

Court for Caroline County against such officer, and the Court, or the Judge thereof if in vacation, shall pass an order requiring such officer to show cause why his office should not be vacated and the vacancy filled as provided, and such order shall be made returnable on the first Monday of the month next succeeding its passage, and a copy thereof shall be served on such officer; and if he shall fail to answer the same, the said Court or the Judge thereof if in vacation, shall hear and determine such matter *ex parte*; and if such officer shall answer the same, then the said Court, or the Judge thereof if in vacation, shall hear at once and determine the issue raised by such petition and answer and shall declare the office of the said respondent vacant and order the filling of the vacancy or shall dismiss the petition, as the proof may justify, and may award costs as may appear equitable and right.

(b) *Terms of Office.* An election shall be held on the fourth Monday of May, 1972 and of each year thereafter, between the hours of 12 o'clock noon and eight o'clock P.M., at such place in said town as shall be designated by the Commissioners, at which one commissioner shall be elected for a term of five years from the first day of July next after election and until his successor is elected and qualified.

(c) *Filing for office.* Any person qualified to hold the office of commissioner, desiring to be a candidate for such office, shall file with the town Commissioners a written statement to that effect at least fifteen days prior to the date of the election at which he desires to be a candidate, or his name shall not be printed on the ballot.

(d) *Election procedure.* The commissioners shall give notice of such election by publication once in each week for two successive weeks in one or more newspapers published in Caroline County immediately preceding such election and by such other means as they may elect. Such notice shall specify the time and place of such election and the judges who shall officiate thereat and the names of the candidates, filed as aforesaid. The commissioners each year shall appoint and fix the pay of three judges of election and substitutes, if necessary, from among the persons qualified to vote as aforesaid, which judges shall determine the eligibility of the voters and keep record of the persons voting, which record, together with the ballots, shall be preserved by the commissioners for at least four months after the election. The judges shall give to the commissioners a certificate specifying the number of persons voting, and the number of votes cast for each candidate, and shall declare duly elected the person receiving the highest number of votes, and so notify the person elected. The election shall be by secret ballot containing the names of all candidates filed as aforesaid, and allowing space for write-ins, in the usual form of ballots at public elections, which ballots shall be printed by the commissioners and issued by the judges to qualified voters, said judges shall conduct said election in accordance with the ordinance prescribing the same.

(e) *Same; failure to act.* If such notice shall not be given at the time necessary, or the judges not be appointed or refuse to act, or refusing, the commissioners shall not appoint others in their stead or if the election for any reason be not held, five or more eligible voters of said town may call an election for like purpose to be conducted in a like manner, and such call shall supersede the power of appointment; such call shall be by notice signed by at least five voters and set up in at least four of the most public places in said town not more than fifteen nor less than six days previous to the election, and naming the date, hours and place of election, and the judges who shall officiate thereat, which judges or any two of them shall hold such election and perform the duty of judges in like manner and at like pay as judges appointed by the commissioners. The costs of such elections shall be borne by the commissioners.