

36. In case of a tie among those receiving the votes of the electors which shall preclude a decision that any one has been elected for Mayor or Councilman, in that event the Council shall designate one of the persons tying for said election to be Mayor or Councilman, as the case may be, and shall issue a certificate of election accordingly.

37. If any person elected as Mayor or Councilman shall refuse to serve as such or his place shall become vacant by death, resignation, disqualification or otherwise, then the other members of the Council shall fill the vacancy as early thereafter as possible by appointment from among the qualified electors of the town; provided, that if such vacancy occurs by reason of failure to qualify as provided in Section 39, within two weeks after notice of his election, or otherwise within one month of the date of election, then and in that case the person receiving the next highest number of votes for such office at such election shall be deemed to have been elected and entitled to qualify.

38. The Council is hereby empowered at any time that it shall be deemed advisable, to divide the town into election districts, and apportion the membership of the Council among said districts, and provide for the election of individual members of Council from the respective districts in such manner as it may deem proper and best calculated to secure a fair representation of the citizens of the town in the Council; and otherwise to make provisions for the holding and conduct of elections, general and special, in a manner not inconsistent with the provisions of this subtitle.

39. The members of the newly elected Council and Mayor shall meet on the Monday following their election or as soon thereafter as practicable, but not later than November 15th of any election year, and take the oath of office before any officer of the State of Maryland duly authorized to take an affidavit to support and maintain the Constitution and Laws of the United States and the State of Maryland and to perform their respective duties as Mayor and as members of the Council of Chesapeake Beach, to the best of their ability, without fear, favor or partiality.

40. The Mayor and Councilmen shall serve for two years from November 15th after their election or until their successors are elected and qualified and the service rendered by said Mayor and Councilmen, as such, shall be gratuitous and without any pay unless and until compensation be authorized and fixed by a vote of the citizens.