

RESOLUTION NO. CA-6-10

RESOLUTION OF THE MAYOR AND CITY COUNCIL TO
AMEND SECTION 30 OF THE CITY CHARTER ENTITLED
“GENERAL ELECTIONS” TO ELIMINATE THE
REQUIREMENT THAT CANDIDATES RECEIVE THE
VOTES OF MORE THAN 40 PERCENT OF THE TOTAL
QUALIFIED VOTERS TO BE ELECTED

WHEREAS, Section 30 of the Charter of the City of Gaithersburg establishes requirements for general election; and

WHEREAS, the City has determined that the City Charter be amended to eliminate the requirement that candidates receive the votes of more than 40 percent of the total qualified registered voters who cast votes in order to be elected.

WHEREAS, the amendment of Section 30 of the Charter of the City of Gaithersburg was duly considered by the Mayor and City Council at a public hearing held on November 15, 2010.

NOW, THEREFORE, BE IT RESOLVED, that Section 30 of the City Charter is hereby amended as follows:

Section 1 – That Section 30 of the Charter of the City of Gaithersburg be, and the same is, repealed and reenacted with amendments as follows:

Sec. 30. - General elections.

(a) Elections shall be conducted as specified in this Charter. Candidates' names shall appear in alphabetical order for the office sought on the ballots or on the voting machine labels, with no party designations of any kind.

~~(b) Candidates must receive the votes of more than forty (40) percent of the total qualified registered voters who cast votes in a contested general election in order to be declared elected pursuant to section 33 of this Charter. If the number of candidates receiving the votes of more than forty (40) percent of the qualified voters who cast votes in a contested general election is greater than the number of positions to be filled, then the candidates receiving the greatest number of qualified votes shall be declared elected; provided, however, if the number of candidates receiving the votes of more than forty (40) percent of the qualified voters who cast votes in a contested general election is less than the number of positions to be filled, then those candidates receiving the votes of more than forty (40) percent of the qualified voters who cast votes in a contested general election shall be declared elected, and a runoff election~~

~~involving no more candidates than twice the number of remaining unfilled seats shall be held pursuant to the provisions of this Charter between those runoff candidates receiving the highest vote.~~

Section 2 – BE IT FURTHER RESOLVED that the date of the adoption of this resolution is December 20, 2010, and that the amendment to the Charter of the City of Gaithersburg, as herein adopted, shall be and become effective on February 8, 2011, unless on or before said date a proper petition for referendum of this resolution shall be filed as permitted by law.

Section 3 – BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland 20877, until January 29, 2011, and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general circulation in the City of Gaithersburg not fewer than four (4) times at weekly intervals before January 29, 2011.

Section 4 – AND BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the City shall send or cause to be sent to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

ADOPTED by the City Council this 20th day of December, 2010.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in a public meeting assembled on the 20th day of December, 2010. This Resolution will become effective on the 8th day of February, 2011.

Angel L. Jones, City Manager