TOWN OF BOONSBORO, MARYLAND

ORDINANCE 2020-06; AN EMERGENCY ORDINANCE TO AUTHORIZE AND ORDER A RECOUNT OF BALLOTS FOR THE JUNE 9, 2020 TOWN ELECTION

RECITALS

WHEREAS, the Mayor and Council have a responsibility to the Citizens of the Town of Boonsboro ("Town) to ensure the administration of a Town election pursuant to the terms of the Town Charter; and

WHEREAS, the Mayor and Council have the authority to adopt an ordinance to address any election matters not otherwise set forth in the Town charter; and

WHEREAS, a Town election was held on June 9, 2020, said election being conducted using a combination of mail-in ballots and in-person voting, with the mail-in ballots being delivered primarily by the United States Postal Service first class mail delivery; and

WHEREAS, the ballots were collected and tabulated pursuant to the procedures established in the Town Charter, the results were certified on June 10, 2020, and the candidates were sworn into office on June 15, 2020; and

WHEREAS, on June 26, 2020, a Town employee discovered a bundle of mail delivered to a decommissioned library book deposit box located at the rear entrance of the Town Hall, and it was determined that the mail bundle was delivered by a United States Postal Service mail carrier on June 1, 2020 and contained 163 ballots for the Town election; and

WHEREAS, the Mayor and Town Council have an obligation to ensure the accuracy and integrity of the Town election; and

WHEREAS, the Town Charter, Section 515 authorizes the Town Council to provide by ordinance "for a recount of ballots in case of doubt or fraud"; and

WHEREAS, the time-sensitive nature of the election and certification of accurate and valid results justifies the Town Council adopting an ordinance to authorize and order a recount of the ballots using the emergency ordinance provision set forth in the Town Charter; and

WHEREAS, the Town Charter, Section 210 provides the procedure for adopting ordinances; and

WHEREAS, Section 210 authorizes and enables the Town Council to enact an emergency ordinance by suspending the normal timeframe between introducing and

adopting an ordinance and enables the Town Council to introduce and adopt the ordinance at the same meeting; and

WHEREAS, the Town Charter authorizes the Town Council to make an emergency ordinance effective immediately upon approval by the Mayor; and
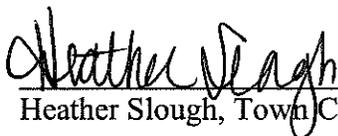
WHEREAS, the Mayor and Council find it in the best interests of the citizens to authorize and order a recount of ballots for the June 9, 2020 election and to adopt said ordinance as an emergency ordinance;

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the Town of Boonsboro, Maryland, as its duly constituted legislative body, as follows:

1. The aforegoing recitals be and are incorporated herein as if restated verbatim.

2. That, pursuant to the Town Charter, Section 515, a recount of all ballots timely submitted and collected from the June 9, 2020 Town election be conducted as soon as practicable.

3. That it is necessary to enact this ordinance as an emergency ordinance and, pursuant to the Town Charter, Section 210, this ordinance shall be introduced and adopted on the same date.

4. This amendment to the Code of the Town of Boonsboro shall become effective immediately upon the effective date of this Emergency Enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Emergency Ordinance shall become effective immediately following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
TOWN OF BOONSBORO, MARYLAND

Heather Slough, Town Clerk

Howard Long, Mayor

Date of Introduction: July 13, 2020
Date of Passage: July 13, 2020
Effective Date: July 13, 2020

PREPARED BY
SALVATORE & MORTON, LLC
TOWN ATTORNEY