

## **Council Meeting Agenda – January 18, 2024**

VIA ZOOM CONFERENCE CALL AND IN-PERSON

*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).*

- Call to Order: Alexander
- A Presentation on Composting by Compost Crew
- Weather Report: Keith Allen
- Opportunity for Council to Hear Residents' Comments: TBD
- Approve December 14 Council Meeting Minutes (Page 2)
- Committee Reports (Page 6)
- Public hearing and possible adoption of the 2024 Election Regulations (Schedules on page 10 and Regulations starting on Page 12)
- Public hearing and possible adoption of Ordinance No. 2023-11-1, a building code amendment restricting bio retention planter boxes. (Page 39)
- Discussion and possible introduction of an amendment to the already introduced Ordinance No. 2023-9-1. Ethics – definition of official; Indemnification. Possible delay of a public hearing and any vote on adoption to the February Council meeting. (Page 43)
- Manager's Report: Silliman (Page 48)
- Treasurer's Report: Blander (Page 51)
- Opportunity for Council to Hear Residents' Comments: TBD

Join Zoom Meeting

<https://us02web.zoom.us/j/88331175094?pwd=OFNvZkFzbmN4coovdWI4KzA1Q2JjUT09>

Meeting ID: 883 3117 5094

Passcode: 525784 One tap mobile: (301) 715-8592

## **Council Meeting Minutes – December 14, 2023**

VIA ZOOM CONFERENCE CALL AND IN-PERSON

The audio recording for this meeting is available on the [Village website](#).

**Council Members Present:** Andrew Kauders; Jeff Blander; Susan Fattig; Arthur Alexander; Katie Howard

**Other Attendees Include:** Village Manager: Michael Silliman; Village Attorney: Ron Bolt; Village Auditor: Eva Webb; Marty Langelan; Steve Howard; John Sharrow; Larry Wasson; Phil Hurst; Lynn Welle; Keith Allen; Jean Sperling; Larry Wasson; Hiromi Maruyama; Doug Grob; and Naomi Naierman.

**7:30 PM Call to Order: Alexander**

**7:32 PM FY23 Audit Report: Eva Webb**

Eva Webb delivered the FY23 Audit Report. Arthur and Jeff made a few comments about the financial health of VMA.

**7:51 PM Weather Report: Keith Allen**

Keith delivered his weather report.

**7:53 PM Opportunity for Council to Hear Residents' Comments: TBD**

Doug Grob asked about accountability regarding Village staffing and the building code.

Larry Wasson asked about corrective measures regarding Village staffing and the building code.

**8:01 PM Committee Reports**

Keith Allen gave the Community Engagement Committee report. They are looking forward to planning the March brunch. There are no confirmed plans for a lantern walk this year.

Naomi Naierman delivered the report for the Antisemitism Awareness Taskforce. The American Jewish Committee will be providing a training on January 16<sup>th</sup>.

Phillip Hurst provided an update for the Storm and Ground Water Taskforce. The taskforce has applied for a grant from the Maryland Department of Natural Resources. The grant would pay for an engineer to assess the water issues facing the Village.

**8:10 PM Approve November 16 Council Meeting Minutes**

Arthur moved Katie seconded. The minutes pass unanimously.

**Manager's Report: Silliman**

Village Manager Michael Silliman delivered his report.

### **8:28 PM Discussion and possible introduction of the 2024 Election Plan**

The election committee provided their report and a recommendation for the 2024 Election plan.

First, the Council considered if this Election Plan should be an ordinance, a regulation, or a policy. Village Attorney Ron Bolt explained the differences between ordinances, regulations, and policies in municipal law. Susan moved to consider this a regulation. Arthur seconded. This was unanimous.

Second, the Council discussed several sections of the Election Plans they have concerns about or would want to edit before adoption. Adoption discussion and vote will happen at the January 18<sup>th</sup> Council meeting. The Council introduced the Election Plan as a regulation. Arthur moved and Katie Seconded. This was unanimous. It was noted that it is not clear what changes are proposed from the current election rules. The Council directed the Election Committee to provide a redline or a written summary of the proposed changes from the current election rules, to assist the Council in the review of the proposal.

### **9:29 PM Ordinance Development Process: Blander**

Jeff Blander led a discussion of the process by which the Village Council considers legislation.

### **9:40 PM Discussion of possible building code revisions: Alexander**

Arthur Alexander led a discussion on the possibility of hiring an engineer or urban planner to make recommendations for amendments to the Village's building code. The Village Council agreed to move forward on this and directed the Village Manager to draft a scope of work and have preliminary discussions with engineering and urban planning firms.

### **9:42 PM Discussion and possible introduction of a building code amendment restricting bio retention planter boxes.**

Arthur moved and Susan seconded to introduce ordinance 2023-11-1 to restrict bio retention planter boxes. Katie and Andrew voted in favor. Jeff abstained.

### **9:50 PM Treasurer's Report: Blander**

Jeff Blander provided the treasurer's report.

### **9:52 PM Opportunity for Council to Hear Residents' Comments: TBD**

Larry Wasson commented on the Election Plan. He is in favor of the Election Committee having at least five members and supports providing guidance on referendums in the Election Plan. Larry also commented on the legislation process and suggested that the Council should provide an "explanation of need" for the proposed legislation.

**Adjournment: Alexander**

Susan moved to adjourn, and Jeff seconded. This was unanimous and the meeting adjourned at 10:02 PM.

## **Election Committee Report for the December 2023 Council Meeting**

The VMA Election Committee presented the proposed 2024 Election Schedule and Election Ordinance to the Council on December 12, for the Council's consideration and a vote to introduce it at the Council meeting on December 14. We also provided a one-page public explanation of the ordinance, per the procedure for introducing ordinances that Arthur Alexander proposed in 2021.

We used the approved 2023 election provisions as the basis for these election regulations, and consolidated the five sets of 2023 election procedures into a single unified ordinance. We very much appreciate the VMA attorney's prompt, helpful responses to both of the Committee's requests for legal review of the draft documents. Arthur, the Council chair, Katie, the Council Liaison, and Michael, the Village Manager, also provided helpful information and suggestions, as did a number of residents who reviewed the drafts and mark-ups that the Committee posted in its meeting packets.

The Committee held detailed votes on every component of the proposed ordinance at our public meetings in November and December, and voted unanimously to approve the overall document at our meeting on December 11. We will be glad to answer any questions that the Council may have.

**REQUEST FOR COUNCIL ACTION:** The Committee has unanimously voted to ask the Council to introduce the proposed election rules and procedures as an ordinance at the December Council meeting, for adoption at the January Council meeting. We believe it will be a substantial benefit to VMA to standardize the Village election process with a clear, stable, long-term election ordinance.

The proposed ordinance, election schedule, and public explanation are in the packet for this Council meeting. Please approve the 2024 election schedule and introduce the ordinance.

We also appreciate the Council's unanimous vote last month to approve the RFP for a short-term contractor to assist the Committee with the task of verifying the voter roll for 2024. The Maryland Municipal League's RFP announcement board is out of commission until January, but the Village Manager has been distributing the RFP to his contacts. The Director of the Montgomery County Board of Elections, the Montgomery County League of Women Voters, and the Maryland Director of Common Cause have also agreed to distribute the RFP to their networks. The RFP responses are due by December 20.

*Respectfully submitted by the chair of the 2024 Election Committee, for attachment to the December 14, 2023, Council meeting minutes posted on the Village website.*

January 15, 2024

## **January 2024 Administrative Election Committee Report to the Council for the Council Meeting on January 18, 2024**

The 2024 Committee has been providing written reports to the Council every month. This report provides some administrative information about the 2024 election rules.

Background: The Committee consolidated the five sets of 2023 election procedures into a single document for 2024, to maintain and standardize the regulations the Council approved in 2023. The Council liaison was present at all the Committee meetings, and the Council Chair attended many of them. At the Committee's request, the Council liaison also obtained two rounds of review comments from the VMA attorney on various drafts.

At the December 14 Council meeting, the Council approved the 2024 Election Schedule and voted to introduce the Committee's recommended procedures. The Committee met on December 18 to implement the Council's decision to change the word "Ordinance" to "Regulations" and review some helpful community comments. The Committee then unanimously recommended the December 18 Committee document to the Council for adoption at the January Council meeting. The public hearing and Council vote to adopt the 2024 regulations are scheduled for the January meeting.

On January 4, Arthur Alexander, the Council Chair, provided written comments that suggested some revisions to the December 18 Committee document, based in part on comments and suggestions by VMA attorney Ron Bolt.

Many of the changes proposed in the January 4 comments would clarify the 2024 election regulations. However, in some cases the January 4 suggestions would eliminate election provisions that were approved by the Council in 2023 and were included in the Committee recommendations for 2024.

To facilitate the Council's decision-making, this Committee Report provides an administrative summary chart and some short notes about the January 4 comments. The Council has already received the Committee's recommendations in the December 18 document, so this Report makes no new policy recommendations.

We are also sending the Council three red-line mark-ups. The first red-line compares the December 18 document and the January 4 suggestions; the second compares the December document to the 2023 Election Rules and Procedures; and the third compares the January 4 document to the 2023 Election Rules and Procedures. The earlier public mark-ups were in the Committee meeting packets.

We hope this Committee Report will be helpful to the Council as you make your decisions about the Election Regulations.

Respectfully submitted by

Marty Langelan, Chair, Paul Weller, Vice-Chair, Jen Bergeron, Naomi Naierman, and John Sharrow

**COMPARISON: THE APPROVED 2023 ELECTION RULES, THE ELECTION COMMITTEE RECOMMENDATIONS FOR 2024,  
AND THE 1/4/24 COUNCIL COMMENTS ABOUT SUGGESTED REVISIONS TO THE RULES**

<u>ISSUE</u>	<u>THE APPROVED 2023 ELECTION RULES</u>	<u>THE ELECTION COMMITTEE RECOMMENDATIONS</u>	<u>THE REVISED REGULATIONS SUGGESTED BY THE COMMENTS FROM THE COUNCIL ON 1/4/2024</u>
The statement of purpose says fair elections and freedom to vote?	Yes	Yes	No – would delete the 2023 language and say the purpose is only to “implement the Charter and Code”
Must verify entire VMA voter roll?	Yes	Yes	No – would only let the Committee verify the VMA supplemental list of voters
The Election Forum is required?	Yes	Yes	No – would make the Forum optional
Provides replacement ballots for voters?	Yes	Yes	No – would set the cut-off date for requests for replacement ballots 28 days in advance
Provides early ballots for voters?	Yes	Yes	No – says that ballots can’t be sent until the regular mailing, the day after the Forum
Voters can cure ordinary ballot envelope mistakes so their votes will count?	Yes	Yes	No – would delete the approved 2023 ballot curing provisions
Requires the Election Day drop-box for completed ballot envelopes?	Yes	Yes	No – would make it optional to provide the VMA drop-box
Election Committee directly supervises the mail-vote contractor?	Yes	Yes	No – the Committee would instruct the Village Manager to instruct the contractor
Specifies the minimum number of Committee members?	Yes – at least 3 and preferably 5	Yes 5 people	No – would delete the sentence about the number of Committee members
Continues the VMA practice of allowing anonymous Forum questions?	Yes	Yes	No – would delete that 2023 provision
Requires the election to be held by mail?	Yes	Yes	No – would allow for in-person elections
Prohibits non-resident property owners from voting, per the new Charter definition of qualified voters?	N/A	Implements new Charter definition	Would allow absent owners to continue to vote for an unlimited period of time
Specifies the procedures for election recounts and referendums?	No	Yes	No – would delete those proposed provisions

The Council may wish to consider the following items with regard to the suggested January 4 changes:

**1. Statement of purpose (Section I)**

The January 4 revision deletes the Council’s approved 2023 language and says that the purpose is simply to implement the Charter and Code. The December 18 statement of purpose is almost identical to 2023. The Committee notes that the December 18 version and the January suggested change are not contradictory and could be combined, to retain the 2023 Council decision and include the legal language suggested by Ron Bolt, e.g., *The purpose of these Regulations is to implement the election provisions of the Village Charter and Code, in order to provide for free and fair elections in the Village of Martin’s Additions and ensure that all qualified voters are able to freely exercise their right to vote.*

**2. Verifying the voter roll (Section II, paragraph 2)**

In listing the Committee’s principal duties in Section II, the 2024 Committee made no change in the 2023 language about verifying the voter roll. The January 4 proposed change inserts the word “supplementary,” to limit voter roll verification to the supplemental VMA voter roll. The supplemental VMA roll consists of the qualified VMA voters who are not on the County voter roll. The presumption is that the people listed on the County roll are automatically eligible to vote in VMA. However, Maryland state election law says that voters are automatically placed on municipal voter rolls only if they meet two criteria: (a) they are on the County voter roll and (b) they are current residents of the municipality. The County voter roll contains multiple errors about the residents of VMA. The Committee has a duty to verify all the qualified voters in VMA, as the 2023 procedures state, not just the voters on the supplemental roll.

**3. Election Forum (Section III, paragraph 7)**

The 2023 rules and the December 18 document require a public election forum, by using the word “shall.” The January 4 proposed change makes it optional to hold the forum (“may”). The Council has previously noted that the forums play an important role in the VMA elections, both to inform voters about the candidates and issues and to introduce voters to new candidates who have not held office before. The Committee recommended retaining the 2023 language.

**4. Replacement ballots (Section VI, paragraph 8)**

The January 4 proposed change reads, “Voters whose ballots have been lost, damaged, spoiled, or for any other reason cannot be voted may request a replacement ballot by contacting the Committee no later than ~~seven (7) days after~~ two (2) weeks before Election Day.” This proposed change seems to be based on a misunderstanding. Two weeks before Election Day is when the original ballots are mailed to the voters, so the proposed change would make the deadline for replacement ballots fall *before* voters have received their original ballots.

The 2023 rules only stated the cut-off date for requests: May 18. The Council instructed the 2024 Committee to take out the 2023 dates and standardize the rules. The 2024 Committee recommended a general rule to allow voters to request replacement ballots up to 7 days after Election Day, which is 7 days before the ballot due date and vote count. That rule would allow one day to overnight the new ballot and 6 days for people to vote the replacement ballot and send it in to be counted. The vote count is 14 days after Election Day.

Here’s a quick chart:

	<u>The 2023 rules</u>	<u>2024 Committee</u>	<u>January 4 proposed version</u>
Contractor mails the ballots	Apr 29-30	Apr 24	Apr 24
Election Day (E-Day)	May 10	May 7	May 7
Vote counting date (v-count)	May 24	May 21	May 21
Last day to ask for a replacement ballot	May 18	May 14	April 24
	= 8 days after E-Day	7 days after E-Day	2 weeks before Election Day
	6 days before v-count	7 days before v-count	28 days before vote count

**5. Early ballots (Section VI, paragraph 7)**

The 2023 rules authorized early ballots for voters who will be on travel during the election and need to receive a ballot before the contractor does the general mailing. The Committee provided early ballots for people in 2023, and VMA has done so for many years. The January 4 proposed change would effectively eliminate early ballots by specifying, “*Early ballots will not be available until after the candidate’s forum.*” That is the same time that the regular ballots are mailed. The 2024 Committee recommended keeping the early ballot provision, and the contractor’s scope of work provides for early ballots (see Section X), per the 2023 procedures.



## 6. **Ballot Curing** (Section XI)

The January 4 suggestions eliminate any provision for ballot curing, leaving no remedy for VMA residents who make common mistakes on their ballot return envelopes. The Council included ballot curing in the 2023 rules after an extensive discussion, to avoid unnecessarily disqualifying VMA voters. The 2024 Committee voted unanimously to maintain the approved 2023 provision and clarify it in Section XI, incorporating advice from the VMA attorney. To be consistent with 2023, the December 18 document recommended the following provision, which reflects the clarification Ron suggested:

*The contractor shall set aside, unopened, any ballot return envelopes the Committee determines to be non-conforming; if an envelope problem is correctable, the Committee shall notify those individual voters by email, telephone, or in person within 24 hours after the initial vote counting session, to give them a chance to “cure” the envelope. Voters shall have five (5) business days to cure their ballot envelopes. If a voter cures a non-conforming ballot envelope, the Committee shall instruct the contractor by email to open that envelope and include those votes in the final tally. The Committee shall notify the contractor about any cured ballot envelopes no later than six (6) business days after the initial vote counting session.*

The 2024 Committee added a time limit on the curing process, to handle future elections efficiently. The 2023 rules (lines 204-208) required the Committee to contact voters promptly about ballot curing after the vote counting session, but set no clear deadline for voters to respond.

Ron had asked earlier if there was some way to complete the curing process before the vote counting session. The 2023 procedures require the decisions about non-conforming envelopes to be made in public during the vote counting session, not in private beforehand (see the November 30 Committee meeting minutes).

### **In addition, the January 4 proposed changes:**

- a. Would delete one element from the summary of the Committee duties in Section II, paragraph 2. As the 2023 Rules and Procedures demonstrate, coordinating the work with the mail-vote contractor is one of the main components of managing the election process. The Committee recommendations included that component in the summary. The January 4 proposed change would delete that item from the list of Committee duties.
- b. Would remove the sentence about the number of Committee members, in Section II, paragraph 2. The Charter permits 5 members. The Council has noted that it stabilizes the election process for VMA to have the full Committee.
- c. Would insert the Village Manager as the intermediary between the Committee and the election contractor throughout the 2024 regulations. Where the 2023 rules said the Committee shall send instructions directly to the contractor (e.g., lines 94-95, line 189), the January 4 proposed changes say the Committee shall instruct the Village Manager to instruct the contractor (see Section X and Appendix A, for example). That is new.
- d. Would now make the Election Day drop-box optional, by using the word “may” where the 2023 rules said “shall,” in Section VI. As many Election Boards have noted, a drop-box for completed ballot envelopes can make it easier to vote.
- e. Would revise the 2023 requirement to hold VMA elections by mail and delete the 2023 sentence, “There shall be no in-person voting,” in Section VI. Both the Council and the Committee have previously noted that elections by mail tend to increase voter participation.
- f. Would delete the 2023 provision that allowed residents to submit forum questions anonymously (lines 135-136). The proposed change removes that provision from the forum procedures for 2024 (Appendix B). The Council previously noted that allowing anonymous questions at the forum has been a traditional practice in VMA.
- g. Would set no time limit on a “temporary residence elsewhere” (Section IV). Per the Council’s instructions, the 2024 Committee incorporated the new Charter definition of “qualified voters,” which the Council adopted to exclude non-resident property owners. The new definition does allow qualified voters to continue to vote in VMA if they are only temporarily residing elsewhere. The Committee asked the Council to decide how long a “temporary” absence can be, and recommended a period of no more than 7 consecutive years. The January 4 proposed change removes any time limit, to allow absentee owners to continue to vote in VMA indefinitely.
- h. Would delete the two short recommended provisions about recounts and referendums in the December 18 Committee recommendations (Section III). The 2024 Committee recommended that the Council address recounts and referendums because both are standard operational procedures, normally included in election regulations. The Committee had previously noted some concerns that if there are no approved procedures, any action to either accept or reject a recount request or a referendum petition could be seen as arbitrary or biased and could present a possible risk of litigation.

## **SCHEDULE FOR THE 2024 VMA ELECTION**

**The VMA Election Committee is pleased to present the Council with the proposed schedule for the 2024 Village Council election.**

**Election Day will be Tuesday, May 7, 2024. The timetable for the election is as follows:**

- February 22:** The Committee issues the official public notice of the opening of the nomination period (75 days before Election Day).
- March 23:** Candidate filing deadline (45 days before Election Day).
- April 6:** Deadline for VMA to mail the official VMA election information packet to each household (14 days after the candidate filing date).
- April 7:** Deadline for the Committee to email the updated, verified VMA voter roll to the mail-vote election contractor, to prepare the ballot packets.
- April 23/24:** VMA election forum (the Committee will confirm the candidates' availability for the forum when they initially file as candidates, the month before).
- April 24/25:** The contractor mails the ballot packets to the voters the day after the forum.
- May 7:** Election Day. Last day to add new voters. The Committee supervises the mail-vote drop-box for the sealed ballot envelopes, in front of the Village Office.
- May 14:** Last day for voters to contact the Committee to request replacement ballots.
- May 21/22:** Due date for receipt of the ballot envelopes, and the date for the vote counting session (the Committee will confirm the contractor's availability). If there are curable non-conforming ballot envelopes, the Committee will allow voters 5 business days to cure the envelopes, then close the election. The Committee will review the contractor's final Count of Ballot Report, and then vote to certify and announce the official election results.

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Election Day will be Tuesday, May 7, 2024. The timetable for the election is as follows:

- February 22:** The Committee issues the official public notice of the opening of the nomination period (75 days before Election Day).
- March 23:** Candidate filing deadline (45 days before Election Day).
- March 24:** Deadline for candidates to correct errors in nomination materials.
- April 6:** Deadline for VMA to mail the official VMA election information packet to each household (14 days after the candidate filing date).
- April 7:** Deadline for the Committee to email the updated, verified VMA voter roll to the mail-vote election contractor, to prepare the ballot packets.
- April 24/25:** VMA election forum (the Committee will confirm the candidates' availability for the forum when they initially file as candidates, the month before).
- April 25/26:** The contractor mails the ballot packets to the voters the day after the forum.
- May 7:** Election Day. Last day to add new voters. The Committee supervises the mail-vote drop-box for the sealed ballot envelopes, in front of the Village Office.
- May 14:** Last day for voters to contact the Committee to request replacement ballots.
- May 21/22:** Due date for receipt of the ballot envelopes, and the date for the vote counting session (the Committee and manager will confirm the contractor's availability). The Committee will review the contractor's final Count of Ballot Report, and then vote to certify and announce the official election results.

Approved by the 2024 Election Committee at its public meeting on December 11, 2023

Based on the 2023 Election Rules and Procedures adopted by the Council on January 19, 2023

## **VMA ELECTION ORDINANCE**

### **I. Purpose**

The purpose of this Ordinance is to provide for fair and independent elections in the Village of Martin's Additions and to ensure that all qualified voters are able to freely exercise their right to vote.

### **II. The Village Council Election Process**

The Village of Martin's Additions ("VMA") Charter provides for a five-member elected Village Council ("Council"). Per Charter Section 602, 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. Charter Section 301 defines the residents who are qualified to vote.

To maintain independent, impartial elections, the Charter requires that the VMA elections be managed by the Election Committee, not by the Council or Village staff. Accordingly, the Council annually appoints an Election Committee ("Committee") to manage the elections in accordance with the Village Charter and the ordinances and regulations adopted by the Council. The Committee shall consist of no fewer than five "qualified voter" volunteers appointed by the Council. The Council may appoint additional qualified voters as short-term assistant Election Committee members, as needed, at the request of the Committee. Committee members complete an Oath of Office and a conflicts of interest disclosure statement, as provided by the Village. The Committee shall issue the election notices; manage, verify, and certify the voter roll; accept nominations and verify candidate eligibility; conduct the public election forum; prepare and authorize the ballots; manage and direct the coordination of the election process with the election service contractor; conduct the vote counting; certify the election results; and otherwise manage the annual elections.

### **III. General Provisions**

1. The Election Committee shall set the date of Election Day between May 1 and May 15 each year, on a date determined from year to year in accordance with Section 602 of the Charter.
2. The Committee shall, no less than six months before Election Day, submit the proposed Schedule for the election cycle to the Council for approval, showing the specific date for Election Day, the nomination period, candidate filing date, election forum date, ballot mailing date, and the due date for ballot receipt and vote counting.
3. Each year the Committee shall instruct the Village staff to publish the official notices of the election and forum and the details of the election cycle for that year in the Village newsletter, in the Village election information packet that is mailed to the Village households, on the Village website, and via the Village's email communication channels. The VMA staff shall post the Committee's election announcements throughout the election cycle.
4. No later than seventy-five (75) days prior to Election Day, the Committee shall open the nomination period by public notice 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.

5. To be placed on the ballot, no later than forty-five (45) days prior to Election Day each candidate shall submit (a) a statement of interest and qualifications and (b) a conflicts of interest disclosure statement in a form specified by the Village, by email to the Election Committee.
6. The Committee shall publish and mail the official Village election information packet to all VMA households no later than two (2) weeks after the candidate filing date, with the candidates' written statements of interest, the official election and forum notices, and general voting instructions.
7. The Committee shall establish a venue, format, date, and time for an election forum for residents to hear from the candidates and ask questions. The forum shall be moderated by the Committee in accordance with the Forum Procedure specified herein.
8. Pursuant to the Charter and this Ordinance, each qualified voter may cast a mail-in ballot provided by the Committee in accordance with the schedule publicly announced by the Committee.
9. Blank lines shall 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.
10. In the event that two or more candidates receive the same number of votes where only one can be elected, the Committee shall initiate a runoff election within two weeks after the announcement of the election results. Runoff elections shall be held by mail. If the margin between the winning and losing candidates is fewer than ten (10) votes, a losing candidate may request a recount by notifying the Committee no later than three (3) calendar days after the election results are announced.
11. VMA elections may include referendums. Referendum questions may be placed on the ballot by the Council or by a community petition signed by no fewer than 100 qualified voters, and shall be submitted to the Election Committee in final written form no later than March 15 each year.

#### **IV. Qualified Voters: Who Can Vote?**

Pursuant to Charter Section 301, a "qualified voter" is any natural person whose residence is in Martin's Additions and who is eighteen years of age or over, as of Election Day. As used in the Charter, "residence" means the location deemed the voter's primary residence (or "permanent abode" according to case law) and single domicile in the United States for voting purposes, and where the voter intends to return after a temporary residence elsewhere. The address shown on the resident's driver's license or used for other official purposes is generally considered the person's primary residence.

Students aged 18 or older who reside elsewhere during the school year but who maintain their primary residence in Martin's Additions are deemed residents and are entitled to vote in the Village Council election. Renters and caregivers who reside in Martin's Additions are eligible to vote if VMA is their primary residence.

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.

Property ownership does not confer voting rights in VMA. However, property owners who are temporarily residing elsewhere for work or other reasons may maintain their residential right to vote in the next annual Village election by providing the Election Committee with a completed federal FPCA standard form 76, or a

signed and dated declaration that states (a) that VMA is their primary residence and sole U.S. residence for voting purposes and (b) that they intend to return to VMA. Non-resident property owners may submit such signed forms or declarations annually for a maximum of seven (7) consecutive years.

Residents who are temporarily deployed on military service in other locations retain their residential right to vote in Martin's Additions, and can receive a ballot by providing the Election Committee with a completed federal FPCA standard form 76, or a signed and dated declaration that states (a) that VMA is their primary residence and sole U.S. residence for voting purposes and (b) that they intend to return to VMA.

## **V. Village Voter Roll**

The Committee shall verify and certify the annual voter roll in accordance with the Voter Roll Verification Procedure in Appendix A, which is hereby attached to and made an integral part of this Election Ordinance. The Committee shall utilize the most recent electronically available Village resident contact information, the County voter roll, and other appropriate sources to verify the names and addresses of the qualified voters for each annual election.

Eligible voters who are not on the VMA or County voter roll may contact the Committee to request to be added to the VMA voter roll up until 8 PM on Election Day. To be eligible to receive a mail ballot, potential VMA voters who are not on the County voter roll must sign a short Election Committee form to confirm that VMA is the voter's primary residence, and show a driver's license or other documentation acceptable to the Committee in its sole discretion, to confirm the voter's name, date of birth, and current address in Martin's Additions.

The Committee is responsible for adding eligible voters, and is likewise responsible for removing from the voter roll the names of those who are no longer qualified voters, in accordance with the process specified in the Voter Roll Verification Procedure. The Committee shall confirm that the verified voter roll is used in operating the election, and shall certify the final official voter roll for that year after the Committee closes the voter roll on Election Day.

## **VI. Procedure for Voting**

VMA's elections shall be held entirely by mail. The Committee shall utilize the services of a mail-vote election contractor. There shall be no in-person voting. To protect election security, the VMA election contractor shall mail the ballots directly to the voters. Voters will mail their completed ballots back to the election contractor in the postage-paid envelopes issued by the contractor. To ensure that their ballot will be counted, voters must sign the brief affidavit form on the back of the official ballot return envelope.

On Election Day, the Committee shall also provide an opportunity for voters to drop off completed ballot envelopes in a secure, accessible mail-vote drop-box directly supervised by the Committee. Voters may come to the Committee table in front of the Village Office to deposit their sealed ballot envelopes, containing a voted ballot and bearing a completed affidavit, in the Election Committee mail-vote drop-box between the hours of 5:00 PM and 8:00 PM on Election Day.

Promptly after 8:00 PM, the Election Committee shall open the drop-box, count and record the number of ballot return envelopes in the box, and ensure a secure Committee chain-of-custody procedure to promptly convey those completed ballot envelopes directly to the mail-vote contractor. VMA Council members, staff, and other unauthorized persons are not permitted to have access to the ballot envelopes. The election contractor shall securely hold all ballot envelopes received until the date for vote counting.

The Committee shall instruct the contractor to mail the ballot packets to the voters the day after the Election Forum. The contractor shall mail the packet via first class U.S. post or other secure tracked delivery system to

each voter listed on the VMA voter roll at their address of record. Each packet shall include (a) a ballot, (b) the voting instructions prepared by the Committee in consultation with the election contractor, (c) a voting privacy envelope, and (d) a postage-paid ballot return envelope marked with the ballot security control number assigned to that voter.

Traditional absentee ballots will not be necessary, because every person on VMA's voting roll will automatically receive a ballot packet by mail. The Committee will work with the election contractor to identify the projected dates when ballots will begin arriving and shall provide notice to the Village.

If voters are planning not to be at their VMA address during the voting process, they may elect to receive a ballot by mail at a different location by so informing the Committee no later than 8:00 PM on Election Day. No one may vote two ballots at two different addresses.

Voters may also request early ballots by notifying the Committee if they will be out of the country or otherwise unable to receive a ballot by mail during the regular voting period. The Committee shall instruct the contractor to mail early ballots to such voters.

Voters whose ballots have been lost, damaged, spoiled, or for any other reason cannot be voted may request a replacement ballot by contacting the Committee no later than seven (7) days after Election Day. On receipt of such requests, the Committee shall instruct the contractor to cancel the previous ballot sent to that voter and mail the replacement ballot. The contractor must void the original ballot before a second ballot is issued to a voter.

All completed ballot envelopes must be received by the mail-vote contractor no later than 5:00 PM on the day of the vote counting session. The Election Committee shall post public reminders for all qualified voters to return ballots by mail sufficiently early to ensure that their ballot envelopes arrive by the vote counting date.

## **VII. Nominations and Candidate Filing Process**

The Committee shall issue a public call for candidates no less than seventy-five (75) days prior to Election Day. Any qualified voter may run for office. Qualified voters may nominate themselves or be nominated by another resident, in writing. Nominations may be made only by qualified voters; anonymous nominations are not permitted. Qualified voters who nominate themselves must submit an affirmative written statement or email stating that they wish to run for office. Qualified voters who nominate candidates other than themselves must include an email or signed written statement from the proposed candidate expressing their consent to be nominated, and should make the nomination early enough to ensure that the nominee has time to prepare the candidate filing materials before the filing deadline.

To be placed on the official ballot, each candidate shall submit their filing materials to the Election Committee by email no later than forty-five (45) days before Election Day. Submissions are due by 6:00 PM on the filing date; a thirty-minute grace period will be allowed for email submissions to arrive in the Committee's email inbox. The required candidate filing materials are (a) a candidate statement of interest of up to approximately 1000 words, including their qualifications as well as any other information they deem relevant, and (b) a signed and completed conflicts of interest disclosure statement. The Election Committee shall specify the form of both documents when the nomination period opens. The Committee may specify standard formatting for the candidate statements and any standard questions to which all candidates are requested to respond.

The Committee shall maintain a record of the date and time when nominations and candidate filing materials are received, and shall promptly review the submissions. The Committee shall not edit the content of any candidate's statement; the candidate statements of interest and qualifications must be published as submitted. If a candidate's conflicts of interest form is incomplete, the Committee shall notify the candidate by email, and the candidate shall have 24 hours to correct the problem.

### VIII. **Announcement of Candidates**

The Committee shall promptly notify the Village of the candidates for office by email announcement, by posting on the Village website, and in the Village newsletter and the official election information packet that is mailed to all VMA households. The information will also be available for review in the Village Office throughout the election period. The Committee shall provide election updates and additional information in the Village newsletters, and by email via the Village public communication channels, and may also distribute information in printed flyers or by other means.

### IX. **Election Forum**

The Committee shall host an Election Forum between April 15 and April 30 each year, no less than ten (10) business days before Election Day on a date agreed upon by the Committee and candidates, to allow qualified voters and other residents to hear from candidates and ask the candidates questions. The Committee shall ensure that the forum is impartial, and shall conduct the forum in accordance with the Forum Procedure in Appendix B, which is hereby attached to and made an integral part of this Election Ordinance. The Committee shall ensure that the official Village election information packet containing the candidates' statements of interest is mailed to the residents in time to be received before the forum.

### X. **Instructions for the Mail-vote Election Service Contractor**

The Village Manager issues and administers the contract, at the direction of the Committee. The Election Committee manages the election process. The mail-vote service contractor reports to the Committee. The Committee shall keep the Village Manager fully informed.

Election schedule: The Committee shall notify the contractor of the dates for Election Day and the VMA election forum, and shall determine the date for the vote counting session in consultation with the contractor. The vote counting shall take place no less than two weeks after Election Day.

Mailing date for the ballot packets and final received-by date for the completed ballots: The contractor shall mail the ballot packets to the voters on the Committee's instructions, the day after the VMA election forum in late April. The ballot receipt deadline is 5 PM on the day of the vote counting.

Voter roll: The Election Committee shall send the verified voter roll to the mail-vote contractor in early April.

Voter roll changes: Pursuant to this Ordinance, the Committee may add or remove voters until 8 PM on Election Day. The Committee shall instruct the contractor in writing, by email, to add new voters as warranted, or to void a voter's ballot security number if the Committee determines that a ballot was sent to someone who is no longer a qualified voter.

Approval of ballot packet: The contractor shall provide the draft ballot packet (including the voting instructions, ballot format, and envelopes) to the Committee for review at least two weeks before the planned general mailing date. The Committee shall check the content, format, clarity and accuracy of the draft documents and vote to approve the packet before authorizing the contractor to send it to the voters.

Specifications for the ballot packet and equipment on Election Day: The contractor shall:

- a. Rotate the candidates' names on the ballot format to prevent positional bias.
- b. Include the blank lines on the ballot for the write-in votes.
- c. Provide postage-paid ballot return envelopes, and the inner envelopes to protect voting privacy.



- d. Assign a random 6-digit security control number to each voter, and print that number on the voter's ballot return envelope.
- e. Print the affidavit/affirmation form on the back of the return envelopes.
- f. Put tracking codes on both the incoming ballot packets and the return ballot envelopes.
- g. Send a test mailing to the Committee members before the general mailing to the Village, and correct any problems at the direction of the Committee.
- h. Provide a small secure mail-vote drop-box on site in Martin's Additions on the afternoon and evening of Election Day for the completed ballot return envelopes, and provide a secure means to promptly convey those completed ballot return envelopes to the contractor's location for the subsequent vote counting session. The Election Committee shall supervise the drop-box to ensure its security.

Early ballots: The Committee may instruct the contractor to mail early ballot packets to voters who will be out of the country or otherwise unable to receive mail during the general mailing to the Village.

Replacement ballots: The Committee may instruct the contractor to issue replacement ballots up to seven (7) days after Election Day. The contractor shall cancel the original assigned ballot security control number to void the original ballot before sending a voter a replacement ballot with a new control number.

Ballot records: The Committee shall send all ballot instructions to the election service contractor in writing, via email. The contractor cannot issue ballots without the Committee's written instructions. The contractor and the Committee shall each keep a record of all ballots issued, all ballots voided, all replacement ballots sent, and all emails received, to maintain a complete record that can be audited and verified.

## **XI. Vote Counting Procedure**

1. The Committee and contractor shall schedule the vote counting session to be held no less than two weeks after Election Day, after 5 PM on the designated date. The contractor shall make arrangements with the Martin's Additions Village Manager to enable the Committee, the candidates and/or their representatives, and residents to view the vote counting process by Zoom or other remote means, and shall record the vote counting session.
2. The contractor shall include all ballot return envelopes that are received by 5 PM on the date of the vote counting. Prior to the start of the vote counting, the contractor shall inform the Committee of the total number of ballot envelopes received and the number that are still in postal transit as of 5 PM on that date.
3. On the Committee's instructions, the contractor shall begin the vote counting session by presenting any non-conforming envelopes for Committee adjudication. A return envelope that is unsealed, was not issued by the contractor, does not have a valid control number, or does not have a signed affidavit, is non-conforming. If voters within the same household have switched their return envelopes, those envelopes are valid. The contractor shall set aside, unopened, any ballot return envelopes the Committee determines to be non-conforming. The Committee shall notify those individual voters by email, telephone, or in person within 24 hours after the initial vote counting session, to give them a chance to "cure" those envelopes. Voters shall have five (5) business days to cure their ballot envelopes.
4. On the Committee's instructions, continuing the vote counting session, the contractor shall:
  - a. Open the valid envelopes and tally the votes by machine count.
  - b. Present any non-machine-readable ballots for Committee adjudication, to complete the initial vote count.

- c. Provide the Committee with the preliminary tally of the votes for each listed candidate, the name and number of votes for each write-in candidate, the number of envelopes, ballots and/or votes that were disqualified, and the reasons for the disqualifications.
  - d. Work with the Committee to resolve any questions about the initial vote count.
- 5. Candidates or their designated representative(s) — only one per candidate — may observe the tallying, review, and adjudication process, and may raise objections during the process. The candidate or designated representative must identify the challenge at the time of vote counting. Other residents and qualified voters may also observe the process, but they may not raise objections, participate in, or disrupt the counting of the ballots.
- 6. If candidates or their representatives raise objections during the envelope adjudication or ballot review process, the Committee shall resolve such objections by Committee vote during the session and instruct the contractor to include or set aside the envelope, or include or disqualify the ballot or vote, accordingly.
- 7. If a voter cures a non-conforming ballot envelope, the Committee shall instruct the contractor by email to open that envelope and include those votes in the final tally. The Committee shall notify the contractor about any cured ballot envelopes no later than six (6) business days after the initial vote counting session.
- 8. At the conclusion of the ballot-curing process, the contractor shall within 24 hours provide the Committee with the contractor's complete certified Official Count of Ballot Report on all votes received, including the number of votes for each listed candidate, the name and number of votes for each write-in candidate, the total number of ballot envelopes that were received, the number of envelopes, ballots and/or votes that were disqualified, and the reasons for the disqualifications. After reviewing the contractor's Count of Ballot Report, the Committee shall close the election. The Committee shall vote to officially certify the election and shall promptly provide a complete written report of the election results to the Council, the candidates, and the residents of Martin's Additions, by email via the Village public communication channels.
- 9. The Election Committee may specify additional instructions for the contractor as necessary to ensure a fair, inclusive, and accurate election, consistent with the provisions of this Ordinance.
- 10. The contractor shall securely return all ballots, envelopes, and other election materials to the Martin's Additions Village Office by mail or courier.

## **XII. Election Interference**

The Committee shall document and promptly report to the Council any interference with the election process. The Council shall take action to prohibit any person or organization from interfering with the election process, including any interference with the Election Committee officials in the performance of their official duties or interference with persons acting under the instructions of the Committee in the performance of those official election duties.

## **XIII. 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 shall 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. On Election Day, the Committee shall set and enforce a reasonable "No Electioneering Zone" around the election table where voters may place their ballot envelopes in the Election Committee ballot drop-box. That zone shall prohibit electioneering within a 50 foot radius of the election table. Sound amplification systems such as bullhorns will not be permitted.

#### **XIV. Election Committee Meetings and Public Comments**

All Election Committee meetings shall comply with the Open Meetings Act. VMA elections are voter-friendly, and all VMA election procedures are public documents, available on request. The Committee shall provide public mark-ups to show proposed regulatory changes and shall allow a reasonable opportunity for public comments on each meeting agenda item before the Committee makes its decisions. Voters have the right to receive timely, accurate election information and provide public comments about the VMA election rules and regulations.

#### **XV. Election 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.

### **APPENDIX A: VOTER ROLL VERIFICATION PROCEDURE**

The Election Committee shall implement this procedure to verify the Village residents who are "qualified voters" as defined by the Charter and this Ordinance. The Committee shall update and certify the voter roll for each annual Village Council election, consistent with Maryland Code, Elections Article, Section 3-403, and the Village Charter and Code of Ordinances. The VMA voter roll is an official government document. The Committee must have a clear, auditable factual basis for its decisions about who receives a ballot.

The Election Committee shall send all instructions about the VMA voter roll to the mail-vote contractor in writing (by email), to provide a documented public record. The mail-vote contractor sends the ballots directly to the qualified voters.

The VMA staff assists the Committee by posting the Committee's notices and communications to residents, hiring election service contractors, and providing the standard electronic government data: (1) the current Village Office List of VMA residents; (2) the certified VMA voter rolls from prior years; and (3) the current County voter roll for the addresses in Martin's Additions. The VMA staff does not verify the voters, make decisions about who shall receive a ballot, or manage the election process; the Village staff members are employees of the Council, including the incumbent candidates, which can create a potential conflict of interest. The Election Committee is responsible for the voter roll and the election process.

The Committee shall exercise due diligence to maintain the accuracy of the voter roll, and authorize the contractor to send ballots to all qualified voters on the VMA voter roll. The Committee shall not remove potential voters from the VMA voter roll without due process, which includes (1) a documented factual basis for the decision, (2) written notification, and (3) a reasonable procedure for the individual to challenge the decision if the person wishes to do so.

#### **A. Voter Eligibility**

The Committee shall define voter eligibility in accordance with the provisions specified in Section 301 of the Village Charter and Section IV of the Ordinance.

#### **B. Timing**

The Committee shall approve the verified updated voter roll by a Committee vote and submit it electronically to the designated mail-vote contractor no later than April 7 each year to allow time for the printing and mailing of ballots to the qualified voters.

#### **C. Voter Roll Verification Process**

1. The Committee may utilize the services of a temporary contractor to assist in the voter roll verification process.
2. Acknowledging that there is no single, perfect way to update and verify a voter roll, the Committee shall update the VMA voter roll, beginning in January each year, by using the following procedures and consulting other sources of relevant information the Committee deems appropriate:
  - a. Compare the prior year's VMA voter roll with the VMA Office List of current residents and notifications of move-ins/move-outs in the Village, and resolve discrepancies by verifying current residency as defined in the Village Charter, by applying the steps below.
  - b. Compare the County voter roll for VMA's addresses, as provided to the Committee by the VMA Office, with the prior year's VMA voter roll, and resolve discrepancies by verifying current residency as defined in the Village Charter, by applying the steps below.
  - c. Conduct a check of relevant property records and other public records as necessary to resolve questions of current residency and property ownership.
  - d. Conduct an inquiry in person or in writing with the occupants of any given property to resolve questions of residency.
  - e. Send an annual notice to each voter by first-class U.S. mail and use the returned mail to help identify persons who may no longer be current residents.
  - f. Distribute information to all VMA households regarding the procedure to sign up to vote in VMA, and inform residents and qualified voters that they should contact the Committee if they have a question relating to their status on the voter roll, or if they or other members of their household have undergone a change in status affecting their eligibility to vote in VMA.
  - g. Check the working draft of the VMA voter roll to delete duplicate entries.
3. Based upon the review conducted in Section C.2. above, the Committee shall identify any names and addresses for which (a) owners or residents cannot be verified; (b) conflicting information has been identified during the review of the voter roll, the Village Office List of residents, or County voter records; or (c) issues have been identified by the Village Manager with respect to the current status of an address.

4. The Election Committee shall then vote to either (a) begin a further review of any name and address identified as having an outstanding issue or (b) decline to conduct further review and leave the status unchanged. Where the Election Committee votes to continue review, the review process is as follows:

- a. The Election Committee shall use the most recent contact information from the Village Office to contact the potential voter by email or telephone to communicate the issue that has arisen as to voter eligibility and to gather additional information. If there is no response within ten (10) calendar days, the Committee shall send a written notification via U.S. mail to the potential voter, to say that a question has arisen related to their eligibility and request that the individual contact the Committee to resolve the question. The person shall have ten (10) days to respond to the written notification, to provide additional information to the Committee.
- b. If the issue concerns a person who is not on the VMA or County voter roll and the additional information confirms that the individual is eligible to vote and would like to be included on the VMA voter roll, the Committee shall add the person to the voter roll upon receiving a written request from the individual that includes the documentation specified in section E.2. below.
- c. If the issue concerns a previously qualified voter who is already listed on the VMA voter roll, and the additional information confirms that the individual remains eligible to vote, the Committee will add notes to the voter roll detailing the steps taken to confirm eligibility.
- d. If the issue relates to a previously qualified voter and the additional information demonstrates that the person is no longer eligible to vote in the Village Election, the Committee shall take the following action:
  - i) If the person does not appear on the County voter roll, the Committee shall remove the person from the VMA voter roll upon receiving written confirmation from the person verifying that they are no longer an eligible voter in VMA, or documentation from public records that the individual is no longer a qualified voter in VMA.
  - ii) If the person appears on the County voter roll, and the Committee confirms that the person is no longer an eligible voter in VMA, the Committee shall notify the Village Manager, who shall inform the County Board of Elections. When the County notifies VMA that the person has been removed from the County voter list for VMA, the Election Committee shall remove the person from the VMA voter roll. If it is not possible for the ineligible individual to be removed from the VMA voter roll prior to Election Day, the Committee shall vote to designate the individual as “Not Qualified.”
- e. If there is no response to the Committee’s outreach efforts within 30 days after the date of the Committee’s initial written notification regarding the questions about eligibility, the Committee may vote to declare the individual “Not Qualified” and remove them from the list of qualified voters. Individuals deemed “Not Qualified” will not be mailed ballots nor included on the version of the voter roll submitted to the election service contractor.
- f. Any voter removed from the VMA voter roll or designated “Not Qualified” shall be notified of that decision, in writing, by the Election Committee. The Committee shall mail the notice to the last known address of the voter, and include information describing the challenge process set forth below.

#### **D. Transmitting the Voter Roll to the Contractor**

Upon conclusion of the process delineated in Section C, the Committee shall vote to approve and send the updated, verified voter roll to the election contractor. The Committee shall duly mark the copy of the verified voter roll designated by the Committee for transmission to the election contractor, record the time and date of its approval and transmission, and confirm that the verified voter roll is used in operating the election.

If, following the transmission of the voter roll to the election contractor, (1) an individual identifies that they are no longer a qualified voter or requests to be taken off of the voter roll, or (2) the Committee receives documentation from public records that a person is not a qualified voter (e.g., a County death record), the Committee shall instruct the election contractor to cancel the ballot sent to that individual.

#### **E. Adding to the Voter Roll**

1. Eligible voters may contact the Committee to request to be added to the VMA voter roll up until 8:00 PM on Election Day.
2. Voters who are not on the County voter roll and are seeking to be added to the VMA voter roll must sign a short Election Committee form to confirm that VMA is the voter's primary residence, and show a driver's license, a recent utility bill, or other documentation acceptable to the Committee in its sole discretion, to confirm the voter's name, date of birth, and current Martin's Additions address.
3. If a new voter provides the required documentation after the transmission of the voter roll to the contractor, the Committee shall provide written instructions by email directing the election contractor to send a ballot to the new voter in time for that ballot to be voted and returned prior to the deadline for ballot receipt.

#### **F. Challenges to Removal from the Voter Roll**

1. Whenever any voter is removed for any reason from the VMA voter roll or declared "Not Qualified," the Committee shall send a written notice of the action and the reason for the action to the last known address of the voter. Individuals may challenge their removal or designation as "Not Qualified" by notifying the Committee via its email inbox, or by certified mail addressed to the Election Committee at the Village Office, within 30 days of the date of the notice.
2. This challenge may only be brought by the individual whose eligibility is at issue or their legally designated representative. At the time of the challenge, the challenging party shall present evidence to the Committee as to why a decision removing them from the VMA voter roll or declaring them to be "Not Qualified" is improper, inaccurate, or otherwise in need of reconsideration.
3. Based on the totality of the evidence, including the applicable public records, the Committee shall vote to determine whether the individual should be restored to the voter roll, and shall provide written notice of the decision to the person. If the individual is restored to the voter roll, the Committee shall instruct the election contractor to mail a ballot to the individual with sufficient time to return it prior to that year's deadline for receipt of ballots.

#### **G. Challenges to the Inclusion of a Voter on the Voter Roll.**

1. A qualified voter may raise a challenge to the inclusion of a name on the VMA voter roll no later than April 1. The challenging party must provide notification of a challenge to the Committee via its email inbox, or by certified mail addressed to the Election Committee at the Village Office, and include (a) the name and address of the voter whose place on the voter roll is being challenged, and (b) any evidence that the person believes supports the challenge.
2. The Committee shall notify the individual whose eligibility is being challenged, who shall have the right to respond and present any relevant information to the Committee to support its decision-making. The Committee shall review the public records, to gather additional information relating to the voter's eligibility.

3. After review of the information presented and the applicable public records, the Committee shall vote on whether the individual will remain “qualified,” or be removed from the voter roll or designated “Not Qualified.” Any voter removed from the voter roll or designated “Not Qualified” shall be notified in writing, as required in section C.4.f. above.

#### **H. Final Certification and Record-Keeping**

After the conclusion of the Election Day deadline for changes to the voter roll, the Committee Chair and Vice-Chair shall review the current copy of the voter roll to confirm that it reflects any updated information and present the roll to the full Committee for a vote to certify. The Chair and Vice-Chair shall then certify the final voter roll by signing and dating a copy of the updated voter roll, initialing and dating the pages, and completing and signing the form attesting that it is the final official version being used for that year’s Village Council Election. Voting records shall be preserved according to the Village’s approved Document Retention Schedule.

### **APPENDIX B: ELECTION FORUM PROCEDURE**

1. The election forum shall be held between April 16 and April 30 each year, at least ten (10) business days before Election Day. The Election Committee shall finalize the venue, date, time, and details for the forum after consulting with the candidates about their preferences and availability. The forum shall run for at least ninety (90) minutes, and may run for up to two hours at the moderator’s discretion. The Committee shall ensure community access to the forum by Zoom or other remote means, to make the forum readily accessible for the candidates and residents. The Committee may hold more than one forum after April 16.
2. The election forum shall be strictly impartial: (a) the forum must cover a broad range of issues, with questions applicable to all candidates; (b) all candidates must have equal time to present their views; and (c) the moderator and Committee members must remain neutral and in no way indicate or imply approval or disapproval of any candidate.
3. One member of the Election Committee shall moderate the forum; a second member shall serve as the timekeeper. The VMA staff shall assist the Committee in setting up the technical logistics.
4. All VMA residents are welcome to participate directly (by Zoom, or via a call-in number). Residents may email questions to the Committee in advance at [VMAelections@martinsadditions.org](mailto:VMAelections@martinsadditions.org) or submit questions to the Committee by other means. Residents may submit forum questions anonymously, and may ask live questions when called on during the forum. No candidate is permitted to see the questions prior to the forum. The Committee shall compile the advance questions from residents and provide the list to the forum moderator.
5. VMA forum structure:
  - a. A 1-minute welcome and introduction from the moderator or Committee chair.
  - b. A 2-minute opening statement from each candidate.
  - c. Residents' questions:
    - 1 minute for each question from a resident.
    - A 2-minute answer from each candidate.
    - Each candidate is allowed a 1-minute follow-up round on each question if a candidate wants to respond.
  - d. A 2-minute closing statement from each candidate.
  - e. The moderator thanks the candidates and residents for participating and closes the forum.

The Election Committee may revise the specific format timing elements at its discretion, provided that all candidates shall have equal time to make their statements and respond to each question.

The moderator:

- a. shall rotate the order of calling on the candidates to respond to the residents' questions.
- b. shall include both live questions from residents and the questions submitted in advance.
- c. shall keep the time balanced fairly among all the candidates to maintain a level playing field.
- d. shall have discretion to choose which questions to ask.

The timekeeper shall hold up "15 SECONDS" and "TIME" cards, as needed, for the candidates, the moderator, and the residents to see. The timekeeper may also use a bell or other means to signal when time is up.

6. The VMA staff shall record the forum and post the audio and video on the VMA website, to be readily accessible to VMA residents.
7. Public notice: The Election Committee shall publish the formal notice about the venue, date, time, Zoom link and call-in number for the forum by email via the Village public communication channels, in the VMA newsletter, and in the official VMA election information packet that is sent by mail to all VMA households. The Committee shall post an additional forum notice by email two days in advance, and again on the morning of the forum. The Committee may also post informal reminders on the village listserv.



## **VMA ELECTION REGULATIONS**

### **January 16, 2024**

#### **I. Purpose**

The purpose of these Regulations is to implement the election provisions of the Village Charter and Code.

#### **II. The Village Council Election Process**

The Village of Martin's Additions ("VMA") Charter provides for a five-member elected Village Council ("Council"). Per Charter Section 602, 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. Charter Section 301 defines the residents who are qualified to vote.

The Council annually appoints an Election Committee ("Committee") to manage the elections in accordance with the Village Charter, Code, and these regulations. The Council may appoint additional qualified voters as short-term assistant Election Committee members, as needed, at the request of the Committee. Committee members complete an Oath of Service and a Conflicts of Interest Questionnaire, as provided by the Village consistent with Village Policy. The Committee shall issue the election notices; manage, verify, and certify the Village's supplementary voter roll; accept nominations and verify candidate eligibility; conduct the public election forum, if any; prepare and authorize the ballots, subject to Council approval for absentee balloting; supervise the vote counting; certify the election results; and otherwise manage the annual elections according to these regulations.

#### **III. General Provisions**

1. The Election Committee shall set the date of Election Day between May 1 and May 15 each year, on a date determined from year to year in accordance with Section 602 of the Charter.
2. The Committee shall, no less than six months before Election Day, submit the proposed Schedule for that year's election cycle to the Council for approval, showing the specific date for Election Day, the nomination period, candidate filing date, election forum date, ballot mailing date, and the due date for ballot receipt and vote counting.
3. Each year the Committee shall instruct the Village staff to publish the official notices of the election and forum and the details of the election cycle for that year in the Village newsletter, in the Village election information packet that is mailed to the Village households, on the Village website, and via the Village's email communication channels. The VMA staff shall post the Committee's election announcements throughout the election cycle.
4. No later than sixty (60) days prior to Election Day, the Committee shall open the nomination period by public notice 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.
5. To be placed on the ballot, no later than forty-five (45) days prior to Election Day each candidate shall submit (a) a statement of interest and qualifications and (b) a conflicts of interest disclosure

statement in a form specified by the Village, by email or other means to the Election Committee.

6. The Committee shall publish and mail the official Village election information packet to all VMA households no later than two (2) weeks after the candidate filing date, with the candidates' written statements of interest, the official election and forum notices, and general voting instructions.
7. The Committee may establish a venue, format, date, and time for an election forum for residents to hear from the candidates and ask questions. The forum shall be moderated by the Committee in accordance with the Forum Procedure specified herein.
8. Pursuant to the Charter and these Regulations, each qualified voter may cast a mail-in ballot provided by the Committee subject to and in accordance with the schedule publicly announced by the Committee.
9. Blank lines shall 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.
10. 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 after the election. Runoff elections shall be held by mail.

#### **IV. Qualified Voters: Who Can Vote?**

Pursuant to Charter Section 301, a "qualified voter" is any natural person whose residence is in Martin's Additions and who is eighteen years of age or over, as of Election Day. As used in the Charter, "residence" means the location deemed the voter's primary residence (or "permanent abode" according to case law) and single domicile in the United States for voting purposes, and where the voter intends to return after a temporary residence elsewhere. The address shown on the resident's driver's license or a document used for other official purposes is generally considered the person's primary residence.

Students aged 18 or older who reside elsewhere during the school year but who maintain their primary residence in Martin's Additions are deemed residents and are entitled to vote in the Village Council election. Renters, caregiver, or others who reside in Martin's Additions are eligible to vote if VMA is their primary residence.

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.

Property ownership does not confer voting rights in VMA. However, property owners and other residents who are qualified voters in VMA, who are temporarily residing elsewhere for work or other reasons, may maintain their residential right to vote in the next annual Village election by providing the Election Committee with a completed federal FPCA standard form 76, or a signed and dated declaration that states (a) that VMA is their primary residence and sole U.S. residence for voting purposes and (b) that they intend to return to VMA.

Residents who are temporarily deployed on military service in other locations retain their residential right to vote in Martin's Additions, and can receive a ballot by providing the Election Committee with a completed federal FPCA standard form 76, or a signed and dated declaration that states (a) that VMA is their primary

residence and sole U.S. residence for voting purposes and (b) that they intend to return to VMA.

## **V. Village Voter Roll**

The Committee shall verify and certify the annual voter roll in accordance with the Voter Roll Verification Procedure in Appendix A, which is hereby attached to and made an integral part of these Election Regulations. The Committee shall utilize the most recent electronically available Village resident contact information, the County voter roll, and other appropriate sources to verify the names and addresses of the qualified voters for each annual election.

Residents who are not on the VMA or County voter roll may contact the Committee to request to be added to the VMA voter roll up until 8 PM on Election Day. To be eligible to receive a mail ballot, potential VMA voters who are not on the County voter roll must sign a short Election Committee form, approved by the Council, to confirm that VMA is the voter's primary residence, and show a driver's license, utility bill, or other documentation acceptable to the Committee in its sole discretion, to confirm the voter's name, date of birth, and current address in Martin's Additions.

The Committee is responsible for adding eligible voters, and is likewise responsible for removing from the voter roll the names of those who are no longer qualified voters, in accordance with the process specified in the Voter Roll Verification Procedure. The Committee shall confirm that the verified voter roll is used in operating the election, and shall certify the final official voter roll for that year after the Committee closes the voter roll on Election Day. The VMA voter roll is a public document; any qualified VMA voter may receive a copy by emailing a request to the Committee or the Village Manager.

## **VI. Procedure for Voting**

VMA's elections will normally be held entirely by mail, although other methods may be adopted in the future, subject to Council approval. The Committee may utilize the services of a mail-vote election contractor, subject to budgeting and approval by the Council. To protect election security, the VMA election contractor shall mail the ballots directly to the voters. Voters will mail their completed ballots back to the election contractor in the postage-paid envelopes issued by the contractor. To ensure that their ballot will be counted, voters must sign the brief affidavit form on the back of the official ballot return envelope.

On Election Day, the Committee may also provide an opportunity for voters to drop off completed ballot envelopes in a secure, accessible mail-vote drop-box directly supervised by the Committee. Voters may come to the Committee table in front of the Village Office to deposit their sealed ballot envelopes, containing a voted ballot and bearing a completed affidavit, in the Election Committee mail-vote drop-box between the hours of 5:00 PM and 8:00 PM on Election Day.

Promptly after 8:00 PM, the Election Committee shall open the drop-box, count and record the number of ballot return envelopes in the box, and ensure a secure Committee chain-of-custody procedure to promptly convey those completed ballot envelopes directly to the mail-vote contractor. VMA Council members, staff, and other unauthorized persons are not permitted to have access to the ballot envelopes. The election contractor shall securely hold all ballot envelopes received until the date for vote counting.

The Committee shall instruct the Village Manager to direct the contractor to mail the ballot packets to the voters the day after the Election Forum. The contractor shall mail the packet via first class U.S. post or other secure tracked delivery system to each voter listed on the VMA voter roll at their address of record. Each packet shall include (a) a ballot, (b) the voting instructions prepared by the Committee in consultation with

the election contractor, (c) a voting privacy envelope, and (d) a postage-paid ballot return envelope marked with the ballot security control number assigned to that voter.

Traditional absentee ballots will not be necessary because every person on VMA's voting roll will automatically receive a ballot packet by mail. The Committee will work with the election contractor to identify the projected dates when ballots will begin arriving and shall provide notice to the Village.

If voters are planning not to be at their VMA address during the voting process, they may elect to receive a ballot by mail at a different location by so informing the Committee no later than 8:00 PM on Election Day. No one may vote two ballots at two different addresses.

Subject to the terms and conditions of the service provider contract approved by the Village, and the availability of early ballots, voters may also request early ballots by notifying the Committee if they will be out of the country or otherwise unable to receive a ballot by mail during the regular voting period. Administrative delays may prevent the issuance of early ballots. The Committee shall instruct the Village Manager to direct the contractor to mail early ballots to such voters, if possible.

Voters whose ballots have been lost, damaged, spoiled, or for any other reason cannot be voted may request a replacement ballot by contacting the Committee no later than seven (7) after Election Day. On receipt of such requests, the Committee shall instruct the Village Manager to direct the contractor to cancel the previous ballot sent to that voter and mail the replacement ballot. The contractor must void the original ballot before a second ballot is issued to a voter.

All completed ballot envelopes must be received by the mail-vote contractor no later than 5:00 PM on the day of the vote counting session. The Election Committee shall post public reminders for all qualified voters to return ballots by mail sufficiently early to ensure that their ballot envelopes arrive by the vote counting date.

## **VII. Nominations and Candidate Filing Process**

The Committee shall issue a public call for candidates no less than sixty (60) days prior to Election Day. Any qualified voter may run for office. Qualified voters may nominate themselves or be nominated by another resident, in writing. Nominations may be made only by qualified voters. Qualified voters who nominate candidates other than themselves must include an email or signed written statement from the proposed candidate expressing their consent to be nominated, and should make the nomination early enough to ensure that the nominee has time to prepare the candidate filing materials before the filing deadline. Anonymous nominations are not permitted.

To be placed on the official ballot, each candidate shall submit their filing materials to the Election Committee by email no later than forty-five (45) days before Election Day. Submissions are due by 6:00 PM on the filing date; a thirty-minute grace period will be allowed for email submissions to arrive in the Committee's email inbox. The required candidate filing materials are (a) a candidate statement of interest of up to 1,000 words, including their qualifications as well as any other information they deem relevant, and (b) a signed and completed conflicts of interest disclosure statement. The Committee may specify standard formatting for the candidate statements and any standard questions to which all candidates are requested to respond.

The Committee shall maintain a record of the date and time when nominations and candidate filing materials are received, and shall promptly review the submissions. Candidates are eligible to be placed on the ballot if they are qualified voters in VMA and submit the filing materials on time. The Committee shall not edit the content of any candidate's statement; the candidate statements of interest and qualifications must be published as submitted. If a candidate's submission is incomplete, the

Committee shall notify the candidate by email, and the candidate shall have 24 hours to correct the problem. Submission of corrected materials, requested by the Committee, will not be subject to the deadline for nominations.

#### **VIII. Announcement of Candidates**

The Committee shall instruct the Village Manager to promptly notify the Village of the candidates for office by email announcement, by posting on the Village website, and in the Village newsletter and the official election information packet that is mailed to all VMA households. The information will also be available for review in the Village Office throughout the election period. The Committee shall provide election updates and additional Information for inclusion in the Village newsletters, by email via the Village public communication channels, or by other means.

#### **IX. Election Forum**

The Committee shall host an Election Forum between April 15 and April 30 each year, no less than ten (10) business days before Election Day on a date agreed upon by the Committee and candidates, to allow qualified voters and other residents to hear from candidates and ask the candidates questions. The Committee shall ensure that the forum is impartial, and shall conduct the forum in accordance with the Forum Procedure in Appendix B, which is hereby attached to and made an integral part of these Election Regulations. The Committee shall ensure that the official Village election information packet containing the candidates' statements of interest is mailed to the residents in time to be received before the forum.

#### **X. Instructions for the Mail-vote Election Service Contractor**

The Village Manager issues and administers the contract. The Election Committee manages the election process.

Election schedule: Prior to the issuance of the notice of election, the Committee shall notify the contractor of the dates for Election Day and the VMA election forum, and determine the date for the vote counting session in consultation with the contractor and VMA staff. The vote counting shall take place no less than two weeks after Election Day.

Mailing date for the ballot packets and final received-by date for the completed ballots: The contractor shall mail the ballot packets to the voters the day after the VMA election forum in late April. The ballot receipt deadline is 5 PM on the day of the vote counting.

Voter roll: The Election Committee shall instruct the Manager to send the verified voter roll to the mail-vote contractor in early April. Voter roll changes: Pursuant to the Election Regulations, the Committee may add or remove voters until 8 PM on Election Day. The Committee shall instruct the Manager to direct the contractor in writing, by email, to add new voters as warranted, or to void a voter's ballot security number if the Committee determines that a ballot was sent to someone who is no longer a qualified voter.

Approval of ballot packet: The contractor shall provide the draft ballot packet (including the voting instructions, ballot format, and envelopes) to the Manager for review by the Committee at least two weeks before the planned general mailing date. The Committee shall check the content, format, clarity and accuracy of the draft documents and vote to approve the packet before authorizing the contractor to send it to the voters.

Specifications for the ballot packet and equipment on Election Day: The contractor shall:

- a. Rotate the candidates' names on the ballot format to prevent positional bias.
- b. Include the blank lines on the ballot for the write-in votes.
- c. Provide postage-paid ballot return envelopes, and the inner envelopes to protect voting privacy.
- d. Assign a random 6-digit security control number to each voter and print that number on the voter's ballot return envelope.
- e. Print the affidavit/affirmation form on the back of the return envelopes.
- f. Put tracking codes on both the incoming ballot packets and the return ballot envelopes.
- g. Send a test mailing to the Committee before the general mailing to the Village, and correct any problems discovered by the Committee.
- h. Provide a small secure mail-vote drop-box on site in Martin's Additions on the afternoon and evening of Election Day for the completed ballot return envelopes, and provide a secure means to promptly convey those completed ballot return envelopes to the contractor's location for the subsequent vote counting session. The Election Committee shall supervise the drop-box to ensure its security.

Early ballots: The Committee may instruct the Manager to direct the contractor to mail early ballot packets to voters who will be unable to receive mail during the general mailing to the Village.

Replacement ballots: The Committee may instruct the Manager to direct the contractor to issue replacement ballots up to two (2) weeks before Election Day. The contractor shall cancel the original assigned ballot security control number to void the original ballot before sending a voter a replacement ballot with a new control number.

Ballot records: All ballot instructions shall be sent to the election service contractor in writing, via email. The contractor cannot issue ballots without written instructions. The contractor and the Committee shall each keep a record of all ballots issued, all ballots voided, all replacement ballots sent, and all emails received, to maintain a complete record that can be audited and verified.

## **XI. Vote Counting Procedure**

1. The Committee and contractor shall schedule the vote counting session to be held no more than two weeks after Election Day, after 5 PM on the designated date. The contractor shall make arrangements with the Martin's Additions Village Manager to enable the Committee, the candidates and/or their representatives, and residents to view the vote counting process by Zoom or other remote means, and shall record the vote counting session.
2. The contractor shall include all ballot return envelopes that are received by 5 PM on the date of the vote counting. Prior to the start of the vote counting, the contractor shall inform the Committee of the total number of ballot envelopes received and the number that are still in postal transit as of 5 PM on that date.
3. On the Committee's instructions, the contractor shall begin the vote counting session by presenting any non-conforming envelopes for Committee adjudication. A return envelope that is unsealed, was not issued by the contractor, does not have a valid control number, or does not have a signed affidavit, is non-conforming. If voters within the same household have switched their return envelopes, those envelopes are valid and shall be included in the count. The contractor shall set aside, unopened, any ballot return envelopes the Committee determines to be non-conforming.

4. On the Committee's instructions, continuing the vote counting session, the contractor shall:
  - a. Open the valid envelopes and tally the votes by machine count.
  - b. Present any non-machine-readable ballots for Committee adjudication, to complete the vote count.
  - c. Provide the Committee with the preliminary tally of the votes for each listed candidate, the name and number of votes for each write-in candidate, the number of envelopes, ballots and/or votes that were disqualified, and the reasons for the disqualifications.
  - d. Work with the Committee to resolve any questions about the vote count.
5. Candidates or their designated representative(s) — only one per candidate — may observe the tallying, review, and adjudication process, and may raise objections during the process. The candidate or designated representative must identify the challenge at the time of vote counting. Other residents and qualified voters may also observe the process, but they may not raise objections, participate in, or disrupt the counting of the ballots.
6. If candidates or their representatives raise objections during the envelope adjudication or ballot review process, the Committee shall resolve such objections by Committee vote during the session and instruct the contractor to include or set aside the envelope, or include or disqualify the ballot or vote, accordingly.
7. At the conclusion of the public vote count, the contractor shall within 24 hours provide the Committee with the contractor's complete certified Official Count of Ballot Report on all votes received, including the number of votes for each listed candidate, the name and number of votes for each write-in candidate, the total number of ballot envelopes that were received, the number of envelopes, ballots and/or votes that were disqualified, and the reasons for the disqualifications. After reviewing the contractor's Count of Ballot Report, the Committee shall vote to officially certify the election and shall promptly provide a complete written report of the election results to the Council, the candidates, and the residents of Martin's Additions, by email via the Village public communication channels.
8. The contractor shall securely return all ballots, envelopes, and other election materials to the Martin's Additions Village Office by mail or courier.

## **XII. Election Interference**

The Committee shall document and promptly report to the Council any interference with the election process. The Council shall take action to prohibit any person or organization from interfering with the election process, including any interference with the Election Committee officials in the performance of their official duties or interference with persons acting under the instructions of the Committee in the performance of those official election duties.

## **XIII. 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 shall 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. On Election Day, the Committee shall set and enforce a reasonable "No Electioneering Zone" around the election table, if any, where voters may place their ballot envelopes in the Election Committee ballot drop-box. That zone shall prohibit electioneering within a 50 foot radius of the election table. Sound amplification systems such as bullhorns will not be permitted.

#### **XIV. Election Committee Meetings and Public Comments**

All Election Committee meetings shall comply with the Open Meetings Act. VMA elections are voter-friendly, and all VMA election procedures are public documents, available on request, provided, however, that the voter roll may not be requested for commercial purposes. Where reasonably-possible, the Committee shall provide public mark-ups to show proposed regulatory changes and shall allow a reasonable opportunity for public comments on each meeting agenda item before the Committee makes its decisions. Voters have the right to receive timely, accurate election information and provide public comments about the VMA election rules and regulations.

#### **XV. Election 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.



## **APPENDIX A: VOTER ROLL VERIFICATION PROCEDURE**

The Election Committee shall implement this procedure to verify the Village residents who are “qualified voters” as defined by the Charter. The Committee shall update and certify the voter roll for each annual Village Council election, consistent with Maryland Code, Elections Law Article, Section 3-403, and the Village Charter and Code of Ordinances. The VMA voter roll is an official government document. The Committee must have a clear, auditable factual basis for its decisions about who receives a ballot.

Upon approval of the VMA voter roll, the Election Committee shall instruct the Village Manager to send the VMA voter roll to the mail-vote contractor in writing (by email). The mail-vote contractor sends the ballots directly to the qualified voters.

The VMA staff assists the Committee by posting the Committee’s notices and communications to residents, hiring election service contractors, and providing the standard electronic government data: (1) the current Village Office List of VMA residents; (2) the certified VMA voter rolls from prior years; and (3) the current County voter roll for the addresses in Martin’s Additions. The VMA staff does not verify the voters, make decisions about who shall receive a ballot, or manage the election process. The Election Committee is responsible for the voter roll and the ballots.

The Committee shall exercise due diligence to maintain the accuracy of the voter roll. The Committee shall not remove potential voters from the VMA voter roll without due process, which includes (1) a documented factual basis for the decision, (2) written notification, and (3) a reasonable procedure for the individual to challenge the decision if the person wishes to do so.

### **A. Voter Eligibility**

The Committee shall apply the definition of qualified voter in Section 301 of the Village Charter as further explained in these Regulations.

### **B. Timing**

The Committee shall approve the verified updated voter roll by a Committee vote and instruct the Village Manager to submit it electronically to the designated mail-vote contractor no later than April 7 each year to allow time for the printing and mailing of ballots to the qualified voters.

### **C. Voter Roll Verification Process**

1. The Committee may utilize the services of a temporary contractor to assist in the voter roll verification process, provided the cost of which has been budgeted and approved by the Council.
2. Acknowledging that there is no single, perfect way to update and verify a voter roll, the Committee shall update the VMA voter roll, beginning in January each year, by using the following procedures and consulting other sources of relevant information the Committee deems appropriate:
  - a. Compare the prior year’s VMA voter roll with the VMA Office List of current residents and notifications of move-ins/move-outs in the Village, and resolve discrepancies by verifying current residency as defined in the Village Charter, by applying the steps below.
  - b. Compare the County voter roll for VMA’s addresses, as provided to the Committee by the VMA Office, with the prior year’s VMA voter roll, and resolve discrepancies by verifying current residency as defined in the Village Charter, by applying the steps below.

- c. Conduct a check of relevant property records and other public records as necessary to resolve questions of current residency and property ownership.
  - d. Conduct an inquiry in person or in writing with the occupants of any given property to resolve questions of residency.
  - e. Send an annual notice to each voter by first-class U.S. mail and use the returned mail to help identify persons who may no longer be current residents.
  - f. Distribute information to all VMA households regarding the procedure to sign up to vote in VMA, and inform residents and qualified voters that they should contact the Committee if they have a question relating to their status on the voter roll, or if they or other members of their household have undergone a change in status affecting their eligibility to vote in VMA.
  - g. Check the working draft of the VMA voter roll to delete duplicate entries.
3. Based upon the review conducted in Section C.2. above, the Committee shall identify any names and addresses for which (a) owners or residents cannot be verified; (b) conflicting information has been identified during the review of the voter roll, the Village Office List of residents, or County voter records; or (c) issues that have been identified by the Village Manager with respect to the current status of an address.
4. The Election Committee shall then vote to either (a) begin a further review of any name and address identified as having an outstanding issue or (b) decline to conduct further review and leave the status unchanged. Where the Election Committee votes to continue review, the review process is as follows:
- a. The Election Committee shall use the most recent contact information from the Village Office to contact the potential voter by email or telephone to communicate the issue that has arisen as to voter eligibility and to gather additional information. If there is no response within ten (10) calendar days, the Committee shall instruct the Village Manager to send a written notification via U.S. mail to the potential voter, to say that a question has arisen related to their eligibility and request that the individual contact the Committee to resolve the question. The person shall have ten (10) days to respond to the written notification, to provide additional information to the Committee.
  - b. If the issue concerns a person who is not on the VMA or County voter roll and the additional information confirms that the individual is eligible to vote and would like to be included on the VMA voter roll, the Committee shall add the person to the voter roll upon receiving a written request from the individual that includes the documentation specified in section E.2. below.
  - c. If the issue concerns a previously qualified voter who is already listed on the VMA voter roll, and the additional information confirms that the individual remains eligible to vote, the Committee will add notes to the voter roll detailing the steps taken to confirm eligibility.
  - d. If the issue relates to a previously qualified voter and the additional information demonstrates that the person is no longer eligible to vote in the Village Election, the Committee shall take the following action:
    - i) If the person does not appear on the County voter roll, the Committee shall remove the person from the VMA voter roll upon receiving written confirmation from the person verifying that they

are no longer an eligible voter in VMA, or documentation from public records that the individual is no longer a qualified voter in VMA.

ii) If the person appears on the County voter roll, and the Committee confirms that the person is no longer an eligible voter in VMA, the Committee shall notify the Village Manager (and provide the basis for and evidence supporting removal), who shall inform the County Board of Elections. When the County notifies VMA that the person has been removed from the County voter list for VMA, the Election Committee shall remove the person from the VMA voter roll. If it is not possible for the ineligible individual to be removed from the VMA voter roll prior to Election Day, the Committee shall vote to designate the individual as “Not Qualified.”

e. If there is no response to the Committee’s outreach efforts within 30 days after the date of the Committee’s initial written notification regarding the questions about eligibility, the Committee may vote to declare the individual “Not Qualified” and remove them from the list of qualified voters. Individuals deemed “Not Qualified” will not be mailed ballots nor included on the version of the voter roll submitted to the election service contractor.

f. Any voter removed from the VMA voter roll or designated “Not Qualified” shall be notified of that decision, in writing, by the Election Committee. The Committee shall instruct the Village Manager to mail the notice to the last known address of the voter, and include information describing the challenge process set forth below.

#### **D. Transmitting the Voter Roll to the Contractor**

Upon conclusion of the process delineated in Section C, the Committee shall vote to approve and instruct the Village Manager to send the updated, verified voter roll to the election contractor. The Committee shall duly mark the copy of the verified voter roll designated by the Committee for transmission to the election contractor, record the time and date of its approval and transmission, and confirm that the verified voter roll is used in operating the election.

If, following the transmission of the voter roll to the election contractor, (1) an individual states that they are no longer a qualified voter or requests to be taken off of the voter roll, or (2) the Committee receives documentation from public records that a person is not a qualified voter (e.g., a County death record), the Committee shall instruct the Village Manager to instruct the election contractor to cancel the ballot sent to that individual.

#### **E. Adding to the Voter Roll**

1. Eligible voters may contact the Committee to request to be added to the VMA voter roll up until 8:00 PM on Election Day.

2. Voters who are not on the County voter roll and are seeking to be added to the VMA voter roll must sign a short Election Committee form, approved by the Council, to confirm that VMA is the voter’s primary residence, and show a driver’s license, a recent utility bill, or other documentation acceptable to the Committee in its sole discretion, to confirm the voter’s name, date of birth, and current Martin’s Additions address.

3. If a new voter provides the required documentation after the transmission of the voter roll to the contractor, the Committee shall provide written instructions by email instructing the Village Manager to direct the election contractor to send a ballot to the new voter in time for that ballot to

be voted and returned prior to the deadline for ballot receipt.

#### **F. Challenges to Removal from the Voter Roll**

1. Whenever any voter is removed for any reason from the VMA voter roll or declared “Not Qualified,” the Committee shall instruct the Village Manager to send a written notice of the action and the reason for the action to the last known address of the voter. Individuals may challenge their removal or designation as “Not Qualified” by notifying the Committee via its email inbox, or by certified mail addressed to the Election Committee at the Village Office, within 30 days of the date of the notice.
2. This challenge may only be brought by the individual whose eligibility is at issue or their legally designated representative. At the time of the challenge, the challenging party shall present evidence to the Committee as to why a decision removing them from the VMA voter roll or declaring them to be “Not Qualified” is improper, inaccurate, or otherwise in need of reconsideration.
3. Based on the totality of the evidence, including the applicable public records, the Committee shall vote to determine whether the individual should be restored to the voter roll, and shall provide written notice of the decision to the person. If the individual is restored to the voter roll, the Committee shall instruct the Village Manager to instruct the election contractor to mail a ballot to the individual with sufficient time to return it prior to that year’s deadline for receipt of ballots.

#### **G. Challenges to the Inclusion of a Voter on the Voter Roll.**

1. A qualified voter may raise a challenge to the inclusion of a name on the VMA voter roll no later than April 1. The challenging party must provide notification of a challenge to the Committee via its email inbox, or by certified mail addressed to the Election Committee at the Village Office, and include (a) the name and address of the voter whose place on the voter roll is being challenged, and (b) any evidence that the person believes supports the challenge.
2. The Committee shall notify the individual whose eligibility is being challenged, who shall have the right to respond and present any relevant information to the Committee to support its decision-making. The Committee shall review the public records, to gather additional information relating to the voter’s eligibility.
3. After review of the information presented and the applicable public records, the Committee shall vote on whether the individual will remain “qualified,” or be removed from the voter roll or designated “Not Qualified.” Any voter removed from the voter roll or designated “Not Qualified” shall be notified in writing, as required in section C.4.f. above.

#### **H. Final Certification and Record-Keeping**

After the conclusion of the Election Day deadline for changes to the voter roll, the Committee Chair and Vice- Chair shall review the current copy of the voter roll to confirm that it reflects any updated information and present the roll to the full Committee for a vote to certify. The Chair and Vice-Chair shall then certify the final voter roll by signing and dating a copy of the updated voter roll, initialing and dating the pages, and completing and signing a voter roll certification form attesting that it is the final official version being used for that year’s Village Council Election. Voting records shall be preserved according to the Village’s approved Document Retention Schedule.

## APPENDIX B: ELECTION FORUM PROCEDURE

1. The election forum shall be held between April 16 and April 30 each year, at least ten (10) business days before Election Day. The Election Committee shall finalize the venue, date, time, and details for the forum after consulting with the candidates about their preferences and availability. The forum shall run for at least ninety (90) minutes, and may run for up to two hours at the moderator's discretion. The Committee shall ensure community access to the forum by Zoom or other remote means, to make the forum readily accessible for the candidates and residents. Subject to Council approval of the cost and use of staff, the Committee may hold more than one forum after April 16.
2. The election forum shall be strictly impartial: (a) the forum must cover a broad range of issues, with questions applicable to all candidates; (b) all candidates must have equal time to present their views; and (c) the moderator and Committee members must remain neutral and in no way indicate or imply approval or disapproval of any candidate.
3. One member of the Election Committee shall moderate the forum; a second member shall serve as the timekeeper. The VMA staff shall assist the Committee in setting up the technical logistics.
4. All VMA residents are welcome to participate directly (by Zoom, or via a call-in number). Residents may email questions to the Committee in advance at [VMAelections@martinsadditions.org](mailto:VMAelections@martinsadditions.org) or submit questions to the Committee by other means. Residents may ask questions when called on during the forum. No candidate is permitted to see the questions prior to the forum. The Committee shall compile the advance questions from residents and provide the list to the forum moderator.
5. VMA forum structure:
  - a. A 1-minute welcome and introduction from the moderator or Committee chair.
  - b. A 2-minute opening statement from each candidate.
  - c. Residents' questions:
    - 1 minute for each question from a resident. A 2-minute answer from each candidate.
    - Each candidate is allowed a 1-minute follow-up round on each question if a candidate wants to respond.
  - d. A 2-minute closing statement from each candidate.
  - e. The moderator thanks the candidates and residents for participating and closes the forum.

The Election Committee may revise the specific format timing elements at its discretion, provided that all candidates shall have equal time to make their statements and respond to each question.

The moderator:

- a. shall rotate the order of calling on the candidates to respond to the residents' questions.
- b. shall include both live questions from residents and questions submitted in advance.
- c. shall keep the time balanced fairly among all the candidates to maintain a level playing field.
- d. shall have discretion to choose which questions to ask.

The timekeeper shall hold up "15 SECONDS" and "TIME" cards, as needed, for the candidates, the moderator, and the residents to see. The timekeeper may also use a bell or other means to signal when time is up.

6. The VMA staff shall record the forum and post the audio and video online, to be readily accessible to VMA residents.
7. Public notice: The Election Committee shall publish the formal notice about the venue, date, time, Zoom link and call-in number for the forum by email via the Village public communication channels, in the VMA newsletter, and in the official VMA election information packet that is sent by mail to all VMA households. The Committee shall post an additional forum notice by email two days in advance, and again on the morning of the forum. The Committee may also post informal reminders on the village listserv.

DRAFT

Ordinance No.: 2023-11-1  
Introduced: 12-14-2023  
Adopted:  
Effective Date:

## **THE VILLAGE OF MARTIN'S ADDITIONS**

**SUBJECT:** AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO  
ADD BUILDING REQUIREMENTS APPLICABLE TO ABOVE-GRADE  
STORMWATER COLLECTION AND DRAINAGE DEVICES

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District, general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, Maryland Code, Local Government Article, Section 5-211 authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the on the \_\_\_\_ day of \_\_\_\_\_, 2023;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the \_\_\_\_ day of \_\_\_\_\_, 2023, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council did not submit any comments;

WHEREAS, officials from the Montgomery County Department of Permitting Services have indicated that certain stormwater drainage devices, including, but not limited to, micro-bioretenction planter boxes, are deemed exempt from County building regulations, including setbacks, even in situations where, due to sloping topography, such devices may be significantly above grade;

WHEREAS, the Village Council finds that the Village building regulations do not currently separately address such devices and should therefore be amended;

WHEREAS, the County Code, Sec. 59-4.1.7.B.5.b.ii, provides that “[a] permanent rainwater collection or harvesting system may project a maximum of 3 feet into any side street, side, or rear setback;”

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality’s rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin’s Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2023, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin’s Additions, that the Village Code is hereby amended as follows:

\* \* \*

**Section 6-101. Definitions**

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

\* \* \*

(4) “Building” means a structure on a lot which has one or more stories and a roof and is designed primarily for the shelter, support or enclosure of persons or property of any kind. “Building” includes above-grade projections, elements, ~~and~~ appurtenances, and equipment, including, but not limited to, porches, decks, breezeways, steps, stoops, exterior stairways, bay windows, oriel entrances, balconies, vestibules, air conditioners, heat pumps, ~~and~~ generators, and stormwater collection, harvesting, infiltration, and drainage devices, including but not limited to micro-bioretenction planter boxes.

\* \* \*



Section 7-101. Definitions

\* \* \*

(3) "Building" means a structure on a lot which has one or more stories and a roof and is designed primarily for the shelter, support or enclosure of persons or property of any kind. "Building" includes above-grade projections, elements, and appurtenances, and equipment, including, but not limited to, porches, decks, breezeways, steps, stoops, exterior stairways, bay windows, oriel entrances, balconies, vestibules, air conditioners, heat pumps, ~~and generators,~~ and stormwater collection, harvesting, infiltration, and drainage devices, including but not limited to micro-bioretenention planter boxes. "Building" includes all projections, elements, appurtenances, and equipment that are attached to or located within five (5) feet of a building surface. "Building" excludes projections, elements, and appurtenances, and equipment that are constructed at or below grade, such as a stairwell or patio.

\* \* \*

Section 7-402. Construction Standards and Requirements

\* \* \*

(e) Setbacks

\* \* \*

(5) Projections, elements, appurtenances, and equipment (main buildings)

- (i) Bay windows, oriel entrances, balconies, and vestibules no greater than ten (10) feet wide, and cornices, eaves, and chimneys shall be permitted to project a maximum of two-and-one half (2.5) feet into any setback area.
- (ii) Unenclosed porches, decks, breezeways, steps, stoops, and exterior stairways may project a maximum of nine (9) feet into the front or rear setback area and three (3) feet into any side setback area.
- (iii) Air conditioners, generators, and heat pumps may project a maximum of five (5) feet into any front or rear setback area
- (iv) Stormwater collection, harvesting, infiltration, and drainage devices with a height not exceeding twelve (12) inches, including but not limited to micro-bioretenention planter boxes, may project a maximum of three (3) feet into any side or rear setback area. Height is measured from the surface of the adjoining ground. Where the elevations of adjoining grounds differ, the measurement shall be made from the surface of the lower ground.
- (v) Any other projection, element, appurtenance, or equipment not expressly listed in this subparagraph (5) shall not be afforded an exception and must comply with the required setback for the building.

\* \* \*

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Village of the Village of Martin's Additions, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2023 (at least 20 days after adoption).

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

\_\_\_\_\_  
Susan Fattig, Secretary

\_\_\_\_\_  
Arthur Alexander, Chair  
Village Council

Underline indicates new material

~~Strikethrough~~ indicates material deleted

\* \* \* indicates material unchanged

**The Village of Martin's Additions  
(Ethics Ordinance – Definition of Official; Indemnification)**

Ordinance No.: 2023-9-1

Introduced:

Adopted:

Effective Date:

**ORDINANCE TO AMEND THE ETHICS ORDINANCE TO  
EXPAND THE SCOPE TO INCLUDE MEMBERS OF ALL  
COMMITTEES AND TO AMEND THE GOVERNMENT  
ADMINISTRATION ORDINANCE TO PROVIDE INDEMNITY  
FOR OFFICIALS SUBJECT TO ETHICS COMPLAINTS**

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the 21st day of September, 2023;

WHEREAS, after proper notice to the public, the Council considered this Ordinance in public session assembled on the \_\_\_\_th day of \_\_\_\_\_, 2024;

WHEREAS, on November 21, 2019, the Village Council adopted Policy No. 2019-10-2 requiring all committee members to execute an Oath of Service, but the Ethics Ordinance was not concurrently amended to reflect that requirement; and

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, and the recommendation of the Village Ethics Committee, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this \_\_\_\_th day of \_\_\_\_\_, 2024, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

\* \* \*

## CHAPTER 2 GOVERNMENT ADMINISTRATION

\* \* \*

### ARTICLE 3. DEFENSE AND INDEMNIFICATION OF PUBLIC OFFICIALS AND EMPLOYEES

#### Section 2-301. Definitions

For purpose of this Article:

(a) "Public official", or "official" means a member of the Village Council; a member of the Election Committee; a member of the Ethics Committee; the Village Tree Supervisor; and any person who was employed by the Village all members of any other standing or ad-hoc committee or task force; and any Code Enforcement Officer as defined in Section 3-101(c).

(b) These definitions apply to persons who were in such positions at the time of the act or omission giving rise to potential liability against that person; ~~and any Code Enforcement Officer as defined in Section 3-101(c).~~ Only to the extent required by the Maryland Local Government Tort Claims Act or other relevant state law, "person who was employed by the Village" includes a volunteer who was providing services or performing duties at the request of a public official with authority to make such request, and under the control and direction of the official.

~~(b)~~ (c) "Actual malice" means ill will or improper motivation, and has the same meaning as in the Maryland Local Government Tort Claims Act.

#### Section 2-302 General Provisions

(a) Subject to the provisions of section 2-303, the Village, when requested in writing by any public official, shall retain counsel to appear and defend any civil action, ethics complaint, or special proceeding instituted in the courts of any state or of the United States, or before the Village Ethics Commission, against the public official by reason of any act arising within the scope of his employment or authority, or by reason of any act taken in the reasonable belief that such action was within the scope of his employment or authority. The defense of the case shall include the right to assert counterclaims and to engage in third party practice on behalf of the official.

\* \* \*

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

### **Section 2-303 Investigation Before Providing Defense**

Before undertaking any defense, the attorney retained by the Village shall conduct an investigation of the facts on which the civil action, ethics complaint, or special proceeding is based, and report his findings and recommendations to the Village Council. If the Council determines that the public official, was not acting within the scope of his employment or authority or with a reasonable belief that he was so acting, the Village shall provide no defense for the public official. If it appears that the public official is covered by a policy of insurance under the terms of which the carrier is required to provide counsel in such actions or special proceedings, the Council may direct the attorney to terminate further investigation and provide no representation for the public official.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

\* \* \*

### **Section 2-305 Reimbursement of Public Official's Legal Expenses**

If the Village Council determines, pursuant to section 2-303, not to assume the defense of a public official, and it is ~~judicially~~ determined by a court or the Ethics Commission that the injuries or asserted ethics violation arose out of an act or omission of the public official within the scope of his employment or authority or that the defense of sovereign immunity is available to the public official the Village shall be liable to reimburse the public official ~~or employee~~ for reasonable expenses in prosecuting his own defense, including court costs and reasonable attorney's fees actually paid by the public official or which he has a legal obligation to pay, from his own personal funds.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

### **Section 2-306 Reimbursement of Village**

(a) If it is ~~judicially~~ determined by a court or the Ethics Commission that; (1) the public official, acted with actual malice in committing the act or omission complained of, or (2) the injuries or asserted ethics violation complained of did not arise out of an act or omission of the public official occurring within the scope of his employment or authority, or by reason of an act taken in the reasonable belief that such act was within the scope of his employment or authority, and, it is also ~~judicially~~ determined by a court or the Ethics Commission that the defense of sovereign immunity as to the public official is not available, the Village, if the Village Council determines it appropriate, may require the public official to reimburse the Village for all expenses, including court costs and reasonable attorney's fees. However, such reimbursement shall not be required if the information provided by the public official was complete and was

neither false nor misleading. These costs constitute a debt due the Village and may be collected by appropriate judicial proceedings.

(b) The Village shall not be obligated to pay any judgment entered against the public official, in such a proceeding, and the legal representation provided by the Village for a public official shall not constitute an obligation on the part of the Village to pay the judgment or a settlement of a claim, except as provided for in Section 2-307 hereof, or by applicable State ~~or County~~ law.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

\* \* \*

## **CHAPTER 4 ETHICS**

### **ARTICLE 1. GENERAL**

#### **Section 4-101. Definitions**

For purposes of this Chapter, the following words and phrases shall have the following meanings:

- (a) The “Committee” means the “Village Ethics Committee” as constituted and described in Section 2-101.

\* \* \*

- (d) “Public Official” or “Official” means all members of the Village Council; all members of the Election Committee; all members of the Ethics Committee; **all members of any other standing or ad-hoc committee or task force**; the Village Tree Supervisor; and all persons employed by the Village.

\* \* \*

(Ord. No. 08-15-01, adopted 9/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 2021-1-1, adopted 3/18/21, effective 4/7/21)

#### **Section 4-204. Enforcement**

- (a) The Council may file a petition for injunctive or other relief in a court of competent jurisdiction for the purpose of requiring compliance with this Chapter.
- (b) In addition to any other enforcement provisions in this Chapter, any member of either the Election Committee, ~~or~~ the Ethics Committee, **or any other standing or ad-hoc committee or task force**, or the Tree Supervisor, who is found by the

Committee, the Council, or a court to have violated this Chapter with respect to Oath of Service shall be subject to removal by the Council; and any member of the Council who is found by the Committee or a court to have violated this Chapter shall be subject to recall, as provided in the Village Charter.

- (c) In addition to any other enforcement provisions in this Chapter, any employee found by the Committee, the Council, or a court to have violated this Chapter shall be subject to disciplinary or other appropriate action, including dismissal or suspension of compensation.
- (d) A violation of this Chapter shall not constitute a civil or criminal infraction. Enforcement of this Chapter shall be limited to the provisions of this Chapter and shall not include the penalties set forth in Chapter 3 of this Code.

(Ord. No. 2021-1-1, adopted 3/18/21, effective 4/7/21)

\* \* \*

*SECTION 2.* AND BE IT FURTHER ORDAINED AND ORDERED, by the Council of the Village of Martin's Additions, acting under and by virtue of the aforementioned authority, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the \_\_\_\_th day of \_\_\_\_\_, 2024 (at least 20 days after adoption).

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

\_\_\_\_\_  
Susan Fattig, Secretary

\_\_\_\_\_  
Arthur Alexander, Chair  
Village Council

**Bold Underline** indicates new material  
~~Strikethrough~~ indicates material deleted  
\* \* \* indicates material unchanged

From: Michael Silliman, Village Manager  
To: Village Council  
Subject: Village Manager's Report  
Date: 1-18-24

**Administration:**

- A big thank you to Erin Byrnes for staffing the Village office while I was on vacation.
- The Village office will be closed for snow days to keep staff safe. We will still respond to emails and voicemails.

**Maintenance:**

- Our snow plowing contractor, Rolling Acres, has been busy.
- Rolling Acres has informed me that the sidewalk snow-shoveling for those who need it is too much work for their limited crews. (31 households have signed up.) We are looking for a different contractor to provide this service going forward.
- We have plenty of leaf bags left, so please come by the office to pick them up if you need more.

**Project Updates:**

- Engineering firm Clark, Azar & Associates has been hired to design the Brookville sidewalk. We are setting up a meeting with them and the surveyor Mike Witmer to discuss.
- We collected a record-breaking \$10,180 in donations to the Holiday Fund. The Waste Management crew members were very pleased and thank everyone who contributed. Note Waste Management crew member, Jose, has retired after 16 years of working in the Village.
- Composting is now free in the Village. We encourage everyone to sign up.

**Buildings:**

- 3415 Cummings is preparing to apply for demo and building permits.
- 204 Oxford is preparing to apply for demo and building permits.
- We have closed the permits for 3502 Taylor, 3500 Raymond, 3409 Thornapple, 3508 Bradley, and 151 Quincy.



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

FROM: Doug Lohmeyer

DATE OF MEMO: Jan. 16, 2023

SUBJECT: Building Administrator's Report

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**3415 Cummings La.**

An application to remove the existing house and to construct a new house should be submitted to the Village soon. The staff has sent initial review comments to the applicant.

**3417 Cummings La.**

The owner submitted an application to demolish the existing house and to construct a new home on Nov. 22, 2022. The property is two lots, 6 and 7, recorded in 1919. The resident information meeting was held on Tuesday, Mar. 14<sup>th</sup>. The MCDPS issued their permit and the Village permit was issued on May 30, 2023. The work on ongoing.

**3419 Cummings La.**

The owner submitted an application to demolish the existing house and to construct a new home on Nov. 22, 2022. The property is two lots, 6 and 7, recorded in 191.9. The resident information meeting was held on Tuesday, Mar. 14<sup>th</sup>. The MCDPS issued their permits and the Village issued their permits on May 11, 2023. The plans have been revised to modify the front porch roof. The work is ongoing.

**3517 Cummings La.**

The property owner is planning on constructing a detached shed at the rear of the lot. They have not filed with MCDPS or the Village yet.

**6709 Melville Pl.**

The property owner has submitted an application to enclose a portion of the existing screened porch at the left, rear of the house. The MCDPS issued their building permit on Sept. 29, 2023. The Village has issued the permit and the work is ongoing.

### **203 Oxford St.**

The applicant has submitted an application to add a two story addition and a deck at the rear of the house. The Village issued the building permit on May 23, 2023. A residents information meeting was not required, since the proposed addition is under 500 S.F. The staff has reviewed the Wall Check and the setbacks complies with the approved Site Plan.

### **3412 Taylor St.**

The homeowner has submitted plans to enclose and remove the existing below street garage and to remove and raise the driveway, so it will slope towards the street and away from the house. The staff met with the owners and their architect and discussed the proposed revisions and the process. They have applied for a Village variance and a building permit. The Council approved the variance on Dec. 12, 2023. The Village permit was issued on Dec. 18, 2023.

### **3508 Taylor St.**

The property owner began construction of an addition at the rear of the house without obtaining County or Village permits. A Village “Stop Work Order” has been issued and construction has stopped. The property owner has not applied for a permit from MCDPS or the Village.

**Village of Martins Additions**  
**Financial Report for January 2024 (Midpoint)**  
**Jeffrey Blander Treasurer**  
**Thursday January 18<sup>th</sup>, 2024**

	12/2023 (Actual)	12/2023 (Budgeted)	Under/Over Budget (\$)	YTD (Actual)	YTD (Budgeted)	Under/Over Budget (\$)	Under/Over Budget (%)	Annual
Total Income	\$35,227	\$80,533	(\$45,306)	\$598,374	\$483,200	\$115,174	124%	\$966,400.00
Total Expenses	\$103,652	\$75,433	\$28,219	\$493,018	\$452,600	\$40,418	109%	\$905,200.00
Net Income	(\$68,425)	\$5,100	(\$73,525)	\$105,356	\$30,600	\$74,756	344%	\$61,200.00

**Assumptions:**

- Income includes revenue from permit fees, country revenue sharing, income tax, property tax, and interest.
- Expenses include those from general government (printing, insurance, office lease, telephones, etc.), salaries and benefits, professional fees (accounting, legal, permitting, etc.), streets (lighting and maintenance), waste and recycling, other (tree maintenance, community events, etc.)
- Does not include ARPA funds

Total current assets	\$5,535,270.81
Investment reserves (Walkability, streets, other)	\$1,500,000.00
Emergency reserves	\$1,000,000.00

Current assets less reserves shown above	\$3,035,270.81
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At the midway point of the fiscal year, there are no significant surprises on budgeted versus actual total income (\$598,374 versus \$483,200) or expenses (\$493,018 versus \$452,600). As noted in previous months Legal fees are higher than expected for the mid-point \$51,991 (Actual) versus \$27,500 (Budget). Line item midpoint figures for actual versus budget as well as historical trend data will be used to help plan for the upcoming 2024-2025 FY Budget cycle.

There are two capital projects underway. Expenses incurred to date \$25,250 (widening Quincy) and \$8,500 (Walkability: Brookville Sidewalk and traffic study). Furthermore, \$15,000 of ARPA funds were allocated for the sump pump connection at 151 Quincy. There are several additional budget categories being paid for with ARPA funds and the VMA office is working with our accountant to properly report these on a monthly accrual basis and as required by April 2024.

**Near-term follow-up activities**

- VMA Staff, auditors, and accountants are expected to meet by end of the month (January) to discuss potential updates on monthly reporting formats, comparison of standard municipal benchmarks/thresholds for monitoring reserve “health”, as well as scheduled 2024 ARPA allocations and reporting.
- On-going outreach to different monthly reports from nearby municipalities. Compare formats and types of analysis, thresholds, or financial “health” indicators/ratios used.

**Village of Martin's Additions.  
Balance Sheet**

As of December 31, 2023

	<u>Total</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Bank Accounts</b>	
1000 United Bank	0.00
1001 Suntrust Bank	33,581.49
1005 Congressional Bank	257,384.26
1020 MLGIP	5,112,895.41
1021 MLGIP - Infrastructure	118,432.96
<b>Total 1020 MLGIP</b>	<b>\$ 5,231,328.37</b>
1072 Bill.com Money Out Clearing	11,109.69
<b>Total Bank Accounts</b>	<b>\$ 5,533,403.81</b>
<b>Accounts Receivable</b>	
1100 Accounts Receivable	0.00
<b>Total Accounts Receivable</b>	<b>\$ 0.00</b>
<b>Other Current Assets</b>	
1010 Petty Cash	100.00
1120 Security Deposit - Office	1,767.00
1130 Taxes Receivable	0.00
1140 Accrued Interest Income	0.00
<b>Total Other Current Assets</b>	<b>\$ 1,867.00</b>
<b>Total Current Assets</b>	<b>\$ 5,535,270.81</b>
<b>Fixed Assets</b>	
1205 Other Assets	2,450.00
1210 Office Equipment	24,944.00
1215 Leasehold Improvements	1,381.00
1220 Capital Fund Infrastructure	1,191,352.15
<b>Total Fixed Assets</b>	<b>\$ 1,220,127.15</b>
<b>Other Assets</b>	
1110 Accounts Receivable Accrual	0.00
1150 Prepaid Expenses	0.00
1160 Real Property Tax Receivable	0.00
1170 Personal Property Tax Receivable	0.00
<b>Total Other Assets</b>	<b>\$ 0.00</b>
<b>TOTAL ASSETS</b>	<b>\$ 6,755,397.96</b>

**LIABILITIES AND EQUITY****Liabilities****Current Liabilities****Accounts Payable**

2000 Accounts Payable 28,027.27

2030 Accrued Vacation 0.00

**Total Accounts Payable \$ 28,027.27**

**Credit Cards**

Master Card 3331 - 1 192.00

Master Card 3570 - 1 291.13

Master Card 5567 - 1 -362.08

Master Card 5568 - 1 406.76

**Total Credit Cards \$ 527.81**

**Other Current Liabilities**

2010 Accounts Payable - Accrual -58.00

2020 Accrued Salaries Payable 0.00

2200 Refundable Deposits 26,230.00

2300 Deferred Property Taxes 0.00

2400 Deferred Revenue 0.00

2401 Deferred Revenue - ARPA 961,228.79

**Total Other Current Liabilities \$ 987,400.79**

**Total Current Liabilities \$ 1,015,955.87**

**Total Liabilities \$ 1,015,955.87**

**Equity**

3000 Fund Balance 429,466.74

3010 Fund Balance - Infrastructure 600,000.00

3100 Investments in GFA 1,220,127.15

3900 Retained Earnings 3,384,492.26

Net Income 105,355.94

**Total Equity \$ 5,739,442.09**

**TOTAL LIABILITIES AND EQUITY \$ 6,755,397.96**

*Tuesday, Jan 16, 2024 07:47:40 AM GMT-8 - Accrual Basis*