

COUNCIL OF THE CITY OF ABERDEEN
Charter Amendment Resolution No. 16-CR-02

Introduced By:	Mayor Patrick L. McGrady
Date Introduced:	October 10, 2016
Public Hearing:	October 24, 2016
Amendments Adopted:	December 5, 2016
Date Adopted:	December 19, 2016
Date Effective:	February 7, 2017

1 **A CHARTER AMENDMENT RESOLUTION** concerning

2
3 **Resolving Electoral Tie Votes**

4
5 **FOR** the purpose of providing for resolving certain tie votes between candidates at City of
6 Aberdeen municipal elections by a special run-off election under certain circumstances
7 and conditions; and generally related to resolving tie votes at City of Aberdeen
8 municipal elections.
9

10 **BY** repealing and reenacting, with amendments
11 §IV. The Mayor
12 Section IV.7
13 Charter of the City of Aberdeen (as published by General Code Corporation)
14

15 **BY** repealing and reenacting, with amendments
16 §V. The City Council
17 Section V.17
18 Charter of the City of Aberdeen (as published by General Code Corporation)
19

20 **BY** repealing and reenacting, with amendments
21 §VII. Elections and Board of Elections
22 Sections VII.6, VII.10, VII.11 and VII.12
23 Charter of the City of Aberdeen (as published by General Code Corporation)
24

25 **BY** adding
26 §IV. The Mayor
27 Section IV.8 Sections IV.8 and 9
28 Charter of the City of Aberdeen (as published by General Code Corporation)

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to Resolution.
~~Strike-Out~~ indicates matter stricken from Resolution by amendment or
deleted from the Charter by amendment.
* * * indicates existing unmodified text omitted from Resolution

1 **SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**
2 **ABERDEEN** that §IV. The Mayor, Section IV.7; §V. The City Council, Section V.17; and §VII.
3 Elections and Board of Elections, ~~Section~~ Sections VII.6, VII.10, VII.11 and VII.12, of the
4 Charter of the City of Aberdeen (as published by General Code Corporation), are amended to
5 read as follows:

6
7 **§ IV. The Mayor.**
8

9 7. ((In)) EXCEPT AS PROVIDED IN SECTION IV.8 OF THIS CHARTER, IN case of a
10 vacancy in the office of Mayor, for any reason, the Council shall, by a majority vote of the
11 entire Council, elect a person satisfying the qualifications in § IV.3 to fill the vacancy for the
12 remainder of the unexpired term.

13
14 **§ V. The City Council.**
15

16 17. A. EXCEPT AS PROVIDED IN SUBSECTION B. OF THIS SECTION, ((In)) IN the case
17 of a vacancy in the office of Council member, that office shall be filled by the Mayor with
18 the approval of the majority of the remaining members of the Council. The results of any
19 such vote for vacancy in the office of City Council shall be recorded in the minutes or
20 journal of the Council.

21
22 B. IN THE CASE OF A VACANCY ARISING FROM THE FAILURE TO ELECT A
23 PERSON TO SERVE AS COUNCIL MEMBER BECAUSE OF A TIE VOTE
24 BETWEEN TWO OR MORE CANDIDATES RECEIVING THE HIGHEST NUMBER
25 OF VOTES FOR COUNCIL MEMBER AT A CITY ELECTION, THE VACANCY
26 SHALL BE FILLED AS PROVIDED IN THIS SUBSECTION B.

27
28 I. THE VACANCY SHALL BE FILLED BY A SPECIAL RUN-OFF ELECTION
29 BETWEEN THE CANDIDATES WHO RECEIVED THE SAME NUMBER OF
30 VOTES AT THE CITY ELECTION. THE ABERDEEN BOARD OF
31 ELECTIONS PROMPTLY SHALL NOTIFY THE CANDIDATES IN WRITING
32 OF THE DATE OF THE RUN-OFF ELECTION.

1 II. THE RUN-OFF ELECTION SHALL BE CONDUCTED NOT MORE THAN 30
2 BUSINESS DAYS AFTER THE ABERDEEN BOARD OF ELECTIONS
3 CERTIFIES THE RESULTS OF THE CITY ELECTION IN ACCORDANCE
4 WITH SECTION VII.12 OF THIS CHARTER.

5
6 III. A CANDIDATE MAY DECLINE TO PARTICIPATE IN A RUN-OFF
7 ELECTION BY FILING WITH THE ~~ABERDEEN BOARD OF ELECTIONS~~
8 CITY CLERK A WRITTEN AND NOTARIZED DECLINATION OF
9 PARTICIPATION WITHIN ~~48 HOURS~~ TWO BUSINESS DAYS AFTER THE
10 BOARD NOTIFIES THE CANDIDATES OF THE DATE OF THE SPECIAL
11 ELECTION. IF A CANDIDATE'S DECLINATION OF PARTICIPATION
12 LEAVES ONLY ONE REMAINING CANDIDATE TO PARTICIPATE IN THE
13 RUN-OFF ELECTION, THE RUN-OFF ELECTION SHALL NOT BE HELD
14 AND THE REMAINING CANDIDATE SHALL BE DEEMED TO BE
15 ELECTED.

16
17 IV. IF A RUN-OFF ELECTION RESULTS IN A TIE VOTE, ANOTHER RUN-OFF
18 ELECTION SHALL BE CONDUCTED BETWEEN THE CANDIDATES
19 RECEIVING THE SAME NUMBER OF VOTES AT THE RUN-OFF
20 ELECTION. THE SUBSEQUENT RUN-OFF ELECTION SHALL BE
21 CONDUCTED NOT MORE THAN 30 BUSINESS DAYS AFTER THE
22 ABERDEEN BOARD OF ELECTIONS CERTIFIES THE RESULTS OF THE
23 PRIOR RUN-OFF ELECTION IN ACCORDANCE WITH SECTION VII.12 OF
24 THIS CHARTER.

25
26 V. IF A SECOND RUN-OFF ELECTION RESULTS IN A TIE VOTE, THE NEWLY
27 ELECTED CITY COUNCIL SHALL DECIDE, BY THE AFFIRMATIVE VOTE
28 OF A MAJORITY OF THE ENTIRE COUNCIL, WHICH OF THE TIED
29 CANDIDATES IS THE WINNER OF THE ELECTION. IF NO WINNER IS
30 SELECTED BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE
31 ENTIRE COUNCIL WITHIN 30 BUSINESS DAYS AFTER THE ABERDEEN
32 BOARD OF ELECTIONS CERTIFIES THE RESULTS OF THE SECOND RUN-
33 OFF ELECTION, THE ABERDEEN BOARD OF ELECTIONS SHALL DECIDE
34 THE WINNER OF THE ELECTION BY A GAME OF CHANCE DETERMINED
35 AND CONDUCTED BY THE BOARD IN PUBLIC BETWEEN THE TIED
36 CANDIDATES.

37
38 **§ VII. Elections and Board of Elections.**

39
40 6. The official voter registration list for City ((election)) ELECTIONS shall be the list of
41 qualified voters maintained by the County Board of Elections. NOTWITHSTANDING ANY
42 OTHER PROVISION OF THIS CHARTER, ONLY THOSE INDIVIDUALS WHOSE
43 NAMES APPEARED ON THE OFFICIAL VOTER REGISTRATION LIST IN EFFECT
44 FOR THE REGULAR ELECTION IN WHICH THERE WAS A TIE VOTE MAY VOTE
45 IN A RUN-OFF ELECTION AUTHORIZED BY SECTIONS IV. 8 OR V.17.B. The City

1 may assist the County Board of Elections with the advertising of voter registration efforts and
2 policies.
3

4 10. The Aberdeen Board of Elections shall provide for each special and general election a
5 suitable place or places for voting and suitable ballot boxes and ballots and/or voting
6 machines. The ballots and/or voting machines shall show the name of each candidate
7 nominated for elective office in accordance with the provisions of the City Charter, arranged
8 in alphabetical order by office with no party designation of any kind. The Aberdeen Board of
9 Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m. on election days, or for longer
10 hours if required by the Council. If the Board decides to use voting machines at any election,
11 the method of use shall be in the same manner provided in the Election Article of the
12 Annotated Code of Maryland as the Aberdeen Board of Elections deems appropriate.
13 NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION 10, THE
14 BOARD OF ELECTIONS MAY CONDUCT A SPECIAL RUN-OFF ELECTION
15 AUTHORIZED BY SECTIONS IV.8 AND V.17.B. OF THIS CHARTER BY A MAIL-IN
16 BALLOT ACCORDING TO PROCEDURES ESTABLISHED BY THE BOARD AND
17 APPROVED BY THE COUNCIL BY RESOLUTION.

18 11. ((All)) EXCEPT AS PROVIDED IN § VII.10 FOR A MAIL BALLOT, ALL special City
19 elections shall be conducted by the Aberdeen Board of Elections in the same manner and
20 with the same personnel, as far as practicable, as regular City elections.
21

22 12. By noon on the Friday after the closing of the polls, the Aberdeen Board of Elections shall
23 determine the vote cast for each candidate and question and shall certify the results of the
24 election and the elected officials to the Council, which shall have the results recorded in the
25 minutes or journal of the Council. IF A SPECIAL RUN-OFF ELECTION IS CONDUCTED
26 BY MAIL-IN BALLOT AS AUTHORIZED BY § VII.10, NOT LATER THAN FOUR
27 CALENDAR BUSINESS DAYS FOLLOWING THE DEADLINE FOR RECEIPT OF
28 MAIL-IN BALLOTS THE BOARD OF ELECTIONS SHALL DETERMINE THE VOTES
29 CAST FOR EACH CANDIDATE AND SHALL CERTIFY THE RESULTS OF THE
30 ELECTION AND THE ELECTED OFFICIAL TO THE COUNCIL, WHICH SHALL
31 HAVE THE RESULTS RECORDED IN THE MINUTES OR JOURNAL OF THE
32 COUNCIL.
33

34 **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
35 **CITY OF ABERDEEN** that new Section IV.8 is Sections IV.8 and 9 are added to the Charter of
36 the City of Aberdeen (as published by General Code Corporation), §IV. The Mayor, to follow
37 immediately after Section IV.7 and to read as follows:
38

39 **§ IV. The Mayor.**
40

1 8. IN THE CASE OF A VACANCY ARISING FROM THE FAILURE TO ELECT A
2 PERSON TO SERVE AS MAYOR BECAUSE OF A TIE VOTE BETWEEN TWO OR
3 MORE CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES FOR
4 MAYOR AT A CITY ELECTION, THE VACANCY SHALL BE FILLED AS PROVIDED
5 IN THIS SECTION.

6
7 A. THE VACANCY SHALL BE FILLED BY A SPECIAL RUN-OFF ELECTION
8 BETWEEN THE CANDIDATES WHO RECEIVED THE SAME NUMBER OF
9 VOTES AT THE CITY ELECTION. THE ABERDEEN BOARD OF
10 ELECTIONS PROMPTLY SHALL NOTIFY THE CANDIDATES IN WRITING
11 OF THE DATE OF THE RUN-OFF ELECTION.

12
13 B. THE RUN-OFF ELECTION SHALL BE CONDUCTED NOT MORE THAN 30
14 BUSINESS DAYS AFTER THE ABERDEEN BOARD OF ELECTIONS
15 CERTIFIES THE RESULTS OF THE CITY ELECTION IN ACCORDANCE
16 WITH SECTION VII.12 OF THIS CHARTER.

17
18 C. A CANDIDATE MAY DECLINE TO PARTICIPATE IN A RUN-OFF
19 ELECTION BY FILING WITH THE ~~ABERDEEN BOARD OF ELECTIONS~~
20 CITY CLERK A WRITTEN AND NOTARIZED DECLINATION OF
21 PARTICIPATION WITHIN ~~48 HOURS~~ TWO BUSINESS DAYS AFTER THE
22 BOARD NOTIFIES THE CANDIDATES OF THE DATE OF THE SPECIAL
23 ELECTION. IF A CANDIDATE'S DECLINATION OF PARTICIPATION
24 LEAVES ONLY ONE REMAINING CANDIDATE TO PARTICIPATE IN THE
25 RUN-OFF ELECTION, THE RUN-OFF ELECTION SHALL NOT BE HELD
26 AND THE REMAINING CANDIDATE SHALL BE DEEMED TO BE
27 ELECTED.

28
29 D. IF A RUN-OFF ELECTION RESULTS IN A TIE VOTE, ANOTHER RUN-OFF
30 ELECTION SHALL BE CONDUCTED BETWEEN THE CANDIDATES
31 RECEIVING THE SAME NUMBER OF VOTES AT THE RUN-OFF
32 ELECTION. THE SUBSEQUENT RUN-OFF ELECTION SHALL BE
33 CONDUCTED NOT MORE THAN 30 BUSINESS DAYS AFTER THE
34 ABERDEEN BOARD OF ELECTIONS CERTIFIES THE RESULTS OF THE
35 PRIOR RUN-OFF ELECTION IN ACCORDANCE WITH SECTION VII.12 OF
36 THIS CHARTER.

37
38 E. IF A SECOND RUN-OFF ELECTION RESULTS IN A TIE VOTE, THE NEWLY
39 ELECTED CITY COUNCIL SHALL DECIDE, BY THE AFFIRMATIVE VOTE
40 OF A MAJORITY OF THE ENTIRE COUNCIL, WHICH OF THE TIED
41 CANDIDATES IS THE WINNER OF THE ELECTION. IF NO WINNER IS
42 SELECTED BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE
43 ENTIRE COUNCIL WITHIN 30 BUSINESS DAYS AFTER THE ABERDEEN
44 BOARD OF ELECTIONS CERTIFIES THE RESULTS OF THE SECOND RUN-
45 OFF ELECTION, THE ABERDEEN BOARD OF ELECTIONS SHALL DECIDE

1 THE WINNER OF THE ELECTION BY A GAME OF CHANCE DETERMINED
2 AND CONDUCTED BY THE BOARD IN PUBLIC BETWEEN THE TIED
3 CANDIDATES.

4
5 9. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER, IN THE
6 EVENT OF A TIE VOTE IN AN ELECTION FOR THE OFFICE OF MAYOR, THE
7 INCUMBENT MAYOR SHALL REMAIN IN OFFICE UNTIL THE MAYOR'S
8 SUCCESSOR QUALIFIES AND TAKES OFFICE.

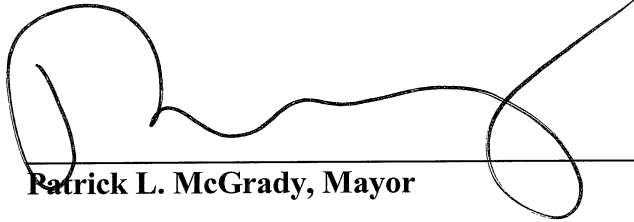
9
10 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
11 **CITY OF ABERDEEN** that the date of adoption of this Resolution is December 19, 2016, and
12 the amendment of the Charter of the City of Aberdeen hereby enacted shall become effective on
13 February 7, 2017, unless a proper petition for referendum hereon shall be filed as permitted by
14 law, provided a complete and exact copy of this Resolution shall be continuously posted on the
15 bulletin board in Aberdeen City Hall until January 30, 2017, and provided further that a copy of
16 the title of this Resolution shall be published in The Record, a newspaper of general circulation
17 in the City of Aberdeen, or in any other newspaper of such general circulation, once in each of
18 the weeks beginning December 23, 2016, December 30, 2016, January 6, 2017, and January 13,
19 2017.

20
21 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
22 **CITY OF ABERDEEN** that the City Clerk is hereby specifically commanded to carry out the
23 provisions of Section 3, hereof, and, as evidence of such compliance, the City Clerk shall cause
24 to be maintained appropriate certificates of publication of the newspaper or newspapers in which
25 the title of the Resolution shall have been published. If a favorable referendum is held on the
26 Charter change, the Mayor shall proclaim the Charter change hereby enacted to have been
27 approved by the voters and the charter amendment shall become effective on the date provided
28 by law.

29
30 **SECTION 5. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**
31 **CITY OF ABERDEEN** that as soon as the Charter Amendment hereby enacted shall become
32 effective, either as provided herein or following a referendum, the City Clerk shall send by mail
33 to the Department of Legislative Services of Maryland, a clear certified copy of this Resolution
34 showing the number of Councilpersons voting for and against it and a report on the votes cast for
35 or against the amendment hereby enacted at any referendum thereon and the date of such
36 referendum.

37
38 The above Charter Amendment was enacted by the foregoing Resolution which was
39 passed at a regular meeting of the Council of the City of Aberdeen on December 19, 2016, five
40 (5) members of the Council voting in the affirmative, zero (0) members of the Council voting in
41 the negative, zero (0) members of the Council abstaining, and zero (0) members of the Council
42 absent, and the said Resolution becomes effective accordance with the law on the 7th day of
43 February, 2017.

COUNCIL OF THE CITY OF ABERDEEN



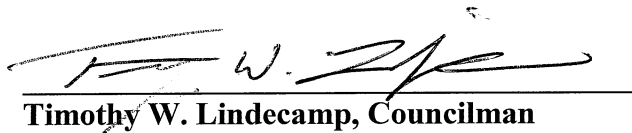
Patrick L. McGrady, Mayor



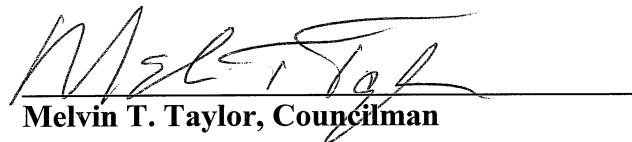
Steven E. Goodin, Councilman



Sandra J. Landbeck, Councilwoman



Timothy W. Lindecamp, Councilman



Melvin T. Taylor, Councilman

ATTEST:

SEAL:



Monica A. Correll, City Clerk

Date December 19, 2016