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MAYOR AND TOWN COUNCIL
TOWN OF FAIRMOUNT HEIGHTS
FAIRMOUNT HEIGHTS, MARYLAND

Legislation Session: 1997

Charter No. 1-29-A

Resolution No. 96-12

Proposed and Presented by: Mayor and Town Council

Date of Introduction: November 18, 1996

On November 18, 1996, the Mayor and Town Council voted on a Charter Amendment and a resolution to be included in the Town's Charter.

Article VI - Registration Nomination and Election
Section - 1-29-A - Recall Election for Mayor and Town Council Members
Charter Amendment

a. The Mayor or a Council member may be removed from office by the qualified electors of the Town. The procedure to effect the removal of such persons from office shall be as set forth hereinafter.

b. A petition signed by persons qualified to vote in Town elections equal in number to at least twenty percent of the voters registered to vote in Town elections, unless a different percentage of voters is otherwise provided by ordinance, shall be addressed to the Council and filed with the Town Clerk and the Town Election Supervisor. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. The circulator of each such paper shall make affidavit before an officer competent to administer oaths, that the statements contained therein are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one instrument, which endorsements thereon of the names and addresses of three persons designated as filing said petition.

c. The petition shall state specifically the name and justification for recall of the Mayor or Council member which shall be for one (1) or more of the following reasons:

- (1) Failure to uphold the oath of office.
- (2) Malfeasance in office.

- (3) Misfeasance in office.
- (4) Nonfeasance in office.
- (5) not attending 3 consecutive Town Meetings

d. Within ten days from the filing of said petition, the Town's Election Supervisor shall ascertain by examination thereof and of the registration books, whether the petition is signed by the required number of qualified voters, and shall attach thereto a certificate showing the result of such examination. If the certificate shows the petition to be insufficient, the Town Election Supervisor shall promptly notify, in writing, one or more of the persons designated on the petition as filing the same and the petition may be amended at any time within ten days from the date of the Town Election Supervisor notification. The Town Election Supervisor shall, within ten days after such amendment, make like examination of the amended petition and attach thereto a certificate of the result. If still insufficient or if no amendment is made, the Town Election supervisor shall return the petition to one of the persons designated thereon, as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

e. If the petitions or amended petitions shall be found by the Town Election Supervisor to be sufficient, the same shall be submitted with the Town Election Supervisor certificate to the Council without delay, and the council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on the date fixed by them not less than thirty nor more than forty five days from the date of the Town Election Supervisor's certificate that a sufficient petition was filed; provided, however, that if any other municipal election is to occur within ninety days from the date of the Town Election Supervisor's certificate, the Council may, at its discretion, postpone the holding of the recall election to the date of such other municipal election.

f. There shall be printed on the official ballot, as to every person whose recall is to be voted on, the words, "shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?" Following such question shall be the words "yes" and "no", on separate lines, with a blank space at the right of each, in which the voter shall indicate his or her vote for or against such recall.

g. Any person whose recall is sought shall continue in office until a certification of the results of a recall election by the Board of Supervisors of Elections showing that such person has been recalled is received by the Town Clerk at which time such person's term in office shall thereupon terminate.

h. No recall petition shall be filed against any person until such person has actually held such office for at least two months, unless a different time is provided by ordinance; provided that second or further recall petitions for the same person shall require signatures of qualified voters equal to at least thirty-five percent of the voters registered to vote in Town elections.

i. Any person who has been removed from office by recall, or who has resigned from such office while recall proceedings were pending against him or her,

shall not be appointed to any elective office within two years after such removal by recall or resignation.

j. Any vacancy created by the recall of an elected officer shall be filled in the the manner set forth in Section I-35.

k. Except as specifically provided herein, all recall elections shall be conducted in a manner conforming with other Town elections to the extent practical.

ATTEST:

MAYOR AND TOWN COUNCIL
TOWN OF FAIRMOUNT HEIGHTS

Cecelia S. Mishoe
Cecelia S. Mishoe

Kathleen T. Scott
Kathleen T. Scott, Mayor

Date: 18 day of
December, 1996

Sandra Crusoe, Council Member

Avis D. Fox
Avis Fox, Council Member

Gilbert Francis
Gilbert Francis, Council Member

Lillie Thompson Martin
Lillie Thompson Martin, Council Member

Nancy Sax on, Council Member

Johnnie R. Saxton
Johnnie Saxton, Council Member