidate. At the close of balloting, a count of all votes will be made, and the two candidates in each ward receiving the highest

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number of votes shall be elected from that ward. The Councilmember with the highest number of votes shall serve for four years and the Councilmember with the second highest number of votes shall serve for two years.]]

[[C]] B. Beginning in 1999, each registered voter will receive a ballot permitting the voter to cast one vote for a candidate to serve as Councilmember from that voter's ward for the vacant four-year term. At the close of balloting, a count of all votes will be made, and the candidate in each ward receiving the highest number of votes shall be elected from that ward.

[[D]] C. In the event of a tie preventing any candidate from taking office, a Special Election shall be held between the tied candidates as provided in Section 514 of this Article.

**SECTION 2.** BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, that the date of adoption of this Charter Amendment Resolution is September 30, 2008, and the amendment of the Charter of the City of Mount Rainier enacted by this Resolution shall become effective on November 19, 2008 (50 days after its passage), unless a proper petition for referendum shall be filed within 40 days following its passage in accordance with *Annotated Code of Maryland*, Article 23A, Section 13, provided that a complete and exact copy of this Charter Amendment Resolution shall be continuously posted at the Municipal Building until November 9, 2008 (a period of at least 40 days following its adoption), and a fair summary of the proposed Charter amendment shall be published in a newspaper of general circulation in the City of Mount Rainier not less than four times at weekly intervals within 40 days after its passage.

**SECTION 3.** AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, that the City Manager is specifically directed to carry out the provisions of Section 2 of this Resolution and, as evidence of this compliance, the City Manager shall maintain appropriate certificates of the publication of the newspaper in which the fair summary of the Charter Amendment Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby enacted to have been approved by the voters and the Charter Amendment shall become effective on the date provided by law.

**SECTION 4.** AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, that as soon as the Charter Amendment enacted by this Resolution shall become effective, either as provided in this Resolution or following a referendum, the City Manager, in accordance with *Annotated Code of Maryland*, Article 23A, Section 9A, shall send to the Department of Legislative Services of Maryland the following information concerning the Charter Amendment Resolution: (1) the complete text of this Charter Amendment Resolution; (2) the date of the referendum election, if any; (3) the number of votes cast for or against the Charter Amendment enacted by this Resolution by the Council or in a referendum, and (4) the effective date of the Charter Amendment.

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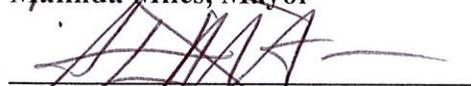
THE ABOVE CHARTER AMENDMENT was enacted by the foregoing Charter Amendment Resolution No. 2-2008 which was passed at a meeting of the Council of the City of Mount Rainier, on Sept 30, 2008, 5 members of the Council voting in the affirmative, 0 members of the Council voting in the negative, 0 members of the Council abstaining, and 0 members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on Nov. 19, 2008.

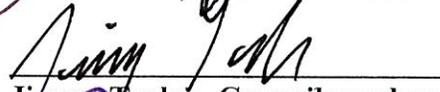
THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER ON THIS 30th DAY OF September 2008.

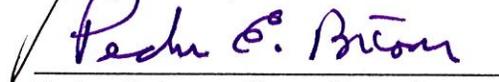
Attest:

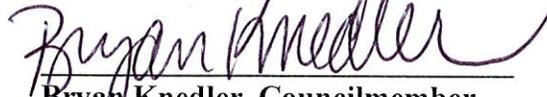
  
Jeannelle B. Wallace, City Manager

  
Malinda Miles, Mayor

  
Alta Morton, Councilmember

  
Jimmy Farlau, Councilmember

  
Pedro Briones, Councilmember

  
Bryan Knedler, Councilmember

Explanatory Note

New language being added to the Charter is shown by underlining.

[[Language being eliminated from the Charter is shown by enclosing such language in **bold** double brackets.]]

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