

1 **..Title**

2 **Legal Counsel to Board of Supervisors of Elections** – For the purpose of authorizing
3 the Board of Supervisors of Elections to engage outside legal counsel during specified
4 periods of time in the municipal election cycle.

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6 **..Body**

7 **CITY COUNCIL OF THE**
8 **City of Annapolis**

9
10 **Ordinance 10-14**

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12 **Introduced by: Mayor Pantelides**

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14 **Referred to**
15 **Finance Committee**
16 **Rules and City Government Committee**

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19 **A ORDINANCE** concerning

20 **Legal Counsel to Board of Supervisors of Elections**

21 **FOR** the purpose of authorizing the Board of Supervisors of Elections to engage
22 outside legal counsel during specified periods of time in the municipal election
23 cycle.

24 **BY** repealing and re-enacting with amendments the following portions of the Code of
25 the City of Annapolis, 2013 Edition
26 Section 4.08.040
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28 **WHEREAS,** the City Attorney is classified as a position in the exempt service with the
29 responsibility to serve as legal counsel to the Mayor, City Council,
30 Department Heads, and the City's boards/commissions/committees; and

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32 **WHEREAS,** the client relationship between the City Attorney and the Mayor and City
33 Council may create the appearance of a conflict of interest when the City
34 Attorney serves as counsel to the Board of Supervisors of Elections from
35 the filing deadline for declaring candidacy in a municipal election until the
36 municipal election results are certified.
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39 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
40 **CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as
41 follows:
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43 **CHAPTER 4.08 – BOARD OF SUPERVISORS OF ELECTIONS**

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2 **4.08.040 Employees.**

3 A. The board shall be provided with employees necessary for the efficient
4 performance of its duties under this title. However, during any part of the employee's
5 tenure in office or employment, an employee may not hold any public or party office or
6 be a candidate for any public or party office; use the employee's official authority or
7 influence for the purpose of interfering with or affecting the result of an election; or take
8 an active part in political management or in political campaigns.

9 B. The City Attorney or his or her designee shall serve as legal advisor and
10 representative of the board as Counsel to the Annapolis Board of Supervisors of
11 Elections. THE BOARD OF SUPERVISORS OF ELECTIONS SHALL BE ENTITLED
12 TO ENGAGE OUTSIDE LEGAL COUNSEL FROM THE FILING DEADLINE FOR
13 DECLARING CANDIDACY IN A MUNICIPAL ELECTION UNTIL THE MUNICIPAL
14 ELECTION RESULTS ARE CERTIFIED. ANY SUCH RETAINER AGREEMENT
15 BETWEEN THE BOARD OF SUPERVISORS OF ELECTIONS AND THE BOARD'S
16 SELECTED OUTSIDE LEGAL COUNSEL SHALL BE SUBJECT TO REVIEW BY THE
17 CITY ATTORNEY FOR LEGAL SUFFICIENCY AND THE FINANCE DIRECTOR FOR
18 FINANCIAL SUFFICIENCY.

19 C. The City Clerk shall act as clerk to the board. The City Clerk shall serve as or appoint
20 another City civil service employee to serve as the Election Administrator.

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22 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
23 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
24 passage.

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EXPLANATION

29

CAPITAL LETTERS indicate matter added to existing law.

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[brackets] indicate matter stricken from existing law.

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Underlining indicates amendments.