

CHARTER AMENDMENT RESOLUTION NO. 03-2024

A CHARTER AMENDMENT RESOLUTION
OF THE COMMISSIONERS OF THE TOWN OF CHURCH HILL, MARYLAND
AMENDING ARTICLE IV, NOMINATIONS AND ELECTIONS, OF THE CHARTER OF
THE TOWN OF CHURCH HILL TO CLARIFY TOWN ELECTION PROCEDURES

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Commissioners of the Town of Church Hill (the “Commission”), as the legislative body of the Town of Church Hill (the “Town”), is authorized and empowered to amend the Charter of the Town of Church Hill (the “Charter”); and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Commission may initiate a proposed amendment to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the Town by a majority of all the individuals elected to the Commission, as the legislative body of the Town, subject to the right of referendum; and

WHEREAS, the Commission has adopted, pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Local Govt. Art., § 5-202, provisions in its Charter that provide for municipal elections for the offices of Town Commissioners; and

WHEREAS, the Commission believes that the amendment of the Charter to update its provisions relating to elections to enhance the efficient conduct of Town elections serves the public interest.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSISONERS OF THE TOWN OF CHURCH HILL, MARYLAND that Article IV, Nominations and Elections, of the Charter of the Town of Church Hill shall be and hereby is amended to read as follows:

ARTICLE IV
NOMINATIONS AND ELECTIONS

Section 401. Qualifications of Voters.

[Every]A person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age **ON OR BEFORE THE DATE OF THE NEXT TOWN ELECTION**, (c) has resided within the corporate limits of the town for thirty (30) days preceding any town election, and (d) is registered to vote in accordance with the provisions of this charter, shall be a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections.

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Section 402. Board of Supervisors of Elections.

[The Commission may appoint]**THERE IS HEREBY CREATED** a Board of Supervisors of Elections. **THE BOARD SHALL** [consisting]**CONSIST** of three (3) members **WHO SHALL BE RESIDENTS OF THE TOWN AND QUALIFIED VOTERS OF THE TOWN. IN ADDITION, THE TOWN ADMINISTRATOR AND/OR THE TOWN CLERK SHALL SERVE AS ALTERNATE MEMBERS OF THE BOARD. AN ALTERNATE MEMBER SHALL ONLY ACT AS A MEMBER OF THE BOARD WHEN THREE MEMBERS HAVE NOT BEEN APPOINTED TO THE BOARD OR ONE OF THE THREE REGULAR MEMBERS IS UNABLE TO ACT. THE BOARD** [who] shall be appointed annually by the **TOWN** Commission on or before the first Monday in October. [Members of the board of supervisors of elections shall be qualified voters of the town.] The terms of the members of the Board of Supervisors of Elections shall begin on the first Monday in October in the year in which they are appointed and shall [run far] **BE** one (1) year. Members of the Board of Supervisors of Elections shall not hold, or be candidates for, any town elective office during their term of office. The Board shall elect one of its members as chairperson. Vacancies on the Board shall be filled by the Commission for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Commission.

Section 403. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Commission, if in the judgment of the [commission]**COMMISSION**, the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges for removal. There shall be a public hearing on the charges before the Commission, if the member of the Board so requests, within ten (10) days after receiving the written copy of the charges.

Section 404. [Town Clerk to act in lieu of Board of Supervisors of Elections.

The Commission may designate the Town Clerk to act in lieu of an established Board of Supervisors of Elections.] **RESERVED**

Section 405. Duties.

The Board of Supervisors of Elections[, or Town Clerk if designated in lieu of a Board of Supervisors of Elections,] shall be [in charge of any supplemental registration list, nominations, and]**RESPONSIBLE FOR ADMINISTERING, CONDUCTING AND SUPERVISING** all Town elections. **THE BOARD ALSO SHALL HAVE THE POWER TO MAKE ALL NECESSARY RULES AND REGULATIONS, NOT INCONSISTENT WITH THIS CHARTER, THE TOWN CODE AND APPLICABLE PROVISIONS OF STATE LAW, WITH REFERENCE TO THE CONDUCT OF ELECTIONS, INCLUDING SPECIAL ELECTIONS. IN ADDITION TO THOSE DUTIES SET FORTH IN THE CHARTER, THE BOARD OF SUPERVISORS OF**

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ELECTIONS SHALL HAVE THOSE DUTIES AND RESPONSIBILITIES GIVEN IT BY THE COMMISSION BY ORDINANCE. The Board may appoint election clerks or other employees to assist it in any of its duties, but no salary, expenses or other compensation shall be paid to such appointees except as provided by the Commission.

Section 406. Registration.

In accordance with Title 3, Subtitle 4 of the Election Law Article of the Annotated Code of Maryland, as amended from time to time, only residents of the Town who are registered with **THE Queen Anne's County BOARD OF ELECTIONS** to vote in County, State, and Federal elections, **AT AN ADDRESS WITHIN THE CORPORATE LIMITS OF THE TOWN OF CHURCH HILL**, shall be considered to be registered to vote [for purposes of] **IN Town elections. THE BOARD OF SUPERVISORS OF ELECTIONS SHALL OBTAIN A VOTER REGISTRATION LIST FROM THE QUEEN ANNE'S COUNTY BOARD OF ELECTIONS NO MORE THAN THIRTY (30) DAYS PRIOR TO AN ELECTION. THE VOTER REGISTRATION LIST RECEIVED SHALL BE THE LIST OF REGISTERED VOTERS THAT THE BOARD OF SUPERVISORS OF ELECTION SHALL USE IN THE TOWN ELECTION.**

Section 407. Notice of Municipal Election.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof on the **TOWN WEBSITE AND AT Town Hall [Bulletin Board], AND IN SUCH OTHER MANNER AS MAY BE REQUIRED BY THE COMMISSION BY ORDINANCE.** [Registration with the town Board of Supervisors of Elections does not constitute registration for county elections.]

Section 408. Appeal of the Actions of the Board of Supervisors of Elections.

If any person is aggrieved by an action of the Board of Supervisors of Elections, that person may appeal to the Commission within [14] **FIVE (5) CALENDAR days. THE COMMISSION SHALL HEAR AND DECIDE ANY SUCH APPEAL WITHIN TEN (10) CALENDAR DAYS AFTER THE FILING OF THE NOTICE OF APPEAL.** Any **PERSON AGGRIEVED BY A decision or action of the Commission upon such appeals may**, [in turn, be appealed to] **SEEK JUDICIAL REVIEW OF SUCH DECISION BY** the Circuit Court of Queen Anne's County **BY FILING A PETITION FOR JUDICIAL REVIEW WITH THE COURT IN THE MANNER PROVIDED BY THE MARYLAND RULES OF PROCEDURE** within thirty (30) days of the decision or action of the Commission.

Section 409. Nominations to the Commission.

Persons may be nominated for elective office in the town by filing a certificate of nomination signed by five qualified voters in the town with the Board of Supervisors of Elections or the town clerk [at least

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twenty (20) calendar days prior to the] **ON OR BEFORE THE FIRST MONDAY IN MAY PRECEDING A town** election. Such certificate shall [state] **CONTAIN** the following:

- (1) [The] **THE** office for which the candidate is seeking the nomination,
- (2) the name of the candidate **AS IT WILL APPEAR ON THE BALLOT**,
- (3) a statement that the signers of the certificate are qualified voters in the town, [and]
- (4) **SIGNERS NAMES AS THEY APPEAR ON THE VOTER REGISTRATION LIST, AND**
- (5) **A STATEMENT** that the signers support the nomination of the named candidate.

No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time.

Section 410. Election of Commissioners.

- (a) Regular Elections. (1) Beginning on the first Monday of June 1989, and every third year thereafter, the qualified voters of the town shall elect one person as Commissioner who shall serve for a term of three years. The person elected shall fill the seat on the Commission that expires on the second Monday of June 1989. (2) Beginning on the first Monday of June 1990, and every third year thereafter, the qualified voters of the town shall elect one person as Commissioner who shall serve for a term of three years. The person elected shall fill the seat on the Commission that expires on the second Monday of June 1990. (3) Beginning on the first Monday of June 1991, and every third year thereafter, the qualified voters of the town shall elect one person as Commissioner who shall serve for a term of three years. The person elected shall fill the seat on the Commission that expires on the second Monday of June 1997.
- (b) Special Elections. In the case that multiple vacancies on the Commission create the need to fill more than one seat on the Commission, the requisite number of candidates to [till] **FILL** the Commission shall be elected by the qualified voters of the town in the method prescribed in Section 208 of this charter. The natural expiration of the term of Commissioner does not constitute a vacancy on the Commission to be filled by special election. All special elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel as far as practicable as regular town elections.
- (c) When a State of Emergency has been declared by the State of Maryland, the Town, or Queen Anne's County, pursuant to MD. Code Ann., Public Safety Article, Title 14, or pursuant to other applicable provision of State or local law, and in the judgement of the Town Commissioners the conditions giving rise to the emergency prevent the safe, orderly and efficient conduct of an election scheduled pursuant to subsection (a) or (b) of this section, the Town Commissioners may, by Resolution, postpone such election until such time as the emergency conditions have abated or the election may otherwise be conducted in a safe, orderly and efficient manner.

Section [410a] **411**. Uncontested Elections

[If a Town election] **IN THE EVENT THAT A SEAT FOR COMMISSIONER** is uncontested **AND THE TIME**

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PERIOD FOR FILING A CERTIFICATE OF NOMINATION TO FILE AS A CANDIDATE HAS EXPIRED, THEN the Board of Supervisors of Elections **MAY CANCEL THE ELECTION AFTER CERTIFYING** [shall certify] to the Commissioners of the Town of Church Hill that only one candidate has filed and that the election will be cancelled. **IF THE ELECTION IS CANCELED, THE CANDIDATE RUNNING FOR THE UNCONTESTED SEAT SHALL BE DECLARED ELECTED AND SHALL BE SWORN IN AS COMMISSIONER.**

At the Commissioners' organizational meeting described in Section 204 of the Town Charter, the Board of Supervisors of Elections will certify the result(s) to the Commissioners. If no candidate files for an election, the Commissioner whose term is expiring shall serve until a candidate is elected [and], qualified **AND SWORN-IN**. The election under this provision shall be conducted in accordance with Section 410(b) of this Chapter. For the purpose of this Section, the vacancy shall occur on the day when the Board of Supervisors of Elections certifies to the Commissioners that no candidates have filed certificates of nomination in accordance with Section 409 of this Chapter. The deadline for filing certificates of [candidacy]**NOMINATION** for an election under this provision shall be no later than [twenty (20) days]**THE FIRST MONDAY OF MAY** prior to the scheduled election.

Section [411]**412**. Conduct of Elections.

- (a) Elections shall be on a non-partisan basis. The ballots and/or voting machines shall show the name of each candidate nominated for elective office **AS THE NAME IS STATED ON THE CERTIFICATE OF NOMINATION** in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind.
- (b) It shall be the duty of the Board of Supervisors of Elections to provide a suitable place or places for voting and suitable ballot boxes and/or voting machines for each general and special election.
- (c) The Board of Supervisors of Elections shall keep the polls open on election days for such hours as may be designated by the Commission by resolution at least [fourteen]**SIXTY** days prior to any town election.
- (d) In order to cast a ballot, a person must present identification in a form satisfactory to the board of supervisors of elections.

Section [412]**413**. Absentee Ballots.

- (a) Any qualified voter of the Town of Church Hill **WHO IS REGISTERED TO VOTE AS PROVIDED IN THIS CHARTER** is entitled to vote in any municipal election by absentee ballot. Requests to vote by absentee ballot must be [qualified] **SUBMITTED** in accordance with the **PROVISIONS OF THIS CHARTER AND ORDINANCES ADOPTED BY THE COMMISSION, AS WELL AS ALL APPLICABLE PROVISIONS OF State law.**
- (b) **IF** [Requests]**REQUESTS** to vote by absentee ballot [must be]**ARE** received by the Board of Supervisors of Elections at least [20]**15** days prior to any town election [.
- (c) The]**THE** Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters,[not less than fifteen (15)] **TEN (10) OR MORE CALENDAR** days prior to the election. **IF A REQUEST FOR AN ABSENTEE BALLOT IS RECEIVED FEWER THAN 10 DAYS BEFORE THE**

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ELECTION, THE TOWN CLERK, ON BEHALF OF THE BOARD OF SUPERVISORS OF ELECTIONS, WILL USE REASONABLE EFFORTS TO PROVIDE A BALLOT IN TIME FOR THE VOTER TO CAST HIS OR HER BALLOT.

(d) Completed absentee ballots must be returned to the Board of Supervisors of Elections prior to election day or on election day before the polls close.

Section [412a]**414**. Provisional Ballots.

(a) If an individual is eligible under subsection (b) of this section, the individual shall be issued and may cast a provisional ballot at a polling place on election day. A provisional ballot is a ballot that is cast by an individual but is not counted until the individual's qualifications to vote have been confirmed by the board of elections supervisors or town clerk.

(b) An individual is eligible to cast a provisional ballot if:

(1) The individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the town and is eligible to vote in that election; and

(2) (a) The individual's name does not appear on the register or an election official asserts that the individual is not eligible to vote, or the individual does not have sufficient identification to satisfy the board of supervisors of elections;

(b) An election official asserts that the individual is not eligible to vote; or

(c) The individual does not have the necessary identification.

Section [413]**415**. Write-In Candidates

Only those candidates who have filed a certificate of nomination in accordance with Section 409 of this [Chapter]CHARTER are eligible for election. Any vote cast for a write-in candidate, shall not be allowed.

SECTION 416. ACCESS TO POLLING PLACE.

A. INDIVIDUALS ALLOWED TO HAVE ACCESS TO THE POLLING PLACE. THE BOARD OF SUPERVISORS OF ELECTIONS SHALL ALLOW THE FOLLOWING INDIVIDUALS TO HAVE ACCESS TO THE POLLING PLACE:

1. VOTERS;

2. AN INDIVIDUAL WHO ACCOMPANIES A VOTER IN NEED OF ASSISTANCE IN ACCORDANCE WITH THIS ARTICLE;

3. POLLING PLACE STAFF;

4. MEMBERS OF THE BOARD OF SUPERVISORS OF ELECTIONS; AND

5. AN INDIVIDUAL UNDER THE AGE OF 18 WHO ACCOMPANIES A VOTER PROVIDED THAT:

A. THE INDIVIDUAL IS IN THE CARE OF THE VOTER AND DOES NOT DISRUPT OR INTERFERE WITH NORMAL VOTING PROCEDURES; AND

B. THE INDIVIDUAL IS NOT ELIGIBLE TO VOTE IN THAT ELECTION; AND

C. ANY OTHER INDIVIDUAL AUTHORIZED BY THE BOARD OF SUPERVISORS OF

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ELECTIONS.

B. POLL WATCHERS, AUTHORIZED REPRESENTATIVES OF A PARTY OR CANDIDATE, ARE NOT PERMITTED IN POLLING PLACES ON ELECTION DAY.

C. ONE PERSON APPOINTED BY EACH CANDIDATE, SHALL BE PERMITTED IN THE POLLING PLACE(S) WHEN BALLOTS ARE BEING COUNTED.

Section [414]**417**. Vote Count.

Within twelve hours after the closing of the polls, the Board of Supervisors of Elections shall determine all the votes, including regular and absentee ballots, cast for each candidate or question and shall certify the results of the election to the Town Clerk who shall record the results in the official record of the Commission. The candidate(s) with the highest number of votes in [the general]AN election shall be declared elected.

Section [415]**418**. Preservation of Ballots.

All ballots and records used in any town election shall be preserved for at least six (6) months from the date of the election.

Section [416]**419** [Reserved]**ELECTIONEERING.**

NO PERSON SHALL CANVASS, ELECTIONEER OR POST ANY CAMPAIGN MATERIAL IN ANY POLLING PLACE OR WITHIN A 50-FOOT RADIUS OF THE ENTRANCE OR EXIT OF THE BUILDING WHERE BALLOTS ARE CAST. THIS PROHIBITION SHALL NOT APPLY TO A VOTER WHO PARKS A VEHICLE CONTAINING A CAMPAIGN BUMPER STICKER WITHIN THE 50-FOOT RADIUS OF THE POLLS, BUT IT SHALL APPLY TO A VEHICLE THAT IS POSTED WITH MORE THAN ONE CAMPAIGN SIGN OR STICKER.

Section [417]**420**. Regulation and Control.

The Commission shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section [418]**421**. Violations and Penalties.

Any person who (a) fails to perform any duty required under the provisions of this article or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this article or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will, or will tend to affect fraudulently any registration, nomination or election, shall be deemed guilty of a

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misdemeanor. Any officer, employee, appointee or agent of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

Section 2. BE IT FURTHER RESOLVED that all ordinances and resolutions enacted by the Commissioners of the Town of Church Hill prior to the date upon which the Charter adopted by this Resolution takes effect shall thereafter continue in full force and effect, except to the extent that the authority, either express or implied, for any such ordinance or resolution is not granted to the Town of Church Hill by the Charter adopted by this Resolution or by other law, and further except to the extent that any such ordinance or resolution may irreconcilably conflict with any provision of the Charter adopted by this Resolution. To the extent that any section of the Charter is in conflict with the provisions of this Resolution, such section or sections shall be and hereby are repealed to the extent of such conflict.

Section 3. BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Commissioners of the Town of Church Hill that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, or portion hereof.

Section 4. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted by the Commissioners of the Town of Church Hill after a duly advertised public hearing, and that a complete and exact copy of this Charter Amendment Resolution shall be posted at Town Hall for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the Town not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

Section 5. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of the Town of Church Hill , upon the fiftieth day after being so ordained or passed, unless there shall be presented to the Town Council of Church Hill, or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, a petition meeting the requirements of Md. Code Ann., Local Gov't Art, § 4-304, or upon the certification of the results of a referendum if such a petition is received and the referendum fails.

Section 6. BE IT FURTHER RESOLVED that the Town Administrator/Clerk shall send to the Department of Legislative Services, within 10 days of the date on which the Charter Amendment becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter

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Amendment Resolution by the Commissioners of the Town of Church Hill, or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 7. BE IT FURTHER RESOLVED that the Town Administrator/Clerk is specifically instructed to carry out the provisions of Sections 4, 5, and 6 hereof, as evidence of compliance herewith, and that the Clerk to the Council shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the regular meeting of the Commissioners of the Town of Church Hill at which it is adopted an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and shall further cause to be completed and executed a Certificate of Effect.

INTRODUCED by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on the ____ day of _____, 2024.

ADOPTED by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on the ____ day of _____, 2024.

ATTEST:

THE COMMISSIONERS OF THE TOWN
OF CHURCH HILL

Nancy Lindyberg, Town Administrator

Charles M. Rhodes, Jr., President

Edward C. Raffetto, Commissioner

John P. Griffin, Jr., Commissioner

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