

2023 Ordinance: Election Rules and Procedures

The Village of Martin’s Additions is governed by a municipal Charter that provides for a five-member elected Council to appoint an Election Committee (“Committee”) that operates according to rules and procedures adopted by the Council, pursuant to Section 602 of the Village Charter. The Committee verifies the annual voter roll, accepts nominations of candidates for the Village Council, and oversees the annual election.

The purpose of these rules and procedures is to provide for free and fair elections in the Village of Martin’s Additions and to ensure that all qualified voters are able to freely exercise their right to vote.

Village Council Election Process

The election of Village Council members takes place on a date determined from year to year in accordance with Section 602 of the Charter. Council members are elected to terms of two years. The number of seats open on the Council alternates between two and three seats every other year; vacancies are filled per Section 408 of the Charter. Pursuant to the Village Charter, a qualified voter is “any person who owns property or any resident of Martin’s Additions who is eighteen years of age or over.”

All elections are managed by the Committee. The Committee consists of a minimum of three, but preferably no fewer than five, qualified-voter volunteers appointed by the Council. The Council may appoint additional qualified voters as short-term assistant Election Committee members, as needed. Committee members shall complete an Oath and a Conflicts of Interest form, as provided by the Village, consistent with Village Policy.

Each year the details of the election cycle for that year are published in the Village newsletter. The following rules and procedures apply:

1. Consistent with the Village Charter, no later than sixty (60) days prior to Election Day, the Committee will open the nominations period and request that declarations of candidacy and nominations of candidates be submitted in writing to the Committee. Any qualified voter may declare their candidacy or be nominated by another qualified voter according to the election rules and procedures. Qualified voters who nominate someone other than themselves must include an email or signed written statement that can be dropped off at the Village office, from the proposed candidate expressing his/her consent to be nominated. Anonymous nominations are not permitted. All nominations must be received in the Committee inbox by the deadline set by the Committee.
2. All nominated candidates shall submit (a) a statement of interest and qualifications, and (b) a conflict of interest disclosure statement, in a form provided by the Village. The Election Committee may specify standard formatting for the candidate statements and any standard questions to which all candidates are requested to respond.
3. The Committee must receive all nominations and required candidate submissions in writing at least forty-five (45) days prior to the election, in order for the candidate to be placed on the official ballot.
4. The Committee shall establish a format, date and time for a candidate forum for qualified voters and residents to hear from the candidates. The forum shall be moderated by the Committee at its sole discretion. Residents are encouraged to send forum questions to the Committee (VMAElections@martinsadditions.org) by the Committee-specified deadline or be prepared to ask them if called upon during the forum.
5. Pursuant to Charter Section 602(b), no later than two (2) weeks prior to the election, the Committee shall publish the written statements of the candidates for office, the official election notice and forum notice, and general voting instructions.

6. Pursuant to the Charter and these rules and procedures, each qualified voter may cast a mail-in ballot provided by the Committee, subject to the schedule publicly announced by the Committee.
7. Blank lines will be placed on the ballot for the purpose of adding write-in candidates at the time of the election. A successful write-in candidate shall be required to submit a Conflicts of Interest disclosure statement no later than seven (7) business days following the election.
8. In the event that two or more candidates receive the same number of votes where only one can be elected, there shall be a runoff election within two weeks of the date when votes are tabulated and recorded. Runoffs shall be held by mail.
9. Each candidate may designate one person as an official observer to be present when the ballots are being counted. Other qualified voters may also observe, although observers who are not candidates or designated observers may not participate in or disrupt the counting of the ballots. Specific vote counting procedures will be recommended by the Committee and adopted by the Council each year, as appropriate.

Who Can Vote?

Pursuant to Charter Section 301, property owners and residents of Martin's Additions who are eighteen years of age or over are qualified voters. In the case of students such as college or boarding school students, a student who resides elsewhere during the school year but who maintains a permanent address in Martin's Additions is deemed a resident and entitled to vote in the Village Council election. Voters in Martin's Additions need not be registered to vote in Montgomery County or in the State of Maryland and need not be U.S. citizens. The Committee will utilize the most recent electronically available Village resident contact information and other sources needed to confirm voters' names and addresses and shall develop, verify and certify the voter roll, with the assistance of the Village staff.

New voters may request to be added to the voter roll up to 8:00 PM on Election Day. To be eligible to receive a mail ballot, new voters should be prepared to show a driver's license, a utility bill, or other documentation acceptable to the Committee in its sole discretion, showing the voter's Martin's Additions address.

Plan for the 2023 VMA Election

VMA's 2023 election will be held entirely by mail. There will be no in-person voting. Voters will mail their completed ballots back to the election service provider in the postage-paid envelopes issued by the provider. **On Election Day, May 10, 2023**, the Committee will also provide an opportunity for voters to drop off their completed, sealed ballot envelopes in a Committee ballot box, to be conveyed to the election service provider for counting.

Traditional absentee ballots will not be necessary because every person on VMA's voting roll will automatically receive a ballot by mail.

If a voter is planning not to be at his or her VMA address during the voting process, he/she may elect to receive a ballot by mail at a different location by so informing the Committee no later than 8:00 PM on May 10. No one may vote two ballots at two different addresses.

If a voter will be out of the country and unable to receive mail in late April when the election service provider sends out the regular ballot mailing, he/she may request the Committee to instruct the service provider to send his/her ballot earlier.

If a voter has lost or damaged his or her ballot or ballot return envelope, he/she may contact the Committee no later than 8:00 PM on May 18 to request a replacement ballot. On receipt of such a request, the Committee will instruct the service provider to void the previous ballot sent to that voter and mail the replacement ballot.

All completed ballot envelopes must be received by the service provider by **5:00 PM on May 23, 2023**.

Nominations, Candidate Submissions, and Forum

The Committee will issue a call for candidates on **February 23, 2023** (75 days before Election Day). Any qualified voter may run for office. Qualified voters may nominate themselves or be nominated by another qualified voter, in writing. Nominations may be made only by qualified voters; anonymous nominations are not permitted. Qualified voters who nominate themselves must submit a written statement or email stating that they wish to run for office. Qualified voters who nominate someone other than themselves must include an email or signed written statement from the proposed candidate expressing his or her consent to be nominated. The nominations period will close on **March 25, 2023, at 6:00 PM** (45 days before Election Day). A thirty-minute grace period will be allowed for nominations sent by email to arrive in the Committee's email inbox.

To be placed on the official ballot, all candidates must submit by email to the Election Committee (a) a brief Candidate Statement of up to approximately 700 words, including their qualifications as well as any other information they deem relevant, and (b) their signed and completed Conflicts of Interest Disclosure form. The Election Committee will specify the form of both documents when the nomination period opens. **Both documents must be sent to the Committee's email inbox no later than 6:00 PM on March 25, 2023.** A thirty-minute grace period will be allowed for candidate submissions sent by email to arrive in the Committee's email inbox.

The Committee will review the submissions and identify any candidate materials that are incomplete. The Committee will notify the candidate, and the candidate will have 24 hours to submit an updated form addressing the issue.

The Committee will promptly notify the Village of the candidates for office and publish the election information and candidate statements by email, by posting on the Village's website, and in an initial mailed VMA information packet that includes the official election and forum notices and the names and written statements of the candidates. Information will also be included in the Village's Friday wrap-up emails and newsletters and will be available for review in the Village Office throughout the election period.

The Committee will host a Candidate Forum to be conducted by Zoom or other electronic means on a date in April, expected to be **no earlier than April 17 and no later than April 27, 2023**, that is agreed upon by the Committee and candidates, to allow qualified voters and residents to hear from the candidates and ask questions. The Committee shall provide a mechanism for qualified voters and residents to offer questions anonymously. The Committee shall moderate the forum in an impartial manner. This includes: (a) the forum should cover a broad range of issues; (b) candidates should have equal time to present their views; and (c) the moderator remains neutral and does not imply approval or disapproval of the candidates. Qualified voters and residents are encouraged to send their questions for the candidates to the Committee.

Election Procedures

Pursuant to the Charter and these rules and procedures, each qualified voter may cast a ballot according to the following vote-by-mail procedures.

1. Approximately one week after the candidate forum is held, the election service provider shall mail via first class post (a) a ballot, (b) voting instructions prepared by the Committee in consultation with the election service provider, and (c) a postage-paid return ballot envelope to each voter listed on the voter roll at their address of record.
2. Ballot envelopes will bear on their exterior a service-provider-issued control number and an affidavit in accordance with Maryland law requiring the voter to attest to the voter's identity and eligibility. The affidavit must be signed by the voter.
3. All ballot envelopes must be received by the election service provider no later than **5 PM on May 23, 2023**. The Election Committee shall send reminders for all qualified voters to return ballots by mail as soon as possible or no later than May 10 so they are received by the service provider in time to be counted. Ballots received after May 23 shall be rejected and not included in the ballot counting.
 - a. Ballots must be returned in the service-provider-issued return envelope.
 - b. Ballot return envelopes must be sealed.

- c. Ballot return envelopes must bear a valid control number that has not been canceled or voided.
 - d. Voters must have written their full name as it appears on the ballot envelope as well as the house number and street name of qualifying address in the Village on the issued return envelope.
 - e. If voters from the same household use each other's envelopes, those ballot return envelopes shall be accepted as valid.
4. For voters' convenience, the Election Committee will also provide a secure ballot box to collect completed ballot envelopes on the evening of **Election Day**. Voters may deposit their sealed ballot envelopes containing a voted ballot and bearing a completed affidavit in the Election Committee ballot box between the hours of **5:00 and 8:00 PM on May 10**. Promptly after 8:00 PM, the Election Committee shall open the ballot box, count the number of ballot return envelopes in the box, and then convey the unopened ballot envelopes to the service provider. The election service provider shall hold all ballot envelopes received without opening them until the date for ballot counting, **May 23, 2023**.

Between the hours of 5:00 and 8:00 PM on May 10, the Election Committee will also provide an opportunity for qualified voters whose ballots have been lost, damaged, spoiled, or are otherwise unable to be voted, to request that their existing ballot be voided and a new ballot be mailed to them by the election service provider.

5. The service provider shall count the ballot envelopes that have been received by **May 23** and ensure that the Election Committee and candidate observers can clearly observe the counting process. Following the 5 PM deadline on May 23, the election service provider shall examine the ballot envelopes without opening them and identify non-conforming envelopes. The provider shall then display each such non-conforming envelope to the Election Committee members, who will then decide, based on a majority vote, whether each such envelope has the potential to be 'cured' or corrected of any discrepancies or deficiencies. If so, within a 24-hour period, a reasonable and meaningful attempt must be made by the Election Committee to contact the voter identified by the control number on that envelope. If there are no non-conforming envelopes, the service provider shall open the envelopes and count the votes on May 23. Otherwise, the vote counting will take place on **May 25**, after the Committee has conducted the envelope-curing process.

6. Candidates or their designated representative(s) — only one per candidate — may observe the ballot tallying, review, and adjudication process. Candidates or their designated observers may raise objections during the counting process. The candidate or designated observer must identify the challenge at the time of vote counting. Other qualified voters may also observe the process, but may not raise objections.

7. At the vote counting session, the service provider shall tally all votes cast, including the write-in votes. The service provider shall deliver a complete, certified Official Count of Ballot Report to the Election Committee by email within 48 hours.

8. The Committee shall review the Report, address any remaining ballot or vote issues, and certify the election by Committee vote. The Committee shall announce the election results as soon as practicable.

9. The election service provider shall return all ballots, ballot return envelopes, and other election materials to the Village Office by mail or courier, for preservation according to the Village's state-approved Document Retention policy.

10. In the event that two or more candidates receive the same number of votes where only one can be elected, there shall be a runoff election within two (2) weeks of the date when votes are tabulated and recorded. The Committee shall conduct any runoff election by mail-in ballot consistent with relevant provisions of the Charter.

Records

All election records, including nominations, candidate statements, ballots, envelopes, and all materials pertaining to voter rolls and the voting process, shall be securely stored at the Village Office, in accordance with the Village's Document Retention Schedule.

Electioneering

- 1) Residents may distribute candidates' information to Village residents, provided that such distribution complies with applicable laws, including Sections 7-208 and 9-106 of the Village Code and the United States postal service regulations (for example, no unstamped non-postal material may be placed in residents' mailboxes).
- 2) All candidates' brochures and election materials must prominently state that they have been paid for by, or on behalf of, the candidates.
- 3) Use of the Village logo and/or letterhead on election campaign materials is prohibited. Candidates' materials may not imply, suggest, or give the impression of any official endorsement by the Village of Martin's Additions.
- 4) Candidates' campaigns may give residents token gifts that display candidate information, provided that such gifts do not exceed \$1 in fair market value.
- 5) No electioneering is permitted within 100 feet of the election ballot box.