



VILLAGE OF MARTIN'S ADDITIONS
7013 Brookville Road (Second Floor, Suite B)
Chevy Chase, MD 20815-3263
Phone (301) 656-4112
www.martinsadditions.org

Agenda for Council Meeting
Thursday, Feb. 17, 2022, 7:30 PM

The Council may entertain a motion in open session to enter into a closed session, in accordance with Section 3-305(b) of the Open Meetings Act (Maryland Code, General Provisions Article).

7:30 PM Call to Order: Kauders

7:31 PM Building Administrator's Report: Lohmeyer **(Pages 2-3)**

7:36 PM Opportunity for Council to Hear Residents' Comments: Kauders

7:46 PM Committee Updates: Kauders

7:51 PM Public Hearing and Possible Adoption of the 2022 Election Plan **(Pages 4-13)**

8:06 PM Financial Matters, including Treasurer's Report: Alexander **(Page 14)**

8:11 PM Manager's Report: Anderegg **(Pages 15-16)**

8:16 PM Opportunity for Council to Hear Residents' Comments: Kauders

8:31 PM Adjournment: Kauders

***Comments on Election plan start at on page 17**

TO: The Council at the Village of Martin's Additions

FROM: Doug Lohmeyer

DATE OF MEMO: Feb. 14, 2022

SUBJECT: Building Administrator's Report

3506 Bradley Lane.

Demolition and building permit applications were submitted to the Village office. A new resident's information was held on Nov. 3rd. The Village issued the building permit on Dec. 9, 2021. The old house has been removed and the contractor is pouring the concrete basement slab.

7200 Chestnut St.

The applicant applied for a Village building permit to construct an addition to the west side of the existing house. The MCDPS closed their building permit on Oct. 7, 2021. The new residents have moved in. The contractor has installed the new driveway. The Village is closing out the building permit.

7220 Delfield St.

The applicants have submitted an application to remove the existing house and build a new house. The Village information meeting was held on Dec. 14th. The County issued the building permit on April 20, 2021. The Village demolition and building permits were issued on May 17, 2021.. The new house construction is ongoing.

120 Quincy St.

The homeowner has submitted plans to the County and the Village for review. The application proposes to construct several additions at the side and rear of the existing house. MCDPS issued their building permit on Jan. 5, 2022. The Village issued their permits on Feb. 6, 2022. No exterior work has begun.

159 Quincy St.

The homeowners submitted an application to build a new deck at the rear of the existing house. The Village building permit was issued. The project appears to be nearing completion.

162 Quincy

The property is for sale and an interested party has contacted the Village regarding make several additions to the existing house. They have not applied to MCDPS or to the Village.

3500 Raymond St.

The homeowners are considering several additions to the existing house. They have not applied to MCDPS or to the Village.

7200 Summit Ave.

The homeowners submitted a Variance Application for additions to the existing house. The variance was approved by the Council on July 16, 2020. The applicants have not submitted to MCDPS or the Village. The Village variance has been extended for an additional 12 months. The homeowner has not applied for a MCDPS permit.

3404 Turner St.

The applicants have submitted an application for a variance of the Village's minimum side yard setbacks, so they can add a second floor to the existing, non-conforming house. The Village Council approved the variance on Sept. 23, 2021. The MCDPS issued their building permit on April 17, 2021. The Village has issued the building permit.

Miscellaneous Items

The staff is presently working with the following properties:

1. The MSHA has responded to the Village's letter regarding water ponding at the Village street intersections along Brookville Rd. The MSHA staff stated they are working with WSSC and MCDOT and will get back to us soon. The Village sent a letter to the State requesting an updated progress report on the outstanding pedestrian safety issues. The State responded and said they will be looking into adding additional pedestrian walkway safety measures at Bradley and at Taylor. Section 5 has prepared a concept plan to build a new MSHA storm drain system along the west side of Brookville Rd. from Bradley La. to Shepherd St.

Draft 1/6/2022
2022 Ordinance:
Election Rules and Procedures
2/16 Edits (Andrew Kauders)

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 accepts nominations of candidates for the Village Council and oversees the annual election.

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. All elections are managed by the Committee. The Committee consists of a minimum of three, but preferably no fewer than five, qualified voter¹ 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 or mailed to 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. No nominations or candidate submissions will be accepted by the Committee if received later than the deadlines specified here.

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. If such a forum is created, qualified voters are encouraged to send proposed questions to the Committee via email (VMAElections@martinsadditions.org) by

¹ 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."

the Committee-specified deadline or be prepared to ask them if/when called upon during the forum. The Committee will not receive questions via phone or otherwise.

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 May 23 deadline, when votes are tabulated and recorded. In this election, 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 no observer may participate in or otherwise 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 the Charter Section 301, a qualified voter is “any person who owns property or any resident of Martin’s Additions who is eighteen years of age or over.” 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 to confirm voters’ names and addresses and shall develop, verify and certify the voter rolls with the assistance of the Village staff. New voters may request to be added to the voter roll up to 12:00 PM on Election Day, May 10, which is the ballot drop-off deadline. 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 2022 VMA Election

VMA’s 2022 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, the Committee will also provide an opportunity for voters to drop off their completed ballot envelopes in a 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

84 automatically receive a ballot by mail.

85 If a voter is planning not to be at his or her VMA address during the voting process, he/she may elect
86 to receive a ballot by mail at a different location by so informing the Committee no later than 12:00
87 PM on May 10. No one may vote two ballots at two different addresses. If a voter has lost or damaged
88 his or her ballot or ballot return envelope, he/she may contact the Committee no later than 8:00 PM on
89 May 10 to request a replacement ballot. On receipt of such a request, the Committee will instruct the
90 service provider to void the previous ballot sent to that voter and mail the replacement ballot. All
91 completed ballot envelopes must be received by the service provider by 5:00 p.m. on May 23, 2022.

92 Nominations

93 The Committee will issue a call for candidates on **February 18, 2022**. Any qualified voter may run
94 for office. Qualified voters may nominate themselves or be nominated by another qualified voter, in
95 writing. Nominations may be made only by qualified voters; anonymous nominations are not
96 permitted. Qualified voters who nominate themselves must submit an affirmative statement or email
97 stating that they wish to run for office. Qualified voters who nominate someone other than
98 themselves must include an email or signed written statement that can be dropped off at or mailed to
99 the Village office from the proposed candidate expressing his or her consent to be nominated. The
100 nominations period will open on **February 18** and close on **March 18, 2022, at 6:00 pm**.
101 **Nominations must have been received by the Committee no later than that deadline.** A thirty-
102 minute grace period will be allowed for email nominations to arrive in the Committee's email inbox.

103 To be placed on the official ballot, all candidates must submit by email to the Election
104 Committee (a) a brief Candidate Statement of up to approximately 700 words, including their
105 qualifications as well as any other information they deem relevant, and (b) their signed and
106 completed Conflicts of Interest Disclosure form. The Election Committee will specify the form
107 of both documents when the nomination period opens. **Both documents must be received by**
108 **the Committee in its email inbox no later than 6:00 p.m. on March 25, 2022.** A thirty-minute
109 grace period will be allowed for email submissions to arrive in the Committee's email inbox.

110 The Committee will review the submissions and identify any nomination materials that are
111 incomplete. The Committee will notify the candidate, and the candidate will have 24 hours to
112 submit an updated form addressing the issue. Submission of updated materials will not be
113 subject to the deadline above for submissions.

114 Candidate Announcements and Candidate Forum

115 The Committee will promptly notify the Village of the candidates for office and publish the
116 election information and candidate statements by email, by posting on the Village's website and
117 based on individual resident requests, in a mailed election packet. Information will also be included
118 in the Village's Friday wrap-up emails and newsletters and will be available for review in the
119 Village Office throughout the election period.

120 The Committee will host a Candidate Forum to be conducted by Zoom or other electronic means
121 on a date in April, but expected to be held no later than Friday, April 15, 2022, that is agreed upon
122 by the Committee and candidates, to allow qualified voters and residents to hear from candidates
123 and ask questions. The Committee shall provide a mechanism for qualified voters and residents to
124 offer questions to be asked anonymously. The Committee shall moderate the forum in an impartial
125 manner. This includes: (a) the forum should cover a broad range of issues; (b) candidates should
126 have equal time to present their views; and (c) the moderator remains neutral and does not imply
127 approval or disapproval of the candidates. Qualified voters and residents are encouraged to send
128 their questions for the candidates to the Committee by the means specified by the Committee.

129 Election Procedures

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

- 132 1) After the candidate forum is held, the election service provider will mail via first class post
133 (a) a ballot, (b) voting instructions prepared by the committee in consultation with the
134 election service provider, and (c) a postage-paid return ballot envelope to each voter listed
135 on the voter roll at their address of record.
- 136 2) Ballot envelopes will bear on their exterior a service-provider-issued control number and
137 an affidavit in accordance with Maryland law requiring the voter to attest to the voter's
138 identity and eligibility. The affidavit must be signed by the voter.
- 139 3) All ballot envelopes must be received by the election service provider no later than **5 p.m.**
140 **on May 23, 2022.** The VMA Election Committee shall send reminders for all qualified
141 voters to return ballots by mail as soon as possible or no later than May 10 so they are
142 received by the service provider in time to be counted. Ballots received after May 23 shall
143 be rejected and not included in the ballot counting.
- 144 a. Ballots must be returned in the service-provider-issued return envelope.
- 145 b. Ballot return envelopes must be sealed.
- 146 c. Ballot return envelopes must bear a valid control number that has not been
147 canceled or voided.
- 148 d. Voters must have written their full name as it appears on the ballot envelope as
149 well as the house number and street name of qualifying address in the Village on
150 the issued return envelope.
- 151 e. If voters from the same household use each other's envelopes, those ballot return
152 envelopes shall be accepted as valid.
- 153 4) For voters' convenience, the Election Committee will also provide a secure ballot box to
154 collect completed ballot envelopes on the evening of **Election Day, May 10, 2022.** Voters
155 may deposit their sealed ballot envelopes containing a voted ballot and bearing a
156 completed affidavit in the Election Committee ballot box between the hours of **5:00 p.m.**
157 **and 8:00 p.m. on May 10.** Promptly after 8:00 p.m., the Election Committee shall open
158 the ballot box, count the number of ballot return envelopes in the box, and then convey the
159 ballot envelopes to the service provider. The election service provider shall hold all ballots
160 received until the date for ballot counting, **May 23, 2022.**
- 161 5) Between the hours of 5:00 p.m. and 8:00 p.m. on May 10, the Election Committee will
162 also provide an opportunity for qualified voters whose ballots have been lost, damaged,
163 spoiled, or are otherwise unable to be voted, to request that their existing ballot be voided,
164 and a new ballot be mailed to them by the election service provider.
- 165 6) The service provider shall count the votes on the ballots on **May 23** and ensure that the
166 Election Committee and candidate observers can clearly observe the counting process.
- 167 a. Prior to the counting of the ballots, the Committee shall propose procedures for
168 the Council to adopt relating to the vote counting.
- 169 7) Following the 5 p.m. deadline on May 23, the election service provider shall examine
170 the ballot envelopes without opening them and identify non-confirming envelopes.
171 The provider shall then display each such non-confirming envelope to the
172 committee members, who will then decide, based on a majority vote, whether each
173 such envelope has the potential to be 'cured' or corrected of any discrepancies or
174 deficiencies. If so, within a 24-hour period, a reasonable and meaningful attempt
175 must be made to contact the voter identified by the control number on that
176 envelope. However, ballot envelopes that are unsigned shall not be eligible for
177 curing.
- 178 8) Candidates or their designated representative(s) — only one per candidate — may observe
179 the tallying, review, and adjudication process. Candidates or their designated observers
180 may raise objections during the counting process. The candidate or observer must identify

the challenge at the time of vote counting.

- 9) 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.
- 10) 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.
- 11) 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.
- 12) In the event that two (2) 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 May 23, 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.

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- 10) 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.
- 11) 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.
- 12) In the event that two (2) 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 May 23, 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)

Village of Martin's Additions
Financial Report for January 2022
Arthur Alexander, Treasurer
February 17, 2022

	<u>Actual</u>	<u>Budgeted</u>
July 2021-January 2022		
Revenues (regular)	\$629,165	\$462,758
Expenses (excluding capital projects)	396,713	441,346
Net Income (regular revenues minus expenses)	721,633	21,412
Capital investment expenses	\$ 0	
 Federal grant: American Rescue Plan	 489,181	 0
 Investment reserves (less expenditures)	 1,500,000	
Emergency reserves	1,000,000	
 Current assets less reserves shown above:	 \$ 1,467,719	

In January 2022, we transferred \$55,000 as planned from the Village's savings account in the Maryland Local Government Investment Pool (MLGIP) to the checking account to cover expenses. We plan to transfer the same amount in February 2022.

Revenues from the state income tax are at historically high levels. One area of expenses to monitor is the street account, which includes leaf removal, cleaning, and maintenance; this account is currently running above budgeted amounts, mainly because the activities are seasonal. Nevertheless, they bear watching. There are sufficient financial reserves to cover approximately two years of expenditures in the event of a collapse of our usual revenues.

From: Niles Anderegg, Village Manager
To: Village Council
Subject: Village Office Update
Date: 2/15/2022

Overview

The Village Office provided support to the Election, Ethics, and Community Engagement Committees and the Public Safety Task Force. In addition, the Office is working on improving its communications by revamping the newsletter and creating a new “no parking request” webform so that people can submit requests for no parking signs entirely online. The Village Office, with the help of Council members, distributed covid test kits and masks to residents. If you are still interested in getting masks or test kits from the village office, please call or email.

Walkability Improvements

The Traffic Group has begun collecting data on Village streets, including Thornapple and Shepherd streets and Cummings Lane. The Village has ordered the temporary speed bump for Thornapple Street, which will be delivered within the next couple of weeks and be installed as soon as possible.

American Rescue Plan Funds

The Treasury Department has issued its final rule regarding the American Rescue Plan funds, which creates more flexibility for municipalities regarding how to spend the money and how to report the expenditures, especially for small municipalities such as ours. The provision most relevant to the Village is that the Treasury Dept. has changed their revenue loss provision, creating a standard allowance of ten million dollars. To be clear, this does not mean that the Village can spend up to ten million dollars; we still only have the allocated amount of \$900,000, but by applying the standard allowance provision, we can operate as if the Village had a revenue loss up to 10 million dollars. This means we don't have to prove that we lost any revenue to utilize the American Rescue Plan funds for “services traditionally provided by recipient governments.” This allows the Village to be more flexible in utilizing these funds while also reducing the burden of calculating our revenue loss. I, therefore, recommend to the Council that we take the standard allowance in our reporting to the state and Treasury Dept. on April 30th.

Utilities

Over the last couple of days, the Office has had conversations with WSSC and Washington Gas regarding work they will be doing in or around the Village. Washington Gas has submitted civil work orders to replace gas lines on the north end of the Village. The project aims to modernize the gas lines and address issues such as water in the lines. I will continue to follow up with Washington Gas as this work occurs. WSSC will be doing work on the water main on Brookville Road and in Section 3 and Section 5. This work is scheduled to begin in

March, although I don't have a specific time frame yet on when the work will begin on Brookville Road. In addition, Pepco added a new pole on Chestnut Street.

State Legislature

There are a couple of bills currently before the state legislature that our neighboring jurisdictions have asked us to support. One bill would streamline the process of notification for Charter amendments. Under current state law, we are required to publish notice of all Charter amendments in a newspaper of general circulation (i.e., *The Washington Post* or *Times*). This law would allow municipalities to utilize their newsletters and other outlets as means of giving notice to residents regarding Charter amendments, which would save municipalities money given the reasonably high cost of placing a notice to the *Post* or *Times*. The other bill currently before the state legislature regards ownership of streetlights. Currently, the utility owns streetlights in Maryland municipalities, but the municipality pays for the installation and electricity use of streetlights. Under this new bill, municipalities would have more direct ownership over their streetlights. Section Three has asked for our support on the Charter amendments bill, and the Village of Chevy Chase is asking the Village if we would send letters of support on the streetlight bill.

Consolidated VMA Resident/Qualified Voter Comments on Proposed 2022 Election Plan

The Council's posting of these comments neither implies agreement nor disagreement with their content; however, inaccurate, inflammatory, or slanderous assertions will not be posted

COMMENT #1 (followed by attachments)

Dear Council members,

Thank you for holding the special Council meeting tomorrow about the proposed 2022 election plan that was produced at the election committee meeting on January 6 and is currently posted on the VMA website. Andrew, thank you for specifically inviting the VMA residents to submit comments and recommendations to the Council about that plan.

A number of residents have been discussing the proposed election plan and 14 of us have combined our comments in the two attached documents. The first is our one-page summary of seven key issues, with the specific amendments (action items) that we recommend that the Council adopt to improve the January 6 election plan. The second attachment is the residents' combined recommendations memo to the Council, discussing those seven issues and the recommended amendments and explaining why we believe that Council action on these issues is essential.

We are providing these comments to the election committee as well. The format of the January 6 election committee meeting made it difficult for the residents to address the election rules and procedures, so we very much appreciate the opportunity to discuss the proposed 2022 election provisions in detail with the Council on January 18.

Thank you for your thoughtful consideration.

Sincerely,

Jean Sperling, Paul Weller, Naomi Naierman, Bill Catherwood, Lynn Welle, Holly Worthington, Peter Kahn, Susan Kahn, Paula Goldberg, Marty Langelan, Elizabeth Goldberg, Jeffrey M. Goldberg, Lois Edwards, and William LeoGrande

From: **Marty Langelan** <mjlangelan@gmail.com>

Date: Wed, Jan 19, 2022 at 2:32 PM

Subject: Residents' recommendations - List of signers

To: Andrew Kauders <Andrew.Kauders@martinsadditions.org>, Jeffrey Blander <jeffrey.blander@martinsadditions.org>, Arthur Alexander <arthur.alexander@martinsadditions.org>, Katie Howard <katie.howard@martinsadditions.org>, Susan Fattig <susan.fattig@martinsadditions.org>, <manager@martinsadditions.org>

Dear Niles and Council members,

For the record, here is the list of the residents who signed the Residents' Recommendations to the Council re: the proposed 2022 election plan. Eight additional people signed that shortly after the group sent it to you, bringing the total to 22.

Niles, please attach this list of signers to the documents in the official VMA file on the 2022 election.

Thank you again for the open, respectful, and collegial meeting about the election provisions last night.

With best wishes,
Marty

List of Signers:

Paul Weller
Naomi Naierman
Jean Sperling
Bill Catherwood
Lynn Welle
Holly Worthington
Peter Kahn
Susan Kahn
Paula Goldberg
Marty Langelan
Elizabeth Goldberg
Jeffrey M. Goldberg
Lois Edwards
William LeoGrande
Larry Wasson
Mark Shull
John Starrels
Judy Frieder Starrels
Anne Schmitt
Nancy Ferris
Craig Ferris
Kevin Marvelle

Summary: Recommendations for Council Action on the Proposed 2022 Election Plan

VMA has a long history of fair, trustworthy, independent elections. We respectfully ask the Council to make the following amendments to the proposed election plan that the election committee approved on January 6, 2022.

The core issues involve unnecessary obstacles for voters and candidates, the security of the election, and some potential structural bias in the proposed election regulations. For more information, please see the residents' recommendations memo to the Council.

A. Remove Unnecessary Obstacles:

1. Make the VMA election more voter-friendly. Let the election committee contact the voters who have ballot return envelope errors, let the voters fix at least some types of envelope problems, and then count all the valid votes on May 26. Don't just automatically revoke people's right to vote, if they make a mistake on the envelope.

2. Remove unnecessary complications for candidates. There's no reason to have two separate nomination and candidate filing dates. Having two different deadlines is just confusing and makes it harder for people to run for office. Please set only one nomination/filing date: March 25, 45 days before election day on May 10.

B. Protect Election Security:

3. Restore the election committee's responsibility for the voter roll. Reinstate the long-standing VMA requirement for the impartial, independent election committee (not the Council) to maintain the voter roll and issue the ballots. That's essential for a sound, fair election. The village staff assists the committee with the administrative work to update the voter data, but the independent committee has to verify and certify the voter roll before the election.

4. Ensure the security of the ballot drop box and the completed ballot envelopes. Having the election committee supervise a drop box for the sealed ballot envelopes at a public table on the sidewalk on May 10 is a very nice community service. But putting the drop box in the village office before May 10 presents security issues. Many people have keys to the village office, and many people may come through during the day. VMA just has a small wooden election box – it's not a big, heavy-duty, tamper-proof official State of Maryland drop box. Any evidence of tampering could potentially invalidate the election. It's an unreasonable burden to expect the VMA staff to safeguard the box 24/7. If anything unfortunate were to happen, the staff could unfairly face the blame. Per the state election requirements, drop boxes must also have security camera monitoring at all times, be accessible to voters with disabilities, be checked twice a day by the designated election officials, etc.

C. Other Issues:

5. Prevent potential structural bias in the 2022 election regulations. The timing of the election elements can affect the election results, and some of the proposed 2022 provisions could look like they may favor the incumbent candidates. That's easy to remedy: (a) move the contractor's ballot mailing date back two weeks to give all the candidates a level playing field; (b) hold the forum before the contractor sends out the ballots; and (c) mail the VMA information packet and candidate statements before people begin to vote.

6. Ensure that VMA's election procedures comply with best practices. The residents' recommendations memo has a handy checklist of the "best practice" actions that a VMA election committee would normally take.

7. Provide for fair, open, detailed community discussion of proposed election procedures. At the election committee meeting on 1/6, the format prevented any opportunity for public comments or questions as the votes were being taken. The new election plan was posted only 90 minutes before the meeting, many of the changes were not marked, and there were two different documents because the 1/6 draft substantially revised the 12/16 election plan and reverted to the 2021 regulations in some ways. It was very difficult for the residents to address any of the specific election provisions before the committee voted on them. The Council has been using a more open, inclusive meeting format this year. Please make sure the VMA committees will follow the Council's example, so the residents can discuss the election concerns at future election committee meetings.

RECOMMENDED ACTION ITEMS, per the residents' recommendations memo to the Council

All line citations refer to the proposed 2022 election plan dated 1/6/2022, currently posted on the VMA website.

Recommendation 1: Correcting Ballot Envelope Errors: Action: Line 144: Change May 23 back to May 26 to allow time for envelope corrections. Lines 146-150: Replace with: "Beginning shortly after 5 p.m., the election service provider shall examine the ballot envelopes without opening them, and identify those envelopes not in conformity with the envelope requirements. The provider shall then display each such non-conforming envelope to the committee members, and the committee will then decide whether each such envelope has the potential to be 'cured' of its deficiencies by contacting the voter identified by the control number on that envelope. However, ballot envelopes that are unsigned shall not be eligible for curing."

Recommendation 2: Removing Unnecessary Complications for Candidates: Action: Lines 85-94: Replace with: "The nomination period will open on February 18 and close at 6:00 p.m. on March 25, 2022. Nominations and all documents required for the candidate to be included on the official ballot must be received by the Committee no later than March 25. A thirty-minute grace period will be allowed for emailed nominations and documents to arrive in the Committee's inbox. Documents required of each candidate are the following: (a) their Candidate Statement, including their qualifications as well as any other information they deem relevant, and (b) their signed and completed Conflict of Interest Disclosure Form."

Recommendation 3: Voter Roll: Action: Lines 6-7: Replace with: "The Committee maintains the voter roll, accepts nominations of candidates . . ." Lines 55-57: Replace sentence "The Committee will utilize the most recent . . ." with: "The Committee shall develop the roll of voters with the assistance of Village staff, showing the name and address of each qualified voter. The Committee shall verify the voter roll for the annual election using the most recent available data and the standard VMA verification process, and certify the voter roll by signing it before forwarding it to the election service provider on or about April 5, 2022."

Recommendation 4: Drop Box: Action: Delete lines 137 through 139.

Recommendation 5: Level Playing Field: Action: Change the contractor's planned ballot mailing date from April 11 to April 25, and hold the forum before voters receive their ballots. Replace line 115 with: "After the Candidate Forum has been held, on or about April 25, the election service provider will mail via first class post . . ." Line 102: Change the word "or" back to "and" to provide the standard VMA election packet by mail to each household.

January 17, 2022

TO: The VMA Council

FROM: Paul Weller, Naomi Naierman, Jean Sperling, Bill Catherwood, Lynn Welle, Holly Worthington, Peter Kahn, Susan Kahn, Paula Goldberg, Marty Langelan, Elizabeth Goldberg, Jeffrey M. Goldberg, Lois Edwards, and William LeoGrande

Residents' Recommendations for Council Action on the Proposed 2022 Election Plan

The purpose of the Election Rules and Procedures Policy is to provide for free and fair elections in the Village of Martin's Additions and ensure that all qualified voters can freely exercise their right to vote. The VMA Charter established an independent election committee in 1985, and VMA has along history of fair, trustworthy, independent elections. We respectfully ask the Council to continue that tradition by making the following amendments to the proposed election plan that the election committee approved on January 6, 2022.

The core issues involve unnecessary obstacles for voters and candidates, the security of the election, and some potential structural bias in the proposed election regulations. All line citations refer to the 2022 election plan dated 1/6/2022, currently posted on the VMA website.

Remove Unnecessary Obstacles

Recommendation 1. Make the VMA election more voter-friendly.

There's no reason to set up unnecessary voting barriers. VMA has no voter signature file or signature-matching software. The assigned ballot control numbers identify each voter. Ballot envelope errors are common. People who are juggling kids, jobs, Covid and a variety of other challenges can make mistakes, smudge their writing, or spill their coffee on the envelope. Is it really necessary to disqualify voters for such common, everyday factors?

At least twenty states now provide ways for voters to correct mistakes on the ballot return envelope. In all fairness, VMA should do the same – there's no reason to turn a minor error into a barrier that costs VMA residents their right to vote. Montgomery County and other local Maryland Boards of Elections use "every resource available" to contact voters about mail-in ballots with missing signatures as well as a variety of other ballot envelope imperfections, reaching out by phone, cell numbers, email, etc., so the voters can fix the problem and have their ballots count. An unreadable envelope affidavit, even an unsigned one, can easily be replaced with a substitute affidavit, signed after the election officials contact the voter.

Many VMA elections are decided by only a few votes, which makes it even more important for every valid vote to be counted.

The 2021 VMA election was unusual – it was the first time in many years (perhaps the first time ever) that VMA automatically disqualified voters for routine envelope errors, with no recourse. In response, the 2022 election committee approved some easy, practical provisions to remedy that, to return to VMA's traditional voter-friendly approach. As the 12/13 committee meeting minutes

show, the 2022 committee reached a compromise – they voted (a) to accept Arthur’s insistence that any unsigned envelopes must be rejected without recourse, and (b) to give VMA residents a chance to cure any other envelope problems, such as “smudged or water-damaged signatures, [or]family members using the wrong envelope.”¹¹ The simple envelope-curing procedures can be based on those of Montgomery County and other local jurisdictions.

At the 1/6 committee meeting, George overrode that decision by asking the remaining three- person committee to remove the brief time period allowed for such corrections. He presented it asa vote to change the date for the vote-count from May 26 to May 23, but the effect was to cancel the previous decision and eliminate any way for VMA’s voters to cure envelope problems. It was an unstated reversion back to the unnecessarily punitive rule that was applied in 2021 – to disqualify VMA voters with no recourse.

Please respect the VMA voters – and the careful work of the five-person committee – by reinstating the provisions the full committee approved on 12/13: Let the committee contact the voters who have envelope errors (other than a missing signature, per Arthur’s exception), let the voters fix the problem, and then count all the valid votes on May 26. Ideally, VMA would allow voters to correct missing signatures as well. That is a simple, reasonable courtesy to our neighbors,as well as a better way to run an election. Revoking residents’ right to vote is a harsh penalty. Let’s at least give VMA’s voters a way to fix some minor envelope mistakes.

Action: Line 144: Change May 23 back to May 26 to allow time for envelope corrections. Lines 146-150: Replace with: "Beginning shortly after 5 p.m., the election service provider shall examine the ballot envelopes without opening them, and identify those envelopes notin conformity with the envelope requirements. The provider shall then display each such non-conforming envelope to the committee members, and the committee will then decide whether each such envelope has the potential to be ‘cured’ of its deficiencies by contacting the voter identified by the control number on that envelope. However, ballot envelopes that are unsigned shall not be eligible for curing."

Recommendation 2. Remove unnecessary complications for candidates.

For years, VMA’s election ordinance set one date for candidates: All nominations and candidate paperwork are due 45 days before election day. Last year, with no explanation, there suddenly were two dates, one for nominations and a separate date for candidate filings. Why? That serves no useful purpose. Imposing a new requirement to meet two different deadlines only creates a second hurdle for the candidates to jump. The committee has provided no factual justification forthat extra deadline. It not only is confusing, but effectively forces candidates to make their decisions earlier, which can deter residents from running for office.

Per the election ordinance, all candidates have the right to file up to 45 days before election day.A separate nomination requirement, 52 days before the election, appears to conflict with the statutory right to file.

Election rules should be clear and well grounded. There was no reason for the unwarranted complication last year, and there’s no reason to continue it this year. Every resident who is willing

to step up and serve on the Council is doing our community a favor, to make local self-government work. It's no service to VMA to make it harder for people to run.

VMA benefits from more candidates, not from more obstacles. Please delete the arbitrary March 18 nomination date and re-establish a single, clear, consistent nomination/filing date, in keeping with past practice: March 25, 45 days before election day on May 10.

Action: Lines 85-94: Replace with: "The nomination period will open on February 18 and close at 6:00 p.m. on March 25, 2022. Nominations and all documents required for the candidate to be included on the official ballot must be received by the Committee no later than March 25. A thirty-minute grace period will be allowed for emailed nominations and documents to arrive in the Committee's inbox. Documents required of each candidate are the following: (a) their Candidate Statement, including their qualifications as well as any other information they deem relevant, and (b) their signed and completed Conflict of Interest Disclosure Form."

Protect Election Security

Recommendation 3. Restore the election committee's responsibility for the voter roll.

VMA has long required the election committee to take responsibility for maintaining the voter roll, to protect the security and structural integrity of the elections. The voter roll is the core of the election – it's the legal document that determines who gets a ballot. There's been a routine election committee process to update and verify the voter roll for many years. An accurate, independently verified voter roll is essential for a fair and secure election.

Per the original Election Rules and Procedures ordinance, the 2022 draft election plan said: "The Committee maintains the voter rolls, accepts nominations of candidates for the Village Council, and oversees the annual election." The committee unanimously approved that in November, and the same language was in the plan presented at the 12/16 Council meeting.

Last year, the 2021 committee deleted that voter roll provision and assigned the responsibility to the village staff (the Council members' employees). That was unprecedented; no previous election committee had ever agreed to do that. In effect, it put the Council in charge of running its own election; suddenly, the Council staff was deciding who could vote and issuing the ballots. It also compromised the accuracy of the election – there were so many invalid ballots in 2021 that it could have changed the election outcome, and the lack of voter roll verification left VMA vulnerable to potential voting fraud. There was no open public election committee meeting about that decision last year, and no justification for that serious structural change.

The 2022 committee corrected the problem, transferring the responsibility back to the independent committee. But then on 1/6 George reverted back to 2021. He deleted the voter roll provision when he presented his revised election plan on 1/6. The deletion was not marked on the 1/6 draft. There was no separate committee decision or vote on 1/6 to have the Council run the 2022 election, and no basis to make that major change in the overall 2022 election plan.

Please correct the proposed 2022 election plan to reinstate the long-standing VMA requirement for the committee to independently confirm the voter roll and issue the ballots. It's essential for a sound, fair election.

Please note that under either structure, the village staff will assist with the preliminary administrative work to compile the voter data. The question is whether an impartial, independent committee will supervise the process, verify the voter list, and send out the ballots, or whether the Council will control the voter roll and issue the ballots with no checks and balances and no independent oversight.

Action: Lines 6-7: Replace with: "The Committee maintains the voter roll, accepts nominations of candidates . . . "

Lines 55-57: Replace sentence "The Committee will utilize the most recent . . ." with: "The Committee shall develop the roll of voters with the assistance of Village staff, showing the name and address of each qualified voter. The Committee shall verify the voter roll for the annual election using the most recent available data and the standard VMA verification process, and certify the voter roll by signing it before forwarding it to the election service provider on or about April 5, 2022."

Recommendation 4. Ensure the security of the ballot drop box and the completed ballot envelopes.

Voting by mail is easy. The ballot return envelopes have prepaid postage, and the corner mailbox is generally close and convenient. In addition, this year's committee also agreed to provide and supervise a drop box for the sealed ballot envelopes at a public sidewalk table from 5 to 8 pm on election day, May 10. The committee would then immediately count and secure the sealed envelopes and send them to the election contractor that evening. If the Covid situation permits public gatherings in May, a public drop box for the ballot envelopes on the evening of May 10 could indeed be a nice community service.

However, the committee also voted on 1/6 to place the drop box in the village office for an unspecified period of time prior to May 10. The Council may wish to reconsider that for several reasons:

- (a) The Maryland State Board of Elections stipulates that drop boxes will be checked and emptied twice a day by the designated election officials. It would be quite a burden on our small election committee to have a team of at least two committee members check the box and FedEx the ballot envelopes to the contractor twice a day. And of course, no committee member can store any live ballot envelopes at home – if any committee member did that, even temporarily, it could all too easily jeopardize the security of the election and lead to allegations of lost ballots and election tampering.
- (b) Maryland state law (i) requires that ballot drop boxes must have security cameras monitoring the box at all times, and (ii) strongly recommends that the boxes be placed in locations that are accessible to voters with disabilities. It's not clear that the VMA office can meet either of those conditions.
- (c) Many people have keys to the village office, and many people may come through during the course of a day. VMA has a small wooden election box with a tiny padlock – it's not a big, heavy-

duty, tamper-proof official State of Maryland drop box. It is an unreasonable burden on the VMA staff to expect them to physically safeguard the completed ballots in that small wooden box 24/7 for several days or weeks. No candidates or their election teams can have unsupervised access to the box at any time; Council members and staff are not permitted to handle live ballot envelopes during VMA elections; and if anything unfortunate were to happen, the VMA staff could unfairly face the blame. Any evidence of tampering could potentially invalidate the election.

To protect the security of the election (and protect the staff), please amend the proposed election plan to remove the provision about providing a drop box for completed ballot envelopes in the village office.

Action: Delete lines 137 through 139.

Prevent Potential Election Bias

Recommendation 5. Correct the potential structural bias in the 2022 election regulations.

The timing of the election elements can affect the election results. In 2020, with a May 15 election day, the ballots were sent to the voters at the end of April, a month after the candidates were announced and a few days after the candidate forum. That leveled the election playing field by giving the new candidates a month to introduce themselves to the voters, circulate their candidate statements, answer questions, and present their positions at the forum, before the residents began to vote. Incumbent candidates are often well known to the voters; their Council service already gives them community visibility and name recognition. In 2020, both the incumbents and the challengers had time to describe their priorities, talk with the voters, and answer the community questions at the forum, before the contractor mailed the ballots out.

Setting an unusually early date to issue the ballots cuts the timing short and can favor the incumbents. The proposed 2022 election plan would instruct the contractor to mail the ballots on April 11 this year. That's only 17 days after the candidate filing date. The 2022 plan does not specify when the committee will announce the candidates, when the committee will publish the candidates' statements, or when the forum will be held.

It's not clear why the 2022 committee chose the April 11 date, but minimizing the time for candidates to reach out to voters before the ballots arrive can skew a local election by unfairly disadvantaging the new, less well-known candidates. The incumbents already have the benefit of public familiarity; the newcomers do not.

It's also important to have the candidate forum up front, to ensure that the voters can meet all the candidates before they fill out their ballots. Residents rely on the forum to make their decisions about which candidates to support. Putting the ballots in voters' hands before the forum can benefit the incumbents.

The proposed 2022 election plan also removes any obligation to mail the candidates' statements to the voters. That change was made without public discussion or a committee vote, and it does not appear to serve the best interests of either the residents or the candidates.^{2/} Mailing out the VMA election info packet helps to establish a level playing field. Not every voter is online; and

even for those who are computer wizards, receiving the standard VMA election packet by mail can make it easier to see and compare who's running for office.

The combined effect of those election provisions can create structural bias in an election. Encouraging residents to vote before the newcomers can get their message out tends to favor the incumbents. Let's make sure that voters have the candidate forum and the packet of candidate statements in hand before the ballots arrive.

The committee's primary responsibility is to ensure that VMA elections are fair and even-handed. There's no reason for the 2022 plan to fall short of that standard. It's easy to provide an election that could be perceived as fairer: (a) move the contractor's ballot mailing date back two weeks to give the candidates time to campaign, (b) hold the forum before the contractor sends out the ballots; and (c) mail the election information packet and candidate statements before people begin to vote.

Action: Change the planned ballot mailing date from April 11 to April 25, and hold the forum before voters receive their ballots. Replace line 115 with: "After the Candidate Forum has been held, on or about April 25, the election service provider will mail via firstclass post . . . "

Line 102: Change the word "or" back to "and" to provide the standard VMA election packet by mail to each household.

Other Comments and Recommendations

Recommendation 6. Ensure that VMA's election procedures comply with best practices.

We applaud the 2022 election committee for making a number of changes this year that are a significant improvement. For example, providing a way for residents to submit their candidate forum questions anonymously is important, to make sure that voters can ask substantive questions. In past years, many of the residents who sent in questions for the forums preferred to do so anonymously, and VMA has facilitated that (2021 was the first time an election committee ever prevented the voters from submitting anonymous questions). It's good to see that a fully confidential option will be back.

We hope the Council will also make sure that the 2022 election follows other sound, standard VMA practices. Below is a handy checklist of some of the "best practice" actions that a VMA election committee would normally take:

- a. Certify the final verified voter roll before issuing any live ballots to voters (in this case, before sending it to the mail-vote contractor).
- b. Check the required documentation before adding new voters, per the standard voter roll verification process used in previous years.
- c. Provide the candidate statements, official election and forum notices, and voting instructions by mail, not merely online or in the village office.
- d. Follow the official written forum procedure; the committee approved that in 2016 and it has been used ever since. Provide a means by which residents can submit forum questions to the committee without attaching their names.

- e. Instruct the contractor to rotate the candidates' names on the ballot format to prevent **positional bias, per the normal VMA practice.**
- f. Review the proposed ballot format for spacing and clarity, particularly with regard to the blank lines for the write-in votes.
- g. Confirm that the contractor will assign a random 6-digit security control number to each voter, print that number on the voter's ballot return envelope, and provide postage-paid return envelopes.
- h. Accept as valid any ballot return envelopes where voters within the same household have just switched their return envelopes by mistake; those votes should be counted.
- i. Determine clear public rules in advance about which ballot envelopes will be curable, and on **what substantive basis ballot envelopes will be accepted or rejected.**
- j. Carefully proofread each element of the contractor's draft ballot mailing packet and make sure the voting instructions are clear and complete; the entire committee should review the draft documents and vote to approve the packet before authorizing the contractor to send it to the voters.
- k. Ensure that there is a written (email) record when the committee contacts the contractor to add any new voters, delete voters, or issue replacement ballots. For replacement ballots, the contractor must cancel the previous ballot security number before sending the voter a new ballot and new security number.
- l. Instruct the contractor to put postal tracking codes on both the incoming ballot packets and the return ballot envelopes. Check to see how many return ballots are still in transit at the end of the voting period (May 23 this year).
- m. Allow all interested residents to view the envelope-adjudication and vote-counting process by Zoom or other remote means.
- n. If the candidates (or their representatives) raise specific objections during the envelope-adjudication and vote-counting process, resolve such objections in an open public meeting with candidate input before certifying the final vote count. Determine clear public rules in advance as to how such objections will be resolved.
- o. Publicly report all votes received, including the name and number of votes for each write-in candidate.
- p. Publicly report the number of ballots or votes that were disqualified, and the reasons for the disqualifications.

Recommendation 7. Provide for fair, open, detailed community discussion of proposed election procedures.

Thank you for your careful consideration of VMA's 2022 election provisions. We appreciate the opportunity to discuss these issues with the Council.

At the election committee meeting on 1/6, there was no opportunity for public comments or questions as the votes were being taken. In a sharp departure from all the previous election committee meetings this year, at the 1/6 meeting the new committee chair chose to use a more restrictive format that allowed residents to speak only at the beginning and end of the meeting. The revised draft of the election plan was posted only 90 minutes before the meeting; there was no public list in advance about the 12 items the committee would vote on; and many of the changes were not marked in the draft – so it was very difficult for the residents to address any of the specific regulatory provisions before the committee voted to approve them. It was also

troubling to see the way the 1/6 draft revised the 12/16 election plan and reverted to the 2021 regulations in many areas, with no specific votes on some significant changes or even a public committee acknowledgment that that was being done. When the previous committee chair tried to present a brief summary of the major changes in the draft on 1/6, the new chair cut him off.

We very much appreciate the way the Council has chosen a more open, collegial format at the Council meetings this year, to allow meaningful community discussion on the agenda topics, item by item. Good open government meetings make a real difference. Please ensure that the VMA committees will follow the Council's example and provide that same kind of open, productive, inclusive format as we go forward, so the residents will be able to address any election concerns at the future election committee meetings.

We are providing these recommendations directly to the Council because the 2022 election plan is now in your hands. We are also sending them to the committee, as the new committee chair requested. Thank you for the courtesy and respect of allowing the residents the opportunity to discuss the specific election regulations at this Council meeting.

Respectfully submitted by: Paul

Weller

Naomi Naierman

Jean Sperling Bill

Catherwood Lynn

Welle

Holly Worthington

Peter Kahn

Susan Kahn Paula

Goldberg Marty

Langelan

Elizabeth Goldberg

Jeffrey M. Goldberg

Lois Edwards William

Leo Grande

1/ Excerpts from the 12/13 election committee minutes:

Arthur: There's all kinds of curing. The ones you mentioned are curable – signatures that are hard to make out. Committees in the past have worked that through by trying their best to address the will of the voter. There are occasions where there has been a spill and smear. They've happened in the past & been fixed.

We've had legal counsel in the past that spouses using each other's ballot envelopes is something that the Committee can vote to accept. [...]

Arthur's proposal is not to cure unsigned ballot envelopes but to do what we can on the other ones. [...]

George: I think that we should go forward with not curing unsigned ballots.

Proposal is to remove the language that allows curing of unsigned ballots. Committee would continue to take all reasonable steps to address other issues (such as smudged or water- damaged signatures, family members using the wrong envelope, etc.) George moves. Leah Seconds. Vote is 4-1 (P Kahn votes No).

2/ The 12/16 election plan said: “We will publish the election information and candidate statements by email, by posting on the Village’s website, and in the mailed election packet....”

The revised election plan replaces the word “and” with “or,” deleting the requirement to mail the candidate statements to the voters. That’s now become optional; there’s no obligation to mail the candidate statements for the 2022 election. Almost all of the past election committees have mailed the candidate statements and election information to every VMA household so the voters can easily compare the candidates’ statements. That’s a basic public service to both the voters and the candidates. Like the candidate forum, it serves as one important way to provide a level field for all the candidates.

Removing the standard election mailing is a significant change. That change was not marked in the draft presented at the 1/6 committee meeting, and there was no committee vote or discussion on 1/6 to make the mailing packet optional – which raises questions about how that change appeared in the election plan. See lines 101-105 in the 1/6 election plan and lines 100-104 in the 12/29 draft, compared to the 12/16 election plan.

This appears to be another deletion to revert to the 2021 election procedures. The full 2022 committee thought it was important to mail the election information as a public service, but the draft now reflects the 2021 election rule to permit the committee to omit the mailing. The 2021 rule is less helpful to the voters and the candidates.

As noted above, it is easy to remedy this by simply changing “or” back to “and” in line 102 of the proposed 2022 election plan.

COMMENT #2 (followed by attachments)

rom: **Paul Weller** <pweller@agriwashington.org>
Date: Mon, Jan 17, 2022 at 5:09 PM
Subject: Re: recommendations for 2022 election plan
To: Marty Langelan <mjlangelan@gmail.com>
Cc: George McAleese <gmcale1@gmail.com>, Leah Craft <leah@feedthefridge.org>

Thanks, Marty. Here are more comments that should be copied to the VMA Council, along with previous election guidelines that were accepted by the previous councils. I assume that you will send them to the Council with your submission. I assume that they be considered to make slight revisions to the December 13th draft approved by the full committee. Many thanks.

Paul

From: Marty Langelan <mjlangelan@gmail.com>
Date: Sunday, January 16, 2022 at 8:18 PM
To: <pweller@agriwashington.org>
Subject: recommendations for 2022 election plan

Hi, Paul,

Here are our recommendations for the council about the proposed 2022 election plan, for the special council meeting on Tuesday evening Jan 18.

I hope that you and a number of other concerned residents will sign this with us. And of course people can give the council additional recommendations as well.

Hugs --

Marty

COMMENTS ON VMA ELECTIONS PLAN:

COMMENT 1:

To those concerned about the changes in the draft under discussion at tonight's Election Committee meeting, here are some issues that I believe to be of interest.

It is important to be aware that a number of significant changes have been made to the draft circulated for discussion at the Election Committee meeting tonight, as compared to the Election Committee draft that was submitted to the Council on December 16. None of these changes were adopted by a public vote of the Committee. Changes made without annotation appear in the newly circulated draft without any identifying marks to indicate that a change has been made.

Most significantly, a number of these changes represent a reversion, in fact but not in name, to the 2021 plan. Yet we have been told that we are not voting on any aspect of the 2021 plan, but instead are simply voting on a few changes to 2022 plan developed by the Committee. In reality, this draft would reinstate provisions of the 2021 plan and materially change the character of the 2022 election itself.

Here's the list of such items that I was able to identify:

1. The preamble paragraph, at line 7, removes any reference to the Committee's longstanding legal responsibility for the accuracy of the voter roll. This has been controversial in the Committee, not agreed upon, and it is fundamental to the integrity and security of the election. The 2021 election plan was the first time that an Election Committee declined to acknowledge this responsibility.
2. All language pertaining to ballot curing has been removed from the newly circulated draft, without annotation; see lines 147-160 in the newly circulated draft. In fact the Committee voted to include such language, both in its vote on the overall draft at the November 15 meeting, and at our December 13 meeting including Arthur's proposed exception as to unsigned envelopes.
3. A sentence from the December 16 draft that reads "Conflict of interest forms will be examined for completeness before announcing the candidates, and candidates will be provided a one-day period after nominations have closed to correct any incompleteness" has been removed without annotation. I'm not sure what the result would be - that candidates who submit incomplete COI forms would be immediately disqualified, or that incomplete COI forms will be accepted. Both are obviously bad — the first excludes candidates for technical mistakes on standardized forms (benefitting the other candidates), the second possibility allows candidates to run who do not meet the qualifications for office. This change was not announced or annotated, and was not voted on by the Committee, while the preceding draft had been.
4. Candidate announcements and statements will be sent out by the Committee. In the original draft, we proposed to send out these announcements by multiple means, to ensure easy access to all: by email, by posting on the Village website, by posting in the Village office, by mail delivery, as well as in the election packet. In line 101 of the newly circulated draft, this practice of delivery by multiple means is no longer assured; rather, the new document joins them by "or" rather than "and," suggesting that not all such measures will be used. This is an unannotated, un-voted-on reversion to the 2021 plan language. Too bad for those not used to getting their information from the method the Committee chooses.
5. The December 16 Committee draft stated that questions for the Forum may be sent to the Committee "by any reasonable means the voter finds convenient." The new draft, lines 109-110, changes this, without announcement, to "by the means specified by the Committee." Too bad, again, for those not used to using whatever means the Committee specifies.

6. All reference to the role of the Committee in developing the voter roll in the Section “Election Rules and Procedures” has been removed without annotation in the new draft, see lines 114-127. This is a separate removal from that mentioned earlier in the first paragraph, number 1 above.

7. Reference to an opportunity to cure errors in envelope affidavits has been removed from lines 114-127; this again is a separate removal from that listed in item number 2 above.

8. Removed without annotation in approximately lines 132-136 of the new draft: “The dropbox will be available at a table in front of the Village office and staffed by members of the Election Committee.” In its place appears the language in item 5 in the new text annotated in green, that the dropbox “may be placed in the Village office during a period prior to Election Day.” An unattended drop box containing “live” ballots left for an unspecified period of time in the Village office raises concerns about ballot security, and also presents obstacles for those unable to climb the stairs to the Village office.

9. Line 160 in the new draft removes without notice the December 16 draft’s language that stated, “Objections will be considered and resolved in the sole discretion of the Election Committee.” There is no commitment whatever in the current draft to consider or resolve objections to the ballot counting process.

These unannounced changes may have been a simple oversight by the drafter, but the effect of many of them is to make the election less fair, less secure, and less transparent for candidates and voters, and many revert to the terms of the 2021 plan, though this is not stated anywhere in the draft.

COMMENT 2:

Happy new year, and thanks for serving on the Election Committee (not to mention helping to write the VMA Charter back in 1985!). It was fun to talk with you this afternoon.

This situation is about good, open government process, as well as good election provisions. The sooner the Council can introduce and adopt the 2022 election plan, the sooner you can help us all get back to clean elections here. The 2022 and 2021 election plans are not equivalent: One was lawfully produced in open meetings; the other was not. One establishes a secure, independent election; the other does not.

There’s a real question about whether it was even legitimate for VMA to use the 2021 election plan last year.^{1/} There’s certainly no justification to re-adopt it this year. The 2022 Election Committee held multiple open meetings and public votes, including a unanimous 5-0 vote in November to approve the overall 2022 plan. By any objective measure, the 2022 plan is a significant improvement.^{2/} The VMA Charter has always required independent elections, free of Council and staff interference. The 2022 plan does that – it revises most of the problematic provisions from 2021, and re-establishes the election firewall. It also strengthens the structural provisions against ballot fraud, reduces the staff workload, and provides a fairer, more secure, more democratic election for VMA voters.

Some Council members made incorrect public comments in November and December about various Committee votes and election provisions. Before the next Committee meeting, you might want to talk with Peter Kahn to clarify some of the facts, including what actually happened re: the grace period issue.^{3/} I’ve included a short summary note below with some perspective on what led up to the resignations.

The Council has the authority to introduce the 2022 plan as presented in December, with or without further Committee votes. If the remaining 3-person Committee were to undo any election provisions that were approved by the 5-person Committee, it could really make the current tensions explode. That’s the last thing you need.

The 2021 election was the first time a VMA Election Committee ever disenfranchised voters whose ballot envelopes had valid control numbers, the first time a Committee wrongfully tried to exclude a candidate (Katie), the first time a Committee unduly restricted the voters’ ability to submit forum questions, and the first time a Committee disavowed its legal responsibility to verify the voter roll. It was the first time in many years that VMA was vulnerable to

election fraud. The contractor issued so many illegitimate ballots in 2021 that it could have determined the election outcome, if the attentive residents hadn't raised the alert.

It was weird to have the 2021 Committee being run by the former Council chair, Tiffany, and it was the first time in decades that VMA didn't appoint any experienced election officials to the Election Committee.

Please give me a call any time if you'd like more information about VMA's normal election procedures, the origins of the 2021 election plan, or an operational analysis of any proposed election provisions. You sure picked a heck of a year to kindly volunteer for the Election Committee – and I am so glad you're on it.

Summary: Recommendations for Council Action on the Proposed 2022 Election Plan

VMA has a long history of fair, trustworthy, independent elections. We respectfully ask the Council to make the following amendments to the proposed election plan that the election committee approved on January 6, 2022.

The core issues involve unnecessary obstacles for voters and candidates, the security of the election, and some potential structural bias in the proposed election regulations. For more information, please see the residents' recommendations memo to the Council.

A. Remove Unnecessary Obstacles:

1. Make the VMA election more voter-friendly. Let the election committee contact the voters who have ballot return envelope errors, let the voters fix at least some types of envelope problems, and then count all the valid votes on May 26. Don't just automatically disqualify people if they make a mistake on the envelope.

2. Remove unnecessary complications for candidates. There's no reason to have two separate nomination and candidate filing dates. Having two different deadlines is just confusing and makes it harder for people to run for office. Please set only one nomination/filing date: March 25, 45 days before election day on May 10.

B. Protect Election Security:

3. Restore the election committee's responsibility for the voter roll. Reinstate the long-standing VMA requirement for the impartial, independent election committee (not the Council) to maintain the voter roll and issue the ballots. That's essential for a sound, fair election. The village staff assists the committee with the administrative work to update the voter data, but the independent committee has to verify and certify the voter roll before the election.

4. Ensure the security of the ballot drop box and the completed ballot envelopes. Having the election committee supervise a drop box for the sealed ballot envelopes at a public table on the sidewalk on May 10 is a very nice community service. But putting the drop box in the village office before May 10 conflicts with some state election requirements – e.g., drop boxes have to be emptied twice a day by the designated election officials, must have security camera monitoring at all times, and should be accessible to voters with disabilities. Security is an issue – many people have keys to the village office, and many people may come through during the day. VMA just has a small wooden election box – it's not a big, heavy-duty, tamper-proof official State of Maryland drop box. Any evidence of tampering could potentially invalidate the election, and if anything unfortunate were to happen, the VMA staff could unfairly face the blame.

C. Other Issues:

5. Prevent potential structural bias in the 2022 election regulations. The timing of the election elements can affect the election results, and some of the proposed 2022 provisions could look like they could favor the incumbent candidates. That's easy to remedy: (a) move the contractor's ballot mailing date back two weeks to give all the candidates a level playing field; (b) hold the forum before the contractor sends out the ballots; and (c) mail the VMA information packet and candidate statements before people begin to vote.

6. Ensure that VMA's election procedures comply with best practices. The residents' recommendations memo has a handy checklist of the "best practice" actions that a VMA election committee would normally take.

7. Provide for fair, open, detailed community discussion of proposed election procedures. At the election committee meeting on 1/6, the format prevented any opportunity for public comments or questions as the votes were being taken. The new election plan was posted only 90 minutes before the meeting, many of the changes were not marked, and there were two different documents because the 1/6 draft substantially revised the 12/16 election plan and reverted to the 2021 regulations in some ways. It was very difficult for the residents to address any of the specific election provisions before the committee voted on them. The Council has been using a more open, inclusive meeting format this year. Please make sure the VMA committees will follow the Council's

example, so the residents can discuss the election concerns at future election committee meetings.

COMMENT #3 (followed by attachments)

Dear Martin's Additions Council,

I'm addressing this email directly to you so that you have it before tomorrow night's Council meeting in which it appears the policies and procedures for the 2022 Council election will be introduced. I hope my suggested edits as well as their accompanying comments are helpful to you as you deliberate.

Of note:

- I appreciate the Committee's work from the fall, especially their most recent meeting during which they discussed and voted on explicit language that reflected previous meetings and votes from earlier in the fall. It was clear what they were voting on, and I based my edits and comments on the document they unanimously approved at the end of their last meeting.
- In order to help with traceability and ease of reading, I kept the Committee's line numbers. While I couldn't figure out how to keep the pages the same (even before I began editing), the line numbers should help with any comparison.
- I also track changed any suggested edits into the document so that any changes are clear, adding comments where it seemed explanation may be helpful.
- Also, while a "next step" in the process, sending a reminder that the 2021 vote counting procedures remain on the Village's public website. As you may recall, these were informed by the 2020 Committee's internal document with enhancements from lessons learned, vendor recommendations, resident comments, as well as legal counsel. [http://cms6.revize.com/revize/martinsadditions/2021%20Vote%20Counting%20Procedures%20vFINAL%20\(adopted%20by%20Council\).pdf](http://cms6.revize.com/revize/martinsadditions/2021%20Vote%20Counting%20Procedures%20vFINAL%20(adopted%20by%20Council).pdf)

Again, I hope these suggested edits and accompanying information is helpful to you and am ready to answer any questions you may have.

Thank you for your continued service and consideration.

Sincerely,
Tiffany Cissna

1 Draft 1/6/2022

2 2022 Ordinance:

3 Election Rules and Procedures and 2022 Plan

4 The Village of Martin's Additions (Village or VMA) is governed by a municipal Charter that provides for a
5 five-
6 member elected Council to appoint an Election Committee ("Committee") that operates according to
7 rules and procedures adopted by the Council, pursuant to Section 602 of the Village Charter (Charter). The
8 Committee accepts nominations of candidates for the Village Council and oversees the annual
9 election.

9 Village Council Election Process

10 The election of Village Council members takes place on a date determined from year to year in
11 accordance with Section 602 of the Charter. Council members are elected to terms of two (2) years. The
12 number of seats open on the Council alternates between two (2) and three (3) seats every other year;
13 vacancies are filled per Section 408 of the Charter. All elections are managed by the Committee. The
14 Committee consists of a minimum of three, but preferably no fewer than five, qualified voter
15 volunteers appointed by the Council. The Council may appoint additional qualified voters as short-
16 term ~~assistant Election~~ Committee members, as needed. Committee members shall complete an Oath
17 and a Conflicts of Interest form, as provided by the Village, consistent with Village Policy. Each year
18 the details of the election cycle for that year are published in the Village newsletter and on the Village
19 website. The following
20 rules and procedures apply:

21 1. Consistent with the Village Charter, ~~No no~~ later than sixty (60) days prior to Election Day, the Committee
22 will open the nominations
23 period and request that declarations of candidacy and nominations of candidates be submitted in
24 writing to the Committee inbox. Any qualified voter may declare their candidacy or be nominated by
25 another qualified voter according to the election rules and procedures. Qualified voters who nominate
26 someone other than themselves must include an email or signed written statement from the proposed candidate
27 expressing his/her consent to be nominated. Anonymous nominations are not permitted. All nominations must
28 be received in the Committee inbox by the deadline set by the Committee.

29 2. All nominated candidates shall submit (a) a statement of interest and qualifications, and (b) a
30 conflict of interest disclosure statement, in a form provided by the Village. The Election
31 Committee may specify standard formatting for the candidate statements and any standard
32 questions to which all candidates are requested to respond.

33 3. The Committee must receive all nominations and required candidate submissions in writing in the
34 Committee inbox at by a date and time specified by the Committee
35 29 least forty five (45) days prior to the election, in order for the candidate to be placed on the
36 official ballot. No nominations or candidate submissions will be accepted by the Committee if
37 received later than the deadlines specified here.

38 4. The Committee may establish a format, date and time for a public candidate forum for qualified voters
39 and residents to hear from the candidates. The forum shall be moderated by the Committee at its
40 sole discretion. If such a forum is created, qualified voters are encouraged to send proposed questions to the
41 Committee via email (VMAElections@martinsadditions.org) by the Committee-specified deadline or be

Commented [MOU1]: It appears that this may be another effort at "evergreen" rules and procedures with a specific 2022 Plan. Edits made based on that understanding.

Commented [MOU2]: just helps to know where the deadlines come from

Commented [MOU3]: This language or similar has been used previously to address previous unwelcome nominations and timing questions.

Commented [MOU4]: There is no 45-day requirement in the Charter or the Code. Recommend just saying "date specified by the Committee" to avoid confusion.

Commented [MOU5]: clarifying forum is for _candidates_ to be heard

prepared to ask them if/when called upon during the forum. The Committee will not receive questions via phone or otherwise.

Commented [MOU6]: provides for transparency and reportable accountability. arose from committee discussion post the 2020 forum.

35 5. Pursuant to Charter Section 602(b), no later than two (2) weeks prior to the election, the
36 Committee shall publish the written statements of the candidates for office, the official
37 election notice and forum notice, and general voting instructions.

38 6. Pursuant to the Charter and these rules and procedures, each qualified voter may cast a
39 ~~mail in~~ ballot provided by the Committee, subject to the schedule publicly announced by the
40 Committee.

*1 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.”*

41 7. Blank lines will be placed on the ballot for the purpose of adding write-in candidates at the
42 time of the election. A successful write-in candidate shall be required to submit a Conflicts of
43 Interest disclosure statement no later than seven (7) business days following the election.

44 8. In the event that two or more candidates receive the same number of votes where only one can
45 be elected, there shall be a runoff election within two weeks of Election Day. The Council will instruct the
Committee to hold the runoff election consistent with the relevant provisions of the Charter. In this election,
46 ~~runoffs shall be held by mail.~~

Commented [MOU7]: Makes “evergreen” and consistent with Charter.

47 9. Each candidate may designate one person as an official observer to be present in-person or virtually, as
appropriate, when the
48 ballots are being counted. Other qualified voters may also observe, although no observer may participate in
or otherwise 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.

Commented [MOU8]: Consistent with prior legal counsel.

49 Who Can Vote?

50 Pursuant to the Charter Section 301, a qualified voter is “any person who owns property or any
51 resident of Martin’s Additions who is eighteen years of age or over.” This includes students who reside
elsewhere during the school year but maintain their permanent address in Martin’s Additions (e.g., college or
boarding school students). In the case of students such as
52 ~~college or boarding school students, a student who resides elsewhere during the school year but who~~
53 ~~maintains a permanent address in Martin’s Additions is deemed a resident and entitled to vote in the~~
54 ~~Village Council election. Voters in Martin’s Additions need not be registered to vote in Montgomery~~
55 ~~County or in the State of Maryland and need not be U.S. citizens. The Committee will utilize the~~
56 ~~most recent electronically available voter roll provided by the Village office resident contact information to~~
57 ~~verify voters’ names and~~
58 ~~addresses.~~ New voters may request to be added to the voter roll up to 12:00 PM on Election Day. To
59 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, conferring with the staff, in its sole discretion,
showing the voter’s
60 Martin’s Additions address.

Commented [MOU9]: Recommend requesting existing legal counsel.

61 Plan for the 2022 VMA Election

62 ~~All qualified voters will be mailed a ballot for VMA's 2022 election will be held entirely by mail. There will be no in-person voting. Voters will may~~
63 mail their completed ballots back to the election service provider in the postage-paid envelopes
64 issued by the provider ~~or drop off their completed ballot envelopes in the ballot box at the Village Office at 7013-B Brookville Road during a~~
68 ~~period prior to Election Day.~~ On Election Day, May 10, the Committee will also provide an opportunity
65 for voters to drop off their completed ballot envelopes in a ballot box at the Village Office, to be conveyed to
the
66 election service provider for counting. ~~The Committee may also provide opportunity for qualified~~
67 ~~voters to drop off their completed ballot envelopes in the ballot box at the Village Office during a~~
68 ~~period prior to Election Day.~~

Commented [MOU10]: Sentence is inconsistent with allowing qualified voters to drop their ballots in the ballot box. Recommend deleting.

Commented [MOU11]: Reorganization clarifies how voters may return their completed ballots. There were options provided, just separated. Now they are together.

69 Traditional absentee ballots will not be necessary in 2022, because every person-qualified voter on VMA's
voting-voter roll will
70 automatically receive a ballot by mail.

71 If a voter is planning not to be at his or her VMA address during the voting process, he/she may elect
72 to receive a ballot by mail at a different location by ~~so~~ informing the Committee Office by no later than
12:00
73 PM on May 10. No one may vote two ballots at two different addresses. If a voter has lost or damaged
74 his or her ballot or ballot return envelope, he/she may contact the Committee Office no later than 8:00 PM
on
75 May 10 to request a replacement ballot. On receipt of such a request, the Committeestaff will instruct the
76 service provider to void the previous ballot sent to that voter and mail the replacement ballot. All
77 completed ballot return-envelopes must be received by the service provider by 5:00 p.m. on May 23, 2022.

Commented [MOU12]: Edits clarify that this is a staff duty – part of voter roll management as well as contract management.

78 Nominations

79 The Committee will issue a call for candidates on February 18, 2022. Any qualified voter may run
80 for office. Qualified voters may nominate themselves or be nominated by another qualified voter, in
81 writing. Nominations may be made only by qualified voters; anonymous nominations are not
82 permitted. Qualified voters who nominate themselves must submit an affirmative statement or email
83 stating that they wish to run for office. Qualified voters who nominate someone other than
84 themselves must include an email or signed written statement from the proposed candidate
85 expressing his or her consent to be nominated. The nominations period will open on February 18
86 and close on March 18, 2022, at 6:00 pm. Nominations must have been received by the
87 Committee inbox no later than that deadline. A thirty-minute grace period will be allowed for email
88 nominations to arrive in the Committee's email inbox.
89 To be placed on the official ballot, all candidates must submit by email to the Election
90 Committee (a) a Candidate Statement, including their qualifications as well as any other
91 information they deem relevant, and (b) their signed and completed Conflicts of Interest
92 Disclosure form. The Election Committee will specify the form of both documents when the
93 nomination period opens. Both documents must be received by the Committee in its email
94 inbox no later than 6:00 p.m. on March 25, 2022. A thirty-minute grace period will be
95 allowed for email submissions to arrive in the Committee's email inbox.

96 The Committee will review the submissions and identify any nomination materials that are
97 incomplete. The Committee will notify the candidate, and the candidate will have 24 hours to
98 submit an updated form addressing the issue. Submission of updated materials will not be
99 subject to the deadline above for submissions.

100 Candidate Announcements and Candidate Forum

101 The Committee will promptly notify the Village of the candidates for office and publish the
102 election information and candidate statements by email, by posting on the Village's website, ~~or in a~~
~~103 mailed election packet and in the Village's newsletter, *Martin's Edition*.~~ Information will also be included
in the Village's Friday wrap-up emails
104 and newsletters and will be available for review in the Village Office throughout the election
105 period.

106 The Committee will host a Candidate Forum ~~to be conducted by Zoom or other electronic means~~
107 on a date in April agreed upon by the Committee and candidates, to allow qualified voters ~~and~~
~~108 residents~~ to hear from candidates ~~and ask questions. The Committee shall provide a mechanism for~~
~~109 qualified voters and residents to offer questions to be asked anonymously.~~ The Committee shall
110 moderate the forum in its sole discretion. Qualified voters ~~and residents~~ are encouraged to send
111 their questions for the candidates to the Committee by the means specified by the Committee.

112 Election Procedures

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

115 1) No later than April 11, 2022, the election service provider will mail via first class post (a)
116 a ballot, (b) voting instructions prepared by the ~~C~~committee in consultation with the election
117 service provider, and (c) a postage-paid return ballot envelope to each voter listed on the
118 voter roll at their address of record.

119 2) Ballot ~~return~~ envelopes will bear on their exterior a service-provider-issued control number and
120 an affidavit in accordance with Maryland law requiring the voter to attest to the voter's
121 identity and eligibility. The affidavit must be signed by the voter.

122 3) All ballot ~~return~~ envelopes must be received by the election service provider no later than 5:00
123 p.m. on May 23, 2022. Ballots received after that time shall be rejected and not included
124 in the ballot counting.

125 a. Ballots must be returned in the service-provider-issued ~~ballot~~ return envelope.

126 b. Ballot return envelopes must be sealed.

127 c. Ballot return envelopes must bear a valid control number that has not been

128 canceled or voided.

~~d. Voters must have written their full name as it appears on the Village's voter roll as well as the house number
and street name of qualifying address in the Village on the issued return envelope.~~

~~e. The Village will not accept copies of ballots or ballot envelopes.~~

129 4) For voters' convenience, the Election Committee will also provide a secure ballot box to
130 collect completed ballot envelopes on the evening of Election Day, May 10, 2022. Voters

131 may deposit their sealed ballot ~~return~~ envelopes containing a voted ballot and bearing a
132 completed affidavit ~~and complying with all other requirements of 3d in the Election Committee ballot box~~
between the hours of 5:00 p.m.

133 and 8:00 p.m. on May 10. Promptly after 8:00 p.m., the Election Committee shall open
134 the ballot box, count the number of ballot return envelopes in the box, and then convey the

135 ballot ~~return~~ envelopes to the service provider. The election service provider shall hold all ballot ~~return~~
~~envelopes~~

136 received until the date for ballot counting, May 23, 2022.

137 5) The Committee may also provide opportunity for qualified voters to drop off their
138 completed ballot envelopes in the ballot box at the Village Office during a period prior to
139 Election Day.

140 6) Between the hours of 5:00 p.m. and 8:00 p.m. on May 10, the Election Committee will

Commented [MOU13]: This is already emailed to all, but the office also has a standard process of mailing to a list of residents who have requested to receive it via mail.

Formatted: Font: Italic

Commented [MOU14]: I understand that the Committee voted on this language in open session, but it is not technically possible under the Public Information Act. Any PIA request would lead to the disclosure of the submissions. I recommend editing to reflect that so that expectations are appropriate and qualified voters are not confused or inadvertently misled.

Of note, last year, the committee received an apparent record number of questions for TWO (2) forums via email. So, it does not appear that submitting via email was a problem or hindrance. In fact, receiving in this manner also made it easier on the committee to have questions, group like with like, and be able to cover as much ground as possible in an accountable way.

Commented [MOU15]: trying to avoid confusion since voter's can drop in ballot box.

Commented [MOU16]: Has been included on the ballot return envelope for the past two years and helps confirm ballot return envelopes that may have otherwise have been deemed non-conforming.

Commented [MOU17]: same comment as above about helping to confirm acceptable

141 also provide an opportunity for qualified voters whose ballots have been lost, damaged,
142 spoiled, or are otherwise unable to be voted, to request that their existing ballot be voided
143 and a new ballot be mailed to them by the election service provider.
144 7) The service provider shall count the votes on the ballots on May 23 and ensure that the
145 Election Committee and ~~candidate~~ any observers can clearly observe the counting process.
146 a. The Committee shall observe (in person or via electronic means) the tallying
147 process and adjudicate any issues relating to nonconforming ballots or ballot
148 return envelopes at that time.
149 b. Prior to the counting of the ballots, the Committee shall propose procedures for
150 the Council to adopt relating to the vote counting.
151 8) Candidates or their designated representative(s) — only one per candidate — may observe
152 the tallying, review, and adjudication process. Candidates or their designated observers
153 may raise objections during the counting process. The candidate or observer must identify
154 the challenge at the time of vote counting immediately and may submit their objection in detail within
155 48 hours after the vote counting session.
156 9) At the vote counting session, the service provider shall tally all votes cast, including the
157 write-in votes. The service provider shall deliver a complete, certified Official Count of
158 Ballot Report to the Election Committee by email within 24 hours.
159 10) The Committee shall review the Report, address any remaining ballot or vote issues discrepancies with
its own records from the tally session, and
160 certify the election by Committee vote. The Committee shall announce the election results
161 as soon as practicable. The Committee anticipates this would be shortly after Memorial Day.
163 11) The election service provider shall promptly return all ballots, ballot return envelopes, and other
164 election materials to the Village Office by mail or courier, for preservation according to
165 the Village's state-approved Document Retention policy.
166 12) In the event that two (2) or more candidates receive the same number of votes where only
167 one can be elected, there shall be a runoff election within two (2) weeks of Election Day.
168 The Committee shall conduct any runoff election by mail-in ballot.

169 Records

170 All election records, including qualified voter rolls, nominations, candidate statements, ballots, ballot return
envelopes, and all
171 materials pertaining to voter rolls and the voting process, shall be securely stored at the Village
172 Office, in accordance with the Village's Document Retention Schedule, -until such time as they may be
destroyed in accordance with said schedule.

173 Electioneering

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

Commented [MOU18]: Per previous vender best practice and legal counsel, all objections had to be raised immediately. Full procedures – informed by experience, vendor expertise, and legal counsel here: [http://cms6.revize.com/revize/martinsadditions/2021%20Vote%20Counting%20Procedures%20vFINAL%20\(adopted%20by%20Council\).pdf](http://cms6.revize.com/revize/martinsadditions/2021%20Vote%20Counting%20Procedures%20vFINAL%20(adopted%20by%20Council).pdf)

Commented [MOU19]: recommend deleting as this is more than a week later.

185 5) On Election Day, the Committee may set and enforce a reasonable “No Electioneering Zone”
186 around the place where voters may place their ballots in the Election Committee ballot box and
187 where voters may request replacement ballots. That zone shall be no greater than a 100-foot
188 radius. Sound amplification systems such as bullhorns will not be permitted.

Election Committee Recommendations with TAC Comments

COMMENT #4

Dear Paul, George and Leah:

Thank you very much for your very hard work and a very thorough presentation of rules and procedures for the upcoming VMA election. The plan you propose is clear and shows considerable attention to the important details of running an election. I know this has not been an easy slog, quite the contrary. We are all in your debt.

Having lived through a number of VMA elections I know how frustrating and difficult the task is. Knowing that, I humbly offer my comments for what they are worth and again, with a great deal of respect for the work you have done. Four comments:

1) I have a nostalgia for in-person voting along with mail-in voting, I am sorry the rules no longer permit in-person voting, I wish they did.

2) Of far greater concern is the ability to ask anonymous questions during the forum. Anonymous participation at a public event seems incongruent, why would one wish to hide his/her identity? Unfortunately, this may be a holdover from some of what we observed during the last election. I would strongly urge that rule be struck and that questioners identify themselves.

3) Another point that I find quite disturbing is a rule that allows candidates to give "token gifts" valued at no more than \$1.00. I know this rule was in previous election rules, which does not mean it should be continued.

Because our elections appear to have become more competitive I fear that this rule will only encourage more candidates to leave token gifts as they compete with each other. Look at the math and the results: assume there are four candidates in our next election and each chooses -- in order to be competitive -- to spend \$325.00 for gifts to be left at each household, multiply that times four candidates, that is 1300 tokens that most likely go right into the trash and \$1300 wasted. Think of what MANA could do with \$1300 and how much less trash will be picked up and dumped into landfills. This at a time when the world is drowning in plastic waste. I urge the committee, in the name of the environment, to rule that candidates should not leave token gifts. Given the state of our elections, it is not enough to remove the current rule; I suggest that the rule be that token gifts are not allowed.

4) And finally a deadline for submission of 6:00 P.M. is not really a deadline is it if there is a 30 minute "grace period". Being an old English teacher, words have meaning. I suggest the deadline be 6:30 P.M. We all know that the Elections Committee understands the meaning of the word deadline.

Again my sincere thanks for the countless hours you have put into this effort and for a job very well done!
Anita

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Anita M. Difanis
Director of Government Affairs and International Relations
Association of Art Museum Directors
1029 Vermont Ave NW
Suite 400
Washington, DC 20005

Phone 202-638-4520
Fax 202-638-4528

COMMENT #5 (followed by attachments)

Dear Council members,

We thought it might be helpful to give you the residents' redline mark-up of the proposed election plan (attached), before this evening's Council meeting. This shows the amendments that we requested in the residents' recommendations memo.

We've also marked and specifically noted two places where you might want to consider other changes:

-- In line 128, you could add that if voters within the same household just use each other's envelopes, those ballot return envelopes shall be accepted as valid. It might make sense to simply go ahead and say that here, since that is VMA's usual practice.

-- In line 158, this mark-up maintains Arthur's provision about automatically rejecting all unsigned ballot envelopes. But you could decide to give our voters a chance to fix their unsigned envelopes, if on reflection you believe that would be better for VMA. Disqualifying people without recourse seems unnecessarily harsh.

Thank you for your thoughtful consideration.

Marty Langelan
Peter Kahn

Draft 1/6/2022
2022 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 maintains the voter rolls, accepts nominations of candidates for the Village Council and oversees the annual election.

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. All elections are managed by the Committee. The Committee consists of a minimum of three, but preferably no fewer than five, qualified voter¹ 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. 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.

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. No nominations or candidate submissions will be accepted by the Committee if received later than the deadlines specified here.

4. The Committee may establish a format, date and time for a public forum for qualified voters and residents to hear from the candidates. The forum shall be moderated by the Committee at its sole discretion.

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.

¹ Pursuant to the Village Charter, a qualified voter is “any person who owns property or any resident of Martin’sAdditions who is eighteen years of age or over.”

- 40 7. Blank lines will be placed on the ballot for the purpose of adding write-in candidates at the
41 time of the election. A successful write-in candidate shall be required to submit a Conflicts of
42 Interest disclosure statement no later than seven (7) business days following the election.
- 43 8. In the event that two or more candidates receive the same number of votes where only one can
44 be elected, there shall be a runoff election within two weeks of Election Day. In this election,
45 runoffs shall be held by mail.
- 46 9. Each candidate may designate one person as an official observer to be present when the
47 ballots are being counted.

48 **Who Can Vote?**

49 Pursuant to the Charter Section 301, a qualified voter is “any person who owns property or any
50 resident of Martin’s Additions who is eighteen years of age or over.” In the case of students such as
51 college or boarding school students, a student who resides elsewhere during the school year but
52 who maintains a permanent address in Martin’s Additions is deemed a resident and entitled to vote in
53 the Village Council election. Voters in Martin’s Additions need not be registered to vote in Montgomery
54 County or in the State of Maryland and need not be U.S. citizens. ~~The Committee will utilize the~~
55 ~~most recent electronically available Village resident contact information to verify voters’ names and~~
56 ~~addresses. The Committee shall develop the roll of voters with the assistance of Village staff,~~
57 ~~showing the name and address of each qualified voter. The Committee shall verify the voter roll~~
58 ~~for the annual election using the most recent available data and the standard VMA verification~~
59 ~~process, and certify the voter roll by signing it before forwarding it to the election service~~
60 ~~provider on or about April 5, 2022.~~ New voters may request to be added to the voter roll up to
61 12:00 PM on Election Day. To be eligible to receive a mail ballot, new voters should be
62 prepared to show a driver’s license, a utility bill, or other documentation acceptable to the
63 Committee in its sole discretion, showing the voter’s Martin’s Additions address.

57 **Plan for the 2022 VMA Election**

58 **VMA’s 2022 election will be held entirely by mail. There will be no in-person voting.**
59 Voters will **mail** their completed ballots back to the election service provider in the
60 postage-paid envelopes **issued** by the provider. On Election Day, May 10, the
61 Committee will also provide an opportunity **for** voters to drop off their completed
62 ballot envelopes in a ballot box, to be conveyed to the
63 ~~election service provider for counting. The Committee may also provide opportunity~~
64 ~~for qualified voters to drop off their completed ballot envelopes in the ballot box at~~
65 ~~the Village Office during a period prior to Election Day.~~

66 **Traditional absentee ballots will not be necessary, because every person on VMA’s voting**
67 **roll will**

68 **automatically receive a ballot by mail.**

69 **If a voter is planning not to be at his or her VMA address during the voting process,**
70 **he/she may elect to receive a ballot by mail at a different location by so informing the**
71 **Committee no later than 12:00 PM on May 10. No one may vote two ballots at two**
72 **different addresses. If a voter has lost or damaged his or her ballot or ballot return**
73 **envelope, he/she may contact the Committee no later than 8:00 PM on May 10 to**
74 **request a replacement ballot. On receipt of such a request, the Committee will instruct the**
75 **service provider to void the previous ballot sent to that voter and mail the**
76 **replacement ballot. All completed ballot envelopes must be received by the service**
77 **provider by 5:00 p.m. on May 23, 2022.**

Nominations

7469 The Committee will issue a call for candidates on February 18, 2022. Any qualified voter may run **7570** for office. Qualified voters may nominate themselves or be nominated by another qualified voter, in **7671** writing. Nominations may be made only by qualified voters; anonymous nominations are not

7772 permitted. Qualified voters who nominate themselves must submit an affirmative statement or email

7873 stating that they wish to run for office. Qualified voters who nominate someone other than

7974 themselves must include an email or signed written statement from the proposed candidate

~~80 expressing his or her consent to be nominated. The nominations period will open on February 18 81 and close on March 18, 2022, at 6:00 pm. Nominations must have been received by the 82 Committee no later than that deadline. A thirty-minute grace period will be allowed for email 8375 nominations to arrive in the Committee's email inbox. The nomination period will open on February 18 and close at 6:00 p.m. on March 25, 2022. Nominations and all documents required for the candidate to be included on the official ballot must be received by the Committee no later than March 25. A thirty-minute grace period will be allowed for emailed nominations and documents to arrive in the Committee's inbox. Documents required of each candidate are the following: (a) their Candidate Statement, including their qualifications as well as any other information they deem relevant, and (b) their signed and completed Conflict of Interest Disclosure Form.~~

~~84 To be placed on the official ballot, all candidates must submit by email to the Election 85 Committee (a) a Candidate Statement, including their qualifications as well as any other 86 information they deem relevant, and (b) their signed and completed Conflicts of Interest 87 Disclosure form. The Election Committee will specify the form of both documents when the 88 nomination period opens. Both documents must be received by the Committee in its email 89 inbox no later than 6:00 p.m. on March 25, 2022. A thirty-minute grace period will be 90 allowed for email submissions to arrive in the Committee's email inbox.~~

9476 The Committee will review the submissions and identify any nomination materials that are **9277** incomplete. The Committee will notify the candidate, and the candidate will have 24 hours to **9378** submit an updated form addressing the issue. Submission of updated materials will not be **9479** subject to the deadline above for submissions.

100 Candidate Announcements and Candidate Forum

101 The Committee will promptly notify the Village of the candidates for office and publish the
102 election information and candidate statements by email, by posting on the Village's website, ~~or~~ and
103 in a mailed election packet. Information will also be included in the Village's Friday wrap-up
104 emails and newsletters and will be available for review in the Village Office throughout the
105 election period.

106 The Committee will host a Candidate Forum to be conducted by Zoom or other electronic means
107 on a date in April agreed upon by the Committee and candidates, to allow qualified voters and
108 residents to hear from candidates and ask questions. The Committee shall provide a mechanism
109 for
110 qualified voters and residents to offer questions to be asked anonymously. The Committee shall
111 moderate the forum in its sole discretion. Qualified voters and residents are encouraged to send
their questions for the candidates to the Committee by the means specified by the Committee.

112 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.

- 115 1) No later than April 11, 2022, After the Candidate Forum has been held, on or
116 about April 25, the election service provider will mail via first class post (a)
117 a ballot, (b) voting instructions prepared by the committee in consultation
118 with the election service provider, and (c) a postage-paid return ballot
119 envelope to each voter listed on the voter roll at their address of record.
120 2) Ballot envelopes will bear on their exterior a service-provider-issued control
121 number and an affidavit in accordance with Maryland law requiring the
122 voter to attest to the voter's identity and eligibility. The affidavit must be
123 signed by the voter.
124 All ballot envelopes must be received by the election service provider no later than
125 5:00
126 p.m. on May 23, 2022. Ballots received after that time shall be rejected and
127 not included in the ballot counting.
128 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. [NOTE: THE COUNCIL COULD ADD THE FOLLOWING LINE
HERE: If voters within the same household use each other's
envelopes, those ballot return envelopes shall be accepted as
valid.]

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- 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, May 10, 2022**. 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 p.m. and 8:00 p.m. on May 10**. Promptly after 8:00 p.m., the Election Committee shall open the ballot box, count the number of ballot return envelopes in the box, and then convey the ballot envelopes to the service provider. The election service provider shall hold all ballots received until the date for ballot counting, **May 23 May 26, 2022**.
- ~~5) The Committee may also provide opportunity for qualified voters to drop off their completed ballot envelopes in the ballot box at the Village Office during a period prior to Election Day.~~
- ~~6) Between the hours of 5:00 p.m. and 8:00 p.m. 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.~~
- ~~7) The service provider shall count the votes on the ballots on **May 23 May 26** and ensure that the Election Committee and candidate observers can clearly observe the counting process.~~
 - ~~a. The Committee shall observe (in person or via electronic means) the tallying process and adjudicate any issues relating to nonconforming ballots or ballot return envelopes at that time.~~
 - ~~b. Prior to the counting of the ballots, the Committee shall propose procedures for the Council to adopt relating to the vote counting.~~

Beginning shortly after 5 p.m., the election service provider shall examine the ballot envelopes without opening them, and identify those envelopes not in conformity with the envelope requirements. The provider shall then display each such non-conforming envelope to the committee members, and the committee will then decide whether each such envelope has the potential to be 'cured' of its deficiencies by contacting the voter identified by the control number on that envelope. However, ballot envelopes that are unsigned shall not be eligible for curing.

(NOTE: IT'S EASY TO LET OUR NEIGHBORS CORRECT THEIR UNSIGNED ENVELOPES AS WELL. THE COUNCIL HAS THE OPTION TO DO THAT HERE BY JUST DELETING THE FINAL SENTENCE ABOVE.)
- ~~8) Candidates or their designated representative(s) — only one per candidate — may observe the tallying, review, and adjudication process. Candidates or their designated observers may raise objections during the counting process. The candidate or observer must identify the challenge at the time of vote counting and may submit their objection in detail within 48 hours after the vote counting session.~~
- ~~9) 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 24 hours.~~
- ~~10) 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. The Committee anticipates this would be shortly after Memorial Day.~~
- ~~11) 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.~~
- ~~12) In the event that two (2) 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 Election Day. The Committee shall conduct any runoff election by mail-in ballot.~~

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~~12)~~

~~13)~~

169 Records, 173 Electioneering . . . **[No further changes below.]**

COMMENT #6

TO: Village of Martin's Additions Election Committee

CC: Village of Martins Additions Council

FROM: Elizabeth Doupé Goldberg

DATE: January 25, 2022

RE: Comments on Draft 2022 Election Plan

I have reviewed the January 6 draft "2022 Election Plan" circulated by the Election Committee. I appreciate the opportunity to comment on this important document.

I believe that the guiding purpose of Election Rules and Procedures is to provide for free and fair elections in the Village of Martins Additions and to ensure that all qualified voters can freely exercise their right to vote. If you agree, this statement should be inserted at the top of the Election Plan. Why? The Election Rules and Procedures should provide a standard based on widely accepted best practices, including those of the State of Maryland. They also serve as a guardrail against which any election or voting challenge can be measured and adjudicated. I believe that the Council should make every effort to encourage active participation of our community in local governance and to encourage voter turnout. I also believe in a pragmatic approach, given that our community works on the principle of volunteerism.

That said, I think the January 6 draft of the "2022 Election Rules and Procedures" would benefit from a few amendments to ensure it meets its purpose.

These amendments are proposed in the document "Residents Recommendations for Council Action on the Proposed 2022 Election Plan" sent to the Council January 17 from a group of VMA residents, including myself. This document provides detailed line references and proposed amended language. I provide below my additional comments.

In brief, these 5 actions would:

- 1) Allow time for ballot envelope corrections. There is **no time** allowed in the current draft, before ballot counting, to review and cure ballot envelopes that may have understandable or forgivable errors which could result in disenfranchising our neighbors. What is the rush? This must be changed.
- 2) Provide for a single period and deadline for candidates to submit their statements and conflict of interest disclosure forms. The current text with two deadlines for different actions is confusing to read, does not appear to have any logical purpose, could discourage potential candidates, and complicates unnecessarily what should be a straightforward process.
- 3) Restore to the Election Committee the **responsibility for developing, verifying and certifying the voter roll**, the key function of an election committee, and one that it has historically had. To ensure objectivity and avoidance of a conflict of interest, the voter roll must be separated from the Council and the Council staff. There are many checks and cross-checks involved in compiling a voter roll of qualified residents, including, for example, door to door canvassing to account for residents who turn 18 and are newly eligible to vote, the recently deceased, or recently departed or newly arrived residents. Voter roll procedures need to be recorded and archived.

Such qualified or unqualified residents could never be discerned by relying on "the most recent electronically available Village resident contact information". I understand (and have read) that a set of these procedures already exists ("Summary: Standard VMA Voter Roll Process" compiled by Marty Langelan) and has been shared with the Council.

- 4) Would remove the provision for a second proposed drop box to be located in the VMA Office for an unspecified period. Removing this drop box would ensure the security of the box and the ballot envelopes, would remove personal responsibility of VMA staff in the event of any tampering or irregular activities, and would remove any possibility of unsupervised access to the drop box during or after office hours—a real concern if there are multiple keys to the Village Office in circulation. Most importantly, it would allow VMA to comply with the Maryland State Board of Elections guidance regarding supervision of drop boxes. I would like to recommend that the hours of the proposed **supervised** Election Day drop box (from 5:00 pm-8:00 pm) be extended, ideally from morning until evening. Three hours (during the rush hour period with traffic) is not an adequate period for those who prefer not to mail their ballots but to deposit them directly in a drop box. Volunteers could be delegated by the Election Committee as drop box supervisors.
- 5) Would hold the Candidates Forum **before** the ballots are mailed out giving each candidate, new or incumbent, a fair and equal chance at running for office. This would also eliminate the distinct appearance of bias in favor of known candidates. Also, the standard VMA election packet should be mailed out to each household by First Class US Mail Service. This should be mandatory, not optional, as it currently states in the draft text. Some residents may not have online access or are physically unable to access the online documents. I prefer to spread out the materials, read and compare, before making a decision.
- 6) Would ensure that the VMA's election procedures comply with best practices by modelling on generally accepted best practices, including at the State level, would ensure these practices are recorded and archived so they are available for **re-use** by future committees. This would ensure an orderly process clearly defining the roles and responsibilities of an Election Committee, save time and labor, eliminate the need for successive Council's or Committees to reinvent the wheel, and would ensure that best practices are preserved and part of the VMA official archive. **Had this been done already, it might have eliminated the very awkward, painful and unnecessary series of events that occurred during the past two months between the Council and the Election Committee.**

Thank you for the opportunity to share my comments on the draft election procedures. I sincerely hope they will be considered.

Respectfully submitted,

**Elizabeth Doupé Goldberg
207 Oxford Street
Chevy Chase, MD 20815**

COMMENT #7

RECOMMENDATIONS FOR 2022 VILLAGE ELECTIONS

Based on my work experience with National Labor Relations Board (NLRB), the Federal Labor Relations Authority (FLRA), Landrum Griffin Elections (Taft Harley), the Panama Canal Elections (Panama), and familiarity with 26 U.S. states, including Puerto Rico, that permit private sector, the Federal workforce, the U.S. postal sector, and certain state and municipal public employees, to choose, or not choose, union representation, in democratic elections, I recommend the following for the 2022 Village elections.

1. **STATEMENT OF PURPOSE:** Whatever rules, procedures, or manual, is produced for the Village elections, it is advisable to have a statement of purpose. It is suggested that the language be “The purpose of these elections rules and procedures is to provide for free and fair elections in the Village of Martins Additions and to ensure that all qualified voters can freely exercise their right to vote.” Please note the word elections is in the plural, so as to remain in place over time, unless mutually agreed to deletions, amendments, or corrections.
2. **THE ELECTION COMMITTEE:** The responsibility for developing, verifying and certifying voter rolls, must rest with the ELECTION COMMITTEE itself. All of the elections I worked in, supervised, conducted, studied, enforced, or mediated, separate the parties from a higher authority or what the Village calls their VILLAGE COUNCIL. There are valid reasons for so doing; namely, to allow the ELECTION COMMITTEE to check and cross check voters, to deal with residents who moved in or out of the Village, to validate students who are turning 18, or are 18 years of age, but maintain a temporary university domicile outside the Village. Most importantly, the ELECTION COMMITTEE should produce such voter rolls, *at a minimum*, 3 months prior to the election.
3. **ABSENTEE BALLOTS:** The ELECTION COMMITTEE needs to address the minor issue of absentee ballots for residents *traditionally voting in a drop box*. Voters who will be *absent during the election*, but are qualified residents, should be offered ballots as early as possible. If such qualified residents can pick up their ballots early, for such reasons as business travel, vacations, hospitalization, military and National Guard service, Jury Duty, and other medical emergencies, this would facilitate voting. Such voters should be able to petition the ELECTION COMMITTEE for early ballots.
4. **THE VILLAGE MANAGER:** Niles Anderegg, the current Village Manager is a “hero” for the residents of Oxford and Quincy Streets. He provides salt, sand, snow removal, side walk repairs, leaf collection, trash pickups, has contacts with Pepco and the WSSC, uses his influence to address down electric poles and wiring issues, mandates the removal of unauthorized advertisements and graffiti, and has his fingers involved with catching delinquents and car thieves. Best election practices, however, *mandate* that the Villager Manager help establish the voting qualified residence roll, make necessary and timely changes to the voting rolls, keep a formal record of such changes, and be present with the Village Council when any election is certified. The ELECTION COMMITTEE *has the duty to examine* the list of qualified voters and approve or disapprove of additions and removals. Changes or removals should be part of a

public record. *As to the maintenance of a box for ballots*, it is best practice *not to have any box* in the Village Office, so as to avoid the possibility of charges of malfeasance, an appearance of a conflict of interest, or an actual conflict of interest. In NLRB, FLRA, State Collective Bargaining Boards, and in Canada, employees of these agencies must maintain strict neutrality, on duty and off duty, during elections.

5. **DROP BOXES:** What is an election drop box? By definition, an election drop box is a secure, locked structure, operated by election officials, where voters may deliver their ballots in person from the time they receive them in the mail, up to the time chosen as the close of the final Election Day. The Village uses a simple wooden locked box. The ELECTION COMMITTEE places a 3 hour box “window of opportunity” on the final Election Day to vote in person. Why not an entire day? Many voters who vote in person stand to be disenfranchised. It is claimed that the “Election Box” would be “unsupervised.” Yet block captains and volunteers in the Village stated they would agree to monitor the drop box during the week. This 3 hour “window of opportunity” appears aimed at curtailing qualified voters.
6. **THE ELECTION COMMITTEE:** The unfortunate resignation of 2 volunteers on the ELECTION COMMITTEE is more than just unfortunate. According to the Harvard University and the University of Pennsylvania, when a committee agrees to any item it is best to have the parties “*initial off*” what they agreed to, and only change, alter or modify their agreement, by *mutual consent*. No one should have the “unilateral right” to substitute their own draft, in part, or in whole. This should be true of minutes, memorandums of understanding, meeting dates, side agreements, postponements, calendar dates, teleconferences, and agendas. If a party disagrees with the final product they must state so in writing within 24 hours. Their opinions are on record. What appears to have occurred at the ELECTION COMMITTEE sessions is a case of “bad faith bargaining,” “ultimatums,” “concealment,” “take it or leave it proposals,” “pressure tactics,” “spoilers,” “a failure to come to the table with the will to compromise,” “stone walling,” “delay tactics,” “hidden agendas,” “behavior forcing resignations,” or what the NLRB, the FLRA, the Panama Canal Commission Election Committee, the Railway Labor Act, and Canadian Labor-Relations Law, would rule as an unfair employment practices. This brings with it serious cease and desist orders and financial penalties. State laws track the same language as to “going through the motions” without a desire to “give and take” or even “work off the same proposals.”
7. **CANDIDATES FORUM:** What exposure are candidates for office to have in Village Elections? Mailers about a candidate’s qualification should be mailed out *First Class* to voters *well in advance* of the election. Under the NLRB this is known as the “*Excelsior List*” provision whereby an employer can use office bulletin boards to state why he or she believes a union is unnecessary and a union gets a list of names and addresses so they can communicate with employees why a union is necessary. Today we use cellphones, but the principle is the same. Equal time; equal exposure. Material for each candidate should also be mailed out by *First Class* Mail *well in advance* of the CANDIDATE’S FORUM, so as to encourage *new candidates* to volunteer for office. A CANDIDATES FORUM should take place first so as to offer a “give and

take debate” with a Village resident *questioning period*. Why not give candidates a generous opportunity to state what they can do for the residents of the Village?

8. **REINVENTING THE WHEEL:** I have lived in Nigeria, Venezuela, Spain, and Italy. I have also witnessed elections in Brazil, Ecuador, the Cameroon, and Panama. If you want elections where the ruling party, once in power, changes the rules and procedures, and who can qualify to vote, to their advantage, look at the following. In Nigeria and Venezuela such changes resulted in civil wars and violence. In Panama, outright fraud and intimidation. In Brazil, you simply disappeared when you went to vote or had your ballot annulled. In Ecuador, you even had 2 Presidential candidates win at the same time. In the Cameroon, votes in French counted twice. This is why a permanent set of procedures and regulations, often called an *Election Manual*, is produced by the NLRB, the FLRA, the Railway Labor Act, the Taft-Hartley Act, Canadian Labor Law, and state and municipal jurisdictions, including Puerto Rico. Why not have an agreed upon *permanent* Manual to ease the pain for any future ELECTION COMMITTEE?
9. **MEDIATION-ARBITRATION:** What is it? Let us say there are challenges to voter’s ballot, *cast locally*, because the ballot is hard to read or “smudged?” If the ELECTION COMMITTEE can’t agree to a final determination, how do we break the *IMPASSE*? The ELECTION COMMITTEE could appoint a neutral Mediator who tries to mediate the dispute. If unsuccessful, the Mediator turns into an Arbitrator, asks the parties for their *final offer*, with the proviso that the Arbitrator’s decision is final and binding. This same procedure could also apply to mail ballots in dispute. The ELECTION COMMITTEE can get this service free with the Federal Mediation and Conciliation Service here in Washington D.C. or even with Mediators/Arbitrators services in Maryland. Why not avoid hard feelings by agreeing in advance to a time tested method of resolving disputes ever since the Federal Arbitration Act (1925), the Railway Labor Act (1926), and the National Labor Relations Act (1935) were fashioned?
10. **CONCLUSION:** The ELECTION COMMITTEE’s attempt to reach a final accord, in my opinion, without using invectives, insults, put downs, harsh language, forcing resignations, confusion over “approved” drafts, purposely engaging in bad faith bargaining, and without promoting *any confidence building measures* whatsoever, must be viewed less than satisfactory. The ELECTION COMMITTEE’s efforts are not comparable the U.N.’s negotiations in Libya (elections), Cyprus-Turkey (elections), Serbia-Kosovo (elections), East Timor (elections) or some 3000 elections conducted by the NLRB annually. The village elections should be a run of the mill operation.

Thank you for your time and consideration.

Jeffrey M. Goldberg
207 Oxford Street, Chevy Chase, Maryland 20815, Martins Additions.
Telephone: 301-312-6848 Email: jeffrey_m_goldberg@hotmail.com
January 27, 2022

COMMENT #8

Dear Council Members and Election Committee,

Please see below for additional information regarding the legislative history and operational context that resulted in the recommendations I sent you on January 17, 2022. (I share the email chain in its entirety with you for transparency.) I appreciate Andrew's time for the phone call and am happy to discuss with you as well in person, over the phone, in small groups or one-on-one. Whatever will help ensure you have accurate information as you deliberate and vote on next steps.

As evidenced yet again by last night's Election Committee meeting, very unfortunately, there is just too much misinformation floating around amongst a small group of residents that seems to be causing them anxiety. Hopefully, some of the history and reference information below (much of available Committee records on the Village website) will help you operate from a shared understanding of the facts.

Please reach out, if would be helpful.

Respectfully submitted,
Tiffany Cissna

On Mon, Feb 7, 2022 at 7:31 PM Andrew Kauders

<Andrew.Kauders@martinsadditions.org> wrote:

You are always welcome to share with the Council and Election Committee -- especially if you want to translate your effort into a more formal submission. Up to you. Super helpful, either way. Appreciate you putting all this time into this email/document.

Get [Outlook for iOS](#)

From: The Cissna Family <cissnafamily@gmail.com>

Sent: Monday, February 7, 2022 7:26:34 PM

To: Andrew Kauders <Andrew.Kauders@martinsadditions.org>

Subject: Re: Election 2022 Phone Call Follow-Up

Andrew, I'm happy to talk if there is anything substantive that needs explaining. I know it is a lot of information/history, but this was just the (long-overdue) information I promised to send you on 1/25 call.

Only question I asked was whether you would share with the rest of the Council or if I should. Was deferring to your decision since call was with you.

Thanks again,
Tiffany

On Mon, Feb 7, 2022 at 6:59 PM Andrew Kauders

<Andrew.Kauders@martinsadditions.org> wrote:

Thanks for this, Tiffany. Wasn't sure if you were seeking a response or wanted to chat. Let me know. Andrew

Andrew,

First, thanks for last week's call. I appreciate your time and continued efforts on the election 2022 front, and I apologize for the delay in getting this information to you. As discussed, what follows are notes I had prepared for our call. They were not intended for distribution, but rather just for me to refer to when we spoke. As a result, it has taken me a little time to get them into (hopefully) a draft that another person can follow, and I am sending them as agreed.

Of note, these notes contain important historic and legislative context. It is my hope they help explain why I recommended certain changes be made to the legislative text currently pending before the Council. It is important to understand how we got to where we are as we consider taking steps forward for the future. I hope they are helpful to you.

As I said on the call, my goal is – and has always been whether on the Council or on the Election Committee or just a resident – sound, lawful practices for the Village that facilitate good municipal governance and resident participation.

Thanks again for your continued service and consideration. I know how it can all feel unappreciated.

Tiffany

P.S. I would like to share this information with the rest of the Council, but I also want to be respectful of our conversation. So, I defer to you on whether you would like to forward or I should. Please just let me know. Thanks again!

Misrepresentations by a few residents in general

- 1) 2021 election was confusing – “residents didn’t know what to do” or “it was confusing” or “it was unfriendly” or “it was not inclusive”
 - a. Very positive response on Village annual survey regarding “ease” of voting.
 - b. About 70 percent voter turnout – approximately 20 percent higher than any other election on record. The previous highs which were around 50 percent. (See: <http://cms6.revize.com/revize/martinsadditions/2020%20VMA%20Election%20Report.pdf>)
 - c. Less than 1 percent of ballot return envelopes deemed non-conforming by the Committee in an open session with observers – candidates as well as unaffiliated residents – on zoom.

- d. 2021 ballot return envelope record:
 - i. 421 Ballot Return Envelopes initially accepted by the committee (committee records contain more detail)
 - 1. 5 envelopes initially deemed non-conforming by ELECTEC (the contractor) in their possession
 - a. 2 accepted by Committee decision
 - b. 3 disqualified by Committee decision (nothing filled in on exterior)
 - 2. 2 ballot return envelopes initially deemed non-conforming in possession of the Village Office
 - a. 1 accepted by Committee decision
 - b. 1 ballot disqualified by Committee decision (no envelope)

- 2) Requiring questions submitted in advance for the forum to be submitted via email and not be anonymous is “voter suppression”
 - a. “Anonymous” went out the door in VMA in 2017 when 41 anonymous nominations that turned out to be unacceptable to the “would be candidates” were submitted to the committee.
 - b. Requiring submission via email assists in ensuring Committee transparency and addresses concerns raised by the 2020 forum moderator.
 - c. More than 30 questions were submitted via email in 2021, which was significantly more than in any other Committee records available.
 - d. Email submission of questions makes it possible to provide documentable record-keeping as to the submission time and submitter of any questions.
 - e. Additionally, given that the vast majority of qualified voters routinely use email to communicate with the Village office for official business, requiring any such submission to be via email by a date/time-certain is not an undue burden.
 - f. If a qualified voter does not have ready access to email (there are less than a handful on the list maintained by the office) and if s/he does not have a neighbor willing to assist, s/he can call and request the office transcribe on their behalf. This would be consistent with the office transcribing survey responses.
 - g. For the Committee's part, it leaves a paper trail that can be verified as timely within draft deadlines.
 - h. Forum is for qualified voters to get to know candidates. How would the committee prioritize questions from “anonymous” submissions?

Misrepresentation in “recommendations” letter from some residents dated January 18, 2022 which was emailed to the list-serv

1) For the first time ever, VMA “automatically disqualified voters for routine envelope errors” in 2021, the problem was so significant that the procedures should include a full-blast curing process.

a. 2021

i. The Committee reviewed all ballot return envelopes deemed non-conforming by the vendor **on a case-by-case basis**, according to the 2021-Committee recommended and [Council-approved 2021 Counting Procedures](#).

ii. There was nothing "automatic" about the process – one envelope or ballot at a time held up to the camera and votes taken.

iii. All actions included in the procedures and taken were consistent with the vendor-recommended best practices and legal counsel.

iv. The whole process was conducted via Zoom with all the candidates’ named observers as well as several unaffiliated Village residents who were interested in observing looking on.

v. Data

1. 2021 ballot return envelope record:

a. 421 Ballot Return Envelopes initially accepted by the committee (committee records contain more detail)

i.

5 envelopes initially deemed non-conforming by ELECTEC (the contractor) in their possession

1. 2 accepted by Committee decision
2. 3 disqualified by Committee decision

ii.

2 ballot return envelopes initially deemed non-conforming in possession of the Village Office

1. 1 accepted by Committee decision
2. 1 ballot (no envelope) disqualified by Committee decision

vi. The counting process and election results were clear, delivered timely (the same day!), and uncontested.

b. 2022 relevance

i. The initially formed committee voted 4-1 against curing as originally proposed.

ii. The 3-member committee came to agreement that they could address non-conforming ballot return envelopes without a full curing process as was done in both 2020 and 2021.

2) “Unnecessary complications for candidates”: nomination deadline and paperwork deadline a week later.

- a. New in 2021 and created in response to concerns raised by the 2020 election process to be as inclusive as possible.
- b. This is not a theoretical matter. It happened last year. At least one eventually successful candidate would not have had a candidate statement or conflict of interest form in timely if there had not been the deadline difference.
- c. For example, two dates allow a qualified voter to self-nominate or be nominated and accept up to the last minute, which would likely not give the nominee time to have a candidate statement and a conflict of interest form to the Committee timely.
- d. Accordingly, the Committee-recommended plan gives nominees who accept their nominations at the last minute time to complete and submit their candidate statement and conflict of interest form.
- e. Interestingly, this question was asked of the committee last year by one signatory of these “recommendations” and when the Committee responded, including points above, that person responded “Thanks so much for getting back to me. Makes sense.” What has changed?

3) Voter Roll

- a. The Election Committee has not actually managed or officially certified the voter roll as has been well-documented.
- b. Qualified voters may have been added to the roll by the committee when they arrived to vote in-person, but that is not management of or certification of the roll.
- c. In 2009, I had to show the former Village Manager my PepCo bill in order for her to add me to the voter roll.
- d. 2020

i. 2020 Emergency Plan language

([http://cms6.revize.com/revize/martinsadditions/No.%202019-12-2%20\(election%20rules%20and%20procedures\)%20emergency%20plan.pdf](http://cms6.revize.com/revize/martinsadditions/No.%202019-12-2%20(election%20rules%20and%20procedures)%20emergency%20plan.pdf))

- 1. “Village staff will prepare and maintain a list of qualified voters and will provide that list to the election service provider to assist with the conduct of the election.”
- 2. In order to register to vote, a qualified voter may request to be added to the voter roll by emailing manager@martinsadditions.org no later than 5:00 PM on May 8, 2020.
- 3. There are several other examples of “if a voter has a problem, email or call the manager” in the plan...

ii. Staff maintenance role also well-documented in “2020 Election: VMA **Staff** Support Responsibilities” (emphasis added) document. Staff responsibilities from document make it clear **the staff did all the work** from beginning to end for the voter roll maintenance.

- 1. Update the directory so that it can be used for you to create the voter roll

2. Continue to update directory to begin to prepare the voter roll; include a list of vacant addresses at the end
 3. Finish updating directory
 4. Obtain county voter roll and “do a computer merge” to combine
 5. Review the list and eliminate duplicates
 6. Print the voter roll and put it into binders
- e. For Election 2021, the Niles Anderegg, the Village Manager, maintained the voter roll.

i. Niles was asked about his process by a former Village Manager during open session of an Election Committee meeting on September 24, 2020 and he confirmed he followed a process similar to the one she had done. [09242020 Election Committee Meeting Minutes FINAL.pdf \(revize.com\)](#)

ii. Emails from May 2021 between Niles and some of the candidates regarding his process for maintaining, updating, and verifying the voter roll confirm.

1. “In addition, I have completed a full review of the voter roll, comparing it both to the County voter roll and to property tax records. I found no further duplications. For anyone on our voter roll but not in any County record, I checked through Village emails and records to verify the source of the information that led to their inclusion in the Village voter roll and confirmed that all are qualified Village voters.”

iii. 2021 Plan

<http://cms6.revize.com/revize/martinsadditions/2021%20Election%20Rules%20and%20Procedures%20Back-Up%20Plan%20Approved.pdf>

1. “If a qualified voter did not receive a ballot because their name did not appear on the qualified voter roll, the qualified voter may request a provisional ballot by contacting the Village Office by emailing manager@martinsadditions.org or calling (301) 652-4112 and submitting any required documentation.
2. There are several other examples of similar language/direction in the plan...

f. Election 2022

i. Additional history from Matt Trollinger, Village Manager preceding Niles for an election period, read or summarized into record at November 2021 Council meeting: “It is my recollection that the staff was responsible for maintaining the digital voter roll file. They updated periodically, especially as election season came around. It would have been in the Dropbox as the Village Office.” While not captured in the minutes, can be heard around 1:55:00 of the recording (<https://www.youtube.com/watch?v=sGAj2Vg25zU&t=7s>).

ii. Niles now has a written process for updating the voter roll.

1. The roll is no longer based off of the Village Directory.

2. Since 2020, the office has had a much more robust process for maintain the voter roll, using a much more extensive database and external references to maintain it.
 - iii. This is a constant duty, not a “you have a whole year to get it done” as some have suggested.
 - iv. Only the staff have regular, real-time access to all the information that is required for this to get done timely.
 1. Email histories
 2. Move-in/Move-out records: Qualified voters are constantly moving in and out of the Village.
 3. New qualified voters come of age.
 - v. The Village Manager would have to provide all of this information to the Committee instead of updating the document directly. Then the committee would have to send it all back to the manager for contract purposes.
 1. More chance for delay and error... Why? If the manager tampers with the voter roll, that’s a violation of his/her oath to the State of Maryland and likely criminal behavior.
 2. Who is responsible for errors in the end? Who is accountable? The manager used to have record keeping as part of the standard performance evaluation. What happens if it is a “shared responsibility” and there are errors? Who is ultimately responsible?
 - vi. This year’s 5-member committee couldn’t agree on a regular recording secretary. Maintaining the voter roll is a much more significant and time-consuming responsibility than that.

4) Ballot Box Security

- a. In 2021, for the first time, the locked wooden ballot box was secured in the locked Election Committee cabinet in the Village office.
- b. While keys to the cabinet were given to committee members, by practice – which the staff was party to – the cabinet would not be opened without at least 2 members of the committee present.
- c. At least one member of the staff had to be present for any committee members to gain access to office to then gain access to the locked file draw and the locked ballot box.
- d. If there is a decision made to allow qualified voters to drop their ballots off before election day, it would be possible to secure the box in a similar way.
- e. Martin’s Additions has never video surveilled the box in the past.

5) Qualified voters might vote before the Candidate forum and the possibility of this is somehow a form of “structural election bias”

- a. 2020 Election

i. “2020 Election: VMA Staff Support Responsibilities” document talks about how absentee ballots would likely voted and received before the forum and how they should be handled.

1. No concern about “structural election bias” then. What changed?

2. There were incumbents running in 2020.

b. 2021 Election

i. No concerns of “structural election bias” then.

In fact, some residents encouraged other residents to mail in the ballots *before* the forum without this being raised as a concern.

ii. Actual voter behavior

1. As of May 5, 2021 (three days after the *second* forum, about 2 weeks after the first forum), only 71 ballot return envelopes had been received by the vendor.

2. More than 350 more ballot envelopes were received by the vendor after that.

c. 2022 Election

i. Date to mail ballots no later than April 11, 2022 was decided by a 4-1 vote of the committee. In fact, that date was recommended by one of the signatories of these recommendations.

ii. VMA voters are savvy and will educate themselves *as they deem appropriate* on how to vote.

iii. The committee’s charge is not to dictate what information voters should access as they make that determination. That is not the Council’s charge either.

6) Comply with “best practices”

a. Certify the final verified voter roll before issuing any live ballots to voters (in this case, before sending it to the mail-vote contractor).

i. Managing the voter roll has always been a staff function. See above #3.

ii. If the Council must create something new, a “certification” could be written into the currently existing staff standard operating procedures.

1. Questions that come to mind: Who would certify what? How would they do it? What process would they follow? When would they do it because there are updates throughout the year and there might be updates after initial send to vendor, if mail-in?

iii. If there must be a change to the current voter roll procedures as documented by the staff, let the change be a consultation and included in that process document. The manager can easily be instructed to add that step.

b. Check the required documentation before adding new voters, per the standard voter roll verification process used in previous years.

i. This is a staff function and the document requirement has remained the same for years. See #3 above and staff operating procedures.

ii. 2021

1. Niles was asked about his process by a former manager during open session of an Election Committee meeting on September 24, 2020 and he confirmed he followed a process similar to the one she had done. [09242020 Election Committee Meeting Minutes FINAL.pdf \(revize.com\)](#)

2. The instructions voters received throughout 2021 cycle reflected same:

If a qualified voter did not receive a ballot because their name did not appear on the qualified voter roll, the qualified voter may request a provisional ballot by contacting the Village Office by emailing manager@martinsadditions.org or calling (301) 652-4112 and submitting any required documentation³. To allow sufficient time for a ballot to be issued and voted, any request for a provisional ballot must be made no later than 5:00PM on May 6, 2021. For the provisional ballot to be counted, the voter's registration must be reflected on the Village's qualified voter roll no later than 11:59PM on May 6, 2021.

³ Required documentation includes full name, Martin's Additions address, and an image of your driver's license, a utility bill with the qualified voter's Village of Martin's Additions address on it or other documentation acceptable to the committee in its sole discretion. If a qualified voter is unable to email or prefers to provide such documentation in person, it must be provided at a scheduled time prior to 5:00PM on May 6, 2021.

c. Provide the candidate statements, official election and forum notices, and voting instructions by mail, not merely online or in the village office.

i. Qualified voters have stated their preferences on how to receive information from the Village (email or mail).

ii. Following this standard operating procedure alleviates burden on the staff as well as on the committee.

iii. Those who regularly receive mail will continue to do so, including election information (e.g., in their monthly newsletters).

iv. Those who prefer email will continue to receive according to their preferences.

- v. All ballots come with voting instructions *in the mailing from the vendor*. Of note, no ballots were disqualified in 2021 due to ballot completion instructions not being clear enough to be followed.
- d. Follow the official written forum procedure; the committee approved that in 2016 and it has been used ever since. Provide a means by which residents can submit forum questions to the committee without attaching their names.
 - i. There is no official forum procedure. No such document exists.
 - ii. The committees have historically just run the forum according to generally accepted practices: candidate opening statements; questions submitted in advance or in person; and candidate closing statements.
- e. Instruct the contractor to rotate the candidates' names on the ballot format to prevent positional bias, per the normal VMA practice.
 - i. Contract management issue for Village Manager: The Village Manager as the contract manager has done this for the past two years and can easily ensure to write-in to contract this year.
- f. Confirm that the contractor will assign a random 6-digit security control number to each voter, print that number on the voter's ballot return envelope, and provide postage paid return envelopes.
 - i. Contract management issues for Village manager:
 - 1. Contractors have their own security numbering protocols and they are the experts in their field. Six digits previously used by Village contractor, but may be different for another contractor (e.g., maybe they use alphanumeric control info).
 - 2. Postage paid ballot return envelopes have been provided.
- g. Accept as valid any ballot return envelopes where voters within the same household have just switched their return envelopes by mistake; those votes should be counted.
 - i. Ballot return envelope disqualification has not been an issue in the last two – the only two – mail in elections.
 - ii. Pursuant to the legal counsel, there can be no hard and fast policy.
 - iii. All such ballot review must be undertaken on a **case-by-case basis**, consistent with the vendor best practices and legal counsel. (See 2021 vote counting procedures that remain on the Village website:
[http://cms6.revize.com/revize/martinsadditions/2021%20Vote%20Counting%20Procedures%20vFINAL%20\(adopted%20by%20Council\).pdf](http://cms6.revize.com/revize/martinsadditions/2021%20Vote%20Counting%20Procedures%20vFINAL%20(adopted%20by%20Council).pdf))
- h. Determine clear public rules in advance about which ballot envelopes will be curable, and on what substantive basis ballot envelopes will be accepted or rejected.
 - i. Election 2021 was the first time this was actually done.

1. The committee held an open meeting to discuss counting procedures and made a recommendation to the full Council on April 29, 2021. See: [04292021 Election Committee Meeting Minutes FINAL.pdf \(revize.com\)](#)
 2. The Council approved by a unanimous vote. See: [May 13 2021 Council Meeting Minutes Final.pdf \(revize.com\)](#)
 3. The vote counting used in 2021 procedures remain on the Village website. See: [Microsoft Word - 2021 Vote Counting Procedures v13 CLEAN \(adopted by Council\) \(revize.com\)](#)
- i. Carefully proofread each element of the contractor's draft ballot mailing packet and make sure the voting instructions are clear and complete; the entire committee should review the draft documents and vote to approve the packet before authorizing the contractor to send it to the voters.
 - i. Contract management issue for the Village Manager: 2021 manager and committee reviewed and edited together. This is an administrative function.
 - ii. Of note, there were no complaints about ballots or instructions and the data indicates they were easy to follow.
 1. approximately 70 percent qualified voter participation rate
 2. Less than 1 percent ballot return envelope disqualification
 3. NO ballots were disqualified
 - j. Ensure that there is a written (email) record when the committee contacts the contractor to add any new voters, delete voters, or issue replacement ballots. For replacement ballots, the contractor must cancel the previous ballot security number before sending the voter a new ballot and new security number.
 - i. Contract management issue for Village Manager: The Village Manager should have complete records for 2021.
 - ii. Important to also have an email record from the vendor of the count before announcing the results to avoid having to send out corrections.
 - k. Instruct the contractor to put postal tracking codes on both the incoming ballot packets and the return ballot envelopes. Check to see how many return ballots are still in transit at the end of the voting period (May 23 this year).
 - i. Contract management issue for manager: Agree with tracking in and out. Question the purpose of asking how many ballots still in transit when deadline passes.
 - l. Allow all interested residents to view the envelope-adjudication and vote-counting process by Zoom or other remote means.
 - i. The 2021 process was informed by comments on the 2020 process.
 - ii. Accordingly, in 2021, both candidate representatives and unaffiliated voters were invited to view the entire process.
 - iii. The whole vote counting process was conducted via Zoom with all the candidates' named observers as well as several

unaffiliated Village residents who were interested in observing, looking on.

m. If the candidates (or their representatives) raise specific objections during the envelope adjudication and vote-counting process, resolve such objections in an open public meeting with candidate input before certifying the final vote count. Determine clear public rules in advance as to how such objections will be resolved.

i. 2020

1. There is no record publicly available record of committee vote counting procedures used prior to 2021.
2. Candidates or observers were allowed to join call *after* initial decisions made on whether to accept ballot return envelopes.

ii. 2021

1. The whole vote counting process was conducted via Zoom with all the candidates' named observers as well as several unaffiliated Village residents who were interested in observing looking on.

2. Those who were interested present from the beginning to the end – for the presentation of the ballots and the vendor's initial assessments through the end, including all the committee's votes and the committee's verbal verification of the count.

3. This open process followed the committee-recommended and Council adopted vote counting procedures which remain on the Village website. See: [Microsoft Word - 2021 Vote Counting Procedures v13 CLEAN \(adopted by Council\) \(revize.com\)](#)

n. Publicly report all votes received, including the name and number of votes for each write-in candidate.

i. This was done in 2021: [2021 Election Results.pdf \(revize.com\)](#)

ii. Of note, the count was done by the committee and compared with the vendor's initial count on the Zoom call. Then the committee received written confirmation from the vendor.

o. Publicly report the number of ballots or votes that were disqualified, and the reasons for the disqualifications.

i. 2021: For the first time in VMA history, all committee decisions were made during open Zoom session.

1. This was the first time vote counting was done in VMA according to adopted procedures. See: [Microsoft Word - 2021 Vote Counting Procedures v13 CLEAN \(adopted by Council\) \(revize.com\)](#)

2. There is a committee record of all decisions and actions taken.
3. All the votes were taken and the math was done on the Zoom.

- 7) Provide for fair, open, detailed community discussion of proposed election procedures.
- a. 2021
 - i. Open Committee meetings were held.
 - ii. Resident comments were taken during specified times.
 - iii. Committee business was completed.
 - iv. There were no 3-hour meetings.
 - v. All minutes were promptly posted on the Village website.
 - b. 2022
 - i. While the full legislative process is often informed by public comment, the actual mark-up process is the prerogative of *only* those elected or appointed.
 - ii. It's important, especially for the casual observer, that roles and responsibilities for meetings – Committee or Council – remain clear for all.
 - iii. Defined comment times (whether resident comment periods or a standard public hearing, if required) help the public to understand who is actually accountable (i.e., who has an actual vote) and allow official business to be conducted timely.
 - iv. Disenfranchisement due to not being able to attend hours of meetings and weed through resident commentary versus legislator comments is a real concern.

COMMENT #9

Good afternoon,

Thank you for all your hard work and long meetings these past months. I have listened to most of the recent zoom sessions and these are my comments.

1). There should be no appearance of any conflict of interest or impropriety in the election. No one working the election (whether counting, checking rolls, etc.) should work for the Village despite honorable intentions on all sides. I also think you should consider whether anyone who is working the election is married to any one who is a candidate (when we have them) or who is an incumbent. It is best to err on the also side of caution. You could run this past your ethics chairman/committee if you would like but I consider, having worked in the ethics and compliance field for over 20 years, that this would be the “high road” and would reflect well on you, the council, and the Village of Martins Additions.

2). There shouldbe ballot “curing” to the extent it is ministerial - as in the wrong ballot in the wrong envelope but both ballots submitted from the same household with registered voters, as well as the other examples representative of prior practices (before 2021).

3). There should be some arrangements for absentee voting. Many residents travel for some period of time or have a work commitment out of the area. Forwarding their mail from the USPS is not a reliable practice as many of us are aware. Perhaps an email voting could be arranged with your ballot service provider if the election committee sends out a request for people who want absentee ballots - well in advance, so that it is verified against the rolls and then the actual voting can be done by a confidential email. I am sure such methods exist.

4). As far as the time periods that are in contention for deciding candidacy, submitting statements, and having forums, more time is probably better but not so much that there is an awareness “gap”. Perhaps be solomonic and split the difference if there are various proposals.

Thank you for your consideration.

Paula J Desio
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