

AGENDA for the Election Committee Meeting, 7:45 pm, December 6, 2023

7:45 Call to order. Welcome to all participants.

7:50 Review the Committee's main duties and timetable:

- Set the dates for election day and the other 2024 election components - *done*.
- Review the election rules and procedures, and submit the proposed 2024 election ordinance to the Council before the December 2023 Council meeting - *now in progress*.
- Begin to verify the voter roll for 2024, starting in January.
- Open the nomination period in February....

7:55 Approve the minutes from the Committee meeting on November 30.
Set the schedule for the next two Committee meetings.

8:00 Residents' comments, questions, and suggestions.

8:10 **ACTION ITEMS** at this meeting:

This is the final public working session to review the 2023 election documents that the Committee is using as the basis for 2024: the rules and procedures ordinance, the voter roll verification procedure, the instructions for the mail-vote contractor, the forum procedure, the vote-counting procedure, and the contract. The Committee has been updating the documents to (1) incorporate the new definition of "qualified voter" that the Council adopted in September 2023, (2) consolidate the procedural documents and make them long-term standard procedures by replacing the 2023 dates with the appropriate generic language, and (3) ensure that the resulting procedural documents are clear and complete. Community input is welcome. The Committee will present this proposed 2024 election ordinance for a Council vote to introduce it at the December 14 Council meeting.

- A. Review and vote on the final draft of the consolidated 2024 election rules and procedures document.
- B. Discuss the draft public explanation of the ordinance, per the Council's SOP for introducing ordinances.

9:00 Discussion of any other procedural election issues.

9:05 Residents' comments, questions, and suggestions.

9:10 Committee task assignments.

9:15 Adjourn.

Join Zoom Meeting:

<https://us02web.zoom.us/j/89731935548?pwd=ZEloQUd3UWRqMFFVRHNrZm1CZDVhQT09>

Meeting ID: 897 3193 5548

Passcode: 876670

Election Committee Minutes from the Meeting on November 30, 2023

The 2024 VMA Election Committee held its fifth meeting on November 30, 2023, by Zoom.

In attendance: Council liaison Katie Howard and Council chair Arthur Alexander. Committee members Naomi Naierman, John Sharrow, Paul Weller, and Marty Langelan; Jennifer Bergeon was on travel.

Marty, the Committee chair, called the meeting to order at 7:46 pm. She thanked Katie for providing the community election comments from the 2023 VMA survey, and for her very helpful summary of the review of the draft election documents by Ron Bolt, the VMA attorney. Marty thanked Arthur for being the Zoom-master for this meeting, and invited both Arthur and Katie to participate in the Committee's discussions.

The Committee voted to approve the minutes from the November 13 meeting. In light of the upcoming Council meeting on December 14, the Committee scheduled our next meetings for December 6 and 18. John agreed to draft the minutes for this meeting.

The Committee discussed the comments about elections from the 2023 VMA survey. There were only a few comments, and there was no clear pattern to them, but the Committee noted that the comments included some strong support for mail-vote elections.

The Committee discussed the distribution of the RFP for the contractor to help verify the 2024 VMA voter roll. Marty reported that the Maryland Municipal League RFP announcement board is out of commission and unable to post anything until January, but that Michael Silliman, the Village Manager, is sending the RFP to his contacts. The Maryland Director of Common Cause also agreed to distribute the RFP to their network of election specialists and trained election observers. Marty reported that Michael had contacted Electec, the mail-vote contractor that VMA has used in recent years, and Electec said they might submit a response to the RFP. Marty reported that Electec plans to send Michael its estimate for the regular 2024 mail-vote election work in a few weeks.

The Committee then turned to Ron's comments on the two draft election documents to be reviewed at this meeting: the consolidated rules and procedures, and the voter roll verification procedure that will be attached as Appendix A.

The Committee agreed to incorporate both of Ron's suggestions on the voter roll verification document. The Committee will revise the 2024 draft accordingly.

Regarding the rules and procedures document, the Committee and the Council members who were present discussed whether it should be an ordinance or merely a policy resolution. All agreed that it is harder to change an ordinance than a resolution; the Committee members said that making this an ordinance would help to stabilize the election process. In response to Ron's comment that the election document might be too detailed to be an ordinance, the Committee noted that the state election ordinances are extremely detailed about the state-wide administrative election regulations, and that VMA does have a number of other ordinances that contain detailed administrative provisions, such as the building code and tree ordinance. The Committee added that the 2024 procedures document is based on the election rules that the Council already approved in 2023, and that the amount of time the Council and the community had to spend on the VMA election regulations in the past few years was substantial. The Committee voted unanimously to recommend that the Council adopt the 2024 document as a stable, long-term ordinance.

The Committee then discussed Ron's comment about whether the Election Committee "conducts" the VMA elections or "manages" them. The Committee said "conducts" is more accurate. The concern was that the

word “manages” is not as clear, and could allow some confusion about the role of the staff here. Paul, who was one of the authors of the Village Charter, noted the potential conflicts of interest. (The incumbent candidates have a self-interest in the election results, and the staff are “at will” employees who serve at the direction of the Council members; the staff can provide basic government data like last year’s voter roll or the County voter list, but neither the Council members nor staff should be involved in issuing the ballots or running any part of the operational election process.)

Paul said the intent of the Charter language about “managing” the elections was to explicitly assign the Committee the authority to conduct the elections. He said that it is essential to have a clear operational boundary – a “firewall” – to separate the Council and VMA staff from the election process. Marty added that VMA has had a many-decades-long history of independent elections, with the Council and staff not intervening or obstructing in any way as the Committee carried out the process. She noted that the clear “bright-line” boundary got blurred by the 2020-2021 election rules, but the subsequent Councils carefully reviewed the regulations line by line in 2022 and 2023 and voted to re-establish the independent election boundary. Naomi and John said that the Committee conducts the elections. The Committee addressed the need to be clear about this, to meet the fundamental principles of fair elections and the specific intent of the Charter. The Committee voted unanimously to keep the term “conducts the elections” in the 2024 procedures document.

With respect to Ron’s comment about the election contractor reporting to the Committee, the Committee noted that there is a difference between contract administration and performance supervision. The Village Manager does supervise the VMA contractors’ work on trash removal, snow plowing, and other aspects of Village operations that are within his authority, but he does not manage the VMA attorney or auditors, for example. The Council has generally had the attorney, the audit firm, the forensic accounting and cyber-security specialists and similar contractors report directly to the Council. The Village Manager administers their contracts and pays their invoices but he does not assign their duties or manage their work. Marty mentioned that that is the normal two-part structure for all of her firm’s government contracts (e.g., the federal agency’s Contracts Office administers the paperwork and payroll for her company’s contracts, but her project team reports to the Director of the agency.) The Committee voted unanimously that the Election Committee is the appropriate government body to supervise the work of the VMA election contractor.

The Committee also discussed the need for the Committee to have some managerial flexibility to handle unexpected situations, like the election contractor’s failure to provide postage-paid return envelopes. Committee members said that being able to provide “additional instructions for the contractor as necessary to ensure a fair, inclusive, and accurate election” gives the Committee the ability to resolve problems within the framework of the approved ordinance. It does not give the Committee the authority to alter the ordinance. The Committee agreed to clarify this point in the 2024 document. The Committee noted that if the Committee is instructing the contractor to help remedy the company’s own errors, at its own expense, that does not raise budgetary or contractual issues for VMA.

The Committee also discussed Ron’s other comments, and voted unanimously as follows:

1. Keep the long-standing practice of having the Committee certify the voter roll. That is an election “best practice” and makes it clear that the Committee, not the VMA staff, is responsible for the accuracy of the voter roll. That provision is not new; the Committee chairs have been doing it for years and the Council explicitly approved the certification process in the Voter Roll Verification Procedures Policy the Council adopted in 2022. The Committee said the need for local certification was clear after the erroneous ballots in 2021.

2. Adopt Arthur’s suggestion that the Committee will exercise “good judgment and managerial discretion” in the unlikely event that there is a question about accepting a nomination. The nomination process is straightforward in the 2024 document; the Committee made it simpler this year than last year.
3. Keep the information about recounts and referendums in the 2024 document, but as Ron suggested, delete the references to Maryland election law and just state the VMA versions. The VMA recount and referendum provisions here are a simplified version of the state law. The Committee will ask the Council to decide if the simplified language the Committee recommends is acceptable.
4. Ask the Council to decide how long a “temporary absence” can be for a non-resident owner, under the new definition of “qualified voters” that the Council adopted in September 2023. The Committee incorporated the new definition in the 2024 election procedures document, as required by the Council, and has recommended by Committee vote that a “temporary absence” be no more than 7 consecutive years.
5. Adopt Ron’s suggestion to further clarify the voter roll language from last year about voters who are on the County voter roll and voters who are on the VMA supplemental voter roll. The Committee will revise the 2024 document accordingly.
6. Keep the provision from 2023 that the elections will be held by mail. The Committee said voting by mail is not only more efficient, but produces higher participation rates, is far more ADA-accessible, is more voter-friendly (easier for young families, elders, and people with demanding jobs), provides better ballot security, is fairer in terms of civil rights, and imposes a significantly lower workload burden for VMA than voting in person. In response to Ron’s comment, the Committee also noted that a mail-vote envelope drop-box is a normal component of mail-in elections.
7. Adopt Ron’s suggestion to specify how the Committee will notify voters to give them a chance to cure non-conforming ballot envelopes. The Committee will revise the 2024 document accordingly.
8. Adopt Ron’s suggestion to delete the reference to Maryland state law about election interference and just state the VMA version of the same requirement. The Committee noted that small municipal governments are not automatically required to comply with some state laws, but there is nothing to preclude us from adopting VMA regulations that are consistent with the state law. The Committee chair expressed the view that it’s generally a good idea for VMA’s election regulations to follow the Maryland state election laws, especially on basic requirements like this. The Committee agreed. The Committee will revise the 2024 document accordingly.

The Committee also discussed Ron’s comments about holding the election open for ballot curing. The Committee said:

- The 5-day curing period specified in the 2024 document shortens the time period during which the election can be held open. Last year the final election results were announced two weeks after the initial vote counting.
- There is no way for voters to change their votes during the curing period. The election contractor has the ballot envelope, unopened. If the voter provides the Committee with a corrected affidavit within 5 days, the Committee just instructs the contractor to open the existing envelope and include those votes in the final tally.

- Ron suggested in his comment that the contractor could be required to notify the Committee about non-conforming ballot envelopes sometime before the vote counting session. The Committee noted that (a) VMA has not required the contractor to do that in previous years, (b) it may not be operationally feasible, and (c) the Committee's adjudication of the non-conforming envelopes should take place in public during the vote counting session.

The Committee then voted on a motion to approve the rules and procedures document, as amended at this meeting, and to approve the voter roll verification document, as amended here, and attach it as Appendix A. The vote was unanimous in favor of the motion. Marty will provide the updated consolidated election document for the December 6 Committee meeting. The Committee thanked Katie for providing us with the summary of Ron's comments on the drafts, and asked her to convey our appreciation to Ron.

The Committee briefly discussed how to write the "ordinance explanation" document for the December 14 Council meeting, per the Council's SOP for introducing ordinances, and Arthur provided helpful guidance about what it should include.

The next Election Committee meeting will be at 7:45 pm on December 6.

The Committee voted to adjourn the meeting at 9:14 pm.

PLAN FOR THE 2024 VMA ELECTION

The VMA Election Committee is pleased to present the Council with the plan 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 24/25:** VMA election forum (the Committee will confirm the candidates' availability when they file to run for office).
- 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 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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**FINAL DRAFT FOR COMMITTEE REVIEW – CONSOLIDATED ELECTION ORDINANCE
per the language approved by the Committee on November 13 and 30, 2023**

Based on the 2023 Election Rules and Procedures
as adopted by the Council on 1-19-2023

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.

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~~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”) that manages 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 coordinate the electoral process with the election service contractor; conduct the vote counting; certify the election results; and otherwise manage the annual elections.~~

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III. General Provisions

1. The Election Committee shall set the date of Election Day between May 1 and May 15, on a date determined from year to year in accordance with Section 602 of the Charter.
2. 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.~~

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3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

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.

Commented [ML1]: Ron recommended removing the reference to state law here and just stating the VMA version. The new language describes the standard process for putting a referendum on the ballot. This is a simplified VMA version of the state law.

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Commented [ML2]: This is the new definition of qualified voters and the definition of residence the Council adopted in Sept 2023. Ron provided the official language in the first two sentences.

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Deleted: Where a property is rented, the renters may vote if VMA is their primary residence.¶

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.

Commented [ML3]: This is the operational provision needed in order to implement the Council's new definition. The Council will need to decide how long a "temporary" absence can be.

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.

Commented [ML4]: MD state law requires this – the previous regulations did not address the issue of military service because non-resident owners could automatically vote under the old VMA rules.

V. Village Voter Roll

The Committee shall develop, 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.

New voters may contact the Committee to request to be added to the voter roll up until 8 PM on Election Day. To be eligible to receive a mail ballot, a new voter who is not on the County voter roll must show a driver's license or other documentation acceptable to the Committee in its sole discretion, showing the voter's full name, date of birth, and current address in Martin's Additions.

Commented [ML5]: The previous language was less clear, just said "should be prepared to show." Documentation is required if a new voter has not registered on the State/County voter roll at their VMA address. Residents who are not on the County roll must provide some documentation to be added to the VMA voter roll.

The Committee is responsible for verifying and adding new 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 on Election Day.

Deleted: The Committee may also require documentation of a voter's date of birth.

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.

Commented [ML6]: It's unlawful to knowingly send a ballot to someone who is no longer a resident here per the definition in the VMA Charter.

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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.

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Commented [ML7]: Clarification suggested by a resident.

The Committee shall instruct the contractor to deliver the ballot packets to the voters within five (5) calendar days [3 days?] 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.

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Deleted: (a) a ballot, (b) voting instructions prepared by the Committee in consultation with the election contractor, (c) an inner voting privacy envelope, and (d) a postage-paid ballot return envelope,

Commented [ML8]: Clarification per suggestions from Michael and some residents.

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 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 are otherwise unable to 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.

Commented [ML9]: This is the change Katie recommended, so all ballots that are on hand in time will be counted. Last year, 4 voters were disqualified -- their ballots did arrive in time to be counted but the due date was the day before the vote counting, so they were excluded. It's easy to prevent that problem by having the due date be the vote counting day.

Commented [ML10]: Suggestion from a resident to say public reminders.

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.

Commented [ML11]: Suggestion from a resident.

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

Commented [ML12]: Was 700 words in the 2023 regulations. The length limit could be seen as a restriction on the candidates' free speech. 1000 words provides more space for all candidates to address policy issues and for new candidates to introduce themselves when they are not as well known as the incumbents. This change also reflects some community input from the 2023 VMA survey. VMA has had much longer candidate statements in the past.

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.

IX. Election Forum

The Committee shall host an Election Forum between April 15 and April 30 each year, no less than ten (10) days 14 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. Duplication -- covered in Appendix B Instructions for the Mail-vote Election Service Contractor

The Village Manager issues and administers the contract. The Election Committee manages the election process. The mail-vote service contractor reports to the Committee.

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

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Commented [ML13]: Suggestion from a resident.

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Commented [ML14]: Suggestion from a resident.

Commented [ML15]: No change from last year, but more specific to show the dates, in response to a resident's suggestion. The timing of the forum is important to safeguard election fairness. The forum needs to be at least 10 days before Election Day to allow time for people to receive the ballot packets, consider the candidates, and complete their ballots before the committee sets up the drop-box on the sidewalk for the sealed return envelopes.

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Commented [ML16]: Last year's committee had a similar forum procedure but did not make it a public document. Since all election regulations should be public docs, we're now making it an Appendix here, to be part of the ordinance.

Deleted: Candidates and residents will be afforded the ability to participate remotely. Residents may ask questions at the forum when called on and are encouraged to send their questions for the candidates to the Committee in advance by email or any other means that is convenient for the residents. The Committee shall provide a mechanism for residents to submit forum questions anonymously.

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Commented [ML17]: Clarifies the respective roles and the operational election management boundary, per the VMA Charter. The election "firewall" protects the village staff from getting inappropriately involved in the day-to-day election management.

Commented [ML18]: Clarification suggested by a resident.

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Commented [ML19]: Clarification suggested by a resident.

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Deleted: To be included in the vote count, completed ballot envelopes must be received at the contractor's designated mail-vote location by ...

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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:

1. Rotate the candidates' names on the ballot format to prevent positional bias.
2. Include the blank lines on the ballot for the write-in votes.
3. Provide postage-paid ballot return envelopes, and the inner envelopes to protect voting privacy.
4. Assign a random 6-digit security control number to each voter, and print that number on the voter's ballot return envelope.
5. Print the affidavit/affirmation form on the back of the return envelopes.
6. Put tracking codes on both the incoming ballot packets and the return ballot envelopes.
7. Send a test mailing to the Committee members before the general mailing to the Village.
8. 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.

Commented [ML21]: Michael suggested that we delete "USPS" here because the contractor might use a different delivery company. The important point is that both the incoming packets and the ballot return envelopes must have tracking.

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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.

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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.

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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

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Commented [ML22]: Clarification suggested by a resident.

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session, to give them a chance to “cure” those envelopes. Voters shall have five (5) business days to cure their ballot envelopes.

Commented [ML23]: Clarified per Ron’s comments. Ron also suggested that the contractor should be required to notify the Committee about non-conforming ballot envelopes sometime before the initial vote counting session, but (1) that has not been required before and may not be operationally feasible, and (2) the Committee’s envelope adjudication should take place in the public session.

4. On the Committee’s instructions, continuing the vote counting session, the contractor shall:
 - Open the valid envelopes and tally the votes by machine count.
 - Present any non-machine-readable ballots for Committee adjudication, to complete the initial vote count.
 - 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.
 - 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.

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Commented [ML24]: Clarification of the process and the timing for the ballot envelope curing. This time limit for curing shortens the length of time the election can be held open.

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Commented [ML25]: Not new in substance but a clarification from last year -- the committee needs some managerial flexibility to handle unexpected situations like the contractor’s failure to provide postage-paid return envelopes. Per a suggestion from the VMA attorney, the final clause has been added here to make it clear that this provision gives the Committee the ability to resolve problems within the framework of the approved ordinance; it does not give the Committee the authority to change the election ordinance.

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Commented [ML26]: Ron recommended removing the specific citation to the state law and just stating VMA’s own version of this basic requirement. The language here is consistent with the state law.

Deleted: The Maryland Code of Election Law (§16–205)

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XII. Election Interference

The Village of Martin’s Additions prohibits any person or organization from interfering with the election process, interfering with Election Committee members in the performance of their official duties, or interfering with persons acting under the instructions of the Committee in the performance of their official duties. The Committee shall document any interference and promptly report it to the Council.

Deleted: any person or organization from interfering with the election process, interfering with Election Committee members in the performance of their official duties, or interfering with persons acting under the instructions of the Committee in the performance of their official 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.

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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.

Commented [ML27]: The Committee unanimously approved this new provision, to ensure transparent Election Committee meetings and voter access to public election information.

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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. Pursuant to Charter Section 602, the Election Committee is responsible for the voter roll and the election process.

I. 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 this Ordinance.

II. Timing

The Committee shall certify 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.

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III. 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 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.
 - e. Conduct an inquiry in person or in writing with the occupants of any given property to resolve questions of residency.
 - f. Send an annual notice to each voter by first-class U.S. mail and use the returned mail to help identify persons who are no longer current residents.
 - g. 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

Commented [ML28]: Added per Ron's suggestion.

Commented [ML29]: Added per Ron's suggestion.

Commented [ML30]: This is the additional provision Ron suggested.

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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.

3. h. Check the working draft of the VMA voter roll to delete duplicate names. Based upon the review conducted in Section III.(2) above, the Committee will 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 Office.

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4. The Election Committee will 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:

The Election Committee will contact the potential voter, utilizing the most recent electronic contact information from the Village Office to communicate the issue that has arisen as to voter eligibility and to gather additional information. If there is no response, the Committee will send a written notification via U.S. mail to the potential voter that a question has arisen related to their eligibility and requesting that the individual contact the Committee to resolve the question.

- a. If the issue concerns a person who is not on the VMA voter roll and the additional information confirms the individual is eligible to vote and would like to be included on the voter roll, the Committee shall add the person to the voter roll upon receiving prior to 8:00 PM on Election Day a written request from the individual that includes documentation as provided in V.2 below.
- b. If the issue concerns a previously qualified voter who is already listed on the VMA voter roll, and additional information confirms the individual remains eligible to vote, the Committee will add notes to the voter roll detailing the steps taken to confirm eligibility.
- c. If the issue relates to a previously qualified voter and additional information demonstrates the person is no longer eligible to vote in the Village Election, the Committee will take the following action:
 - i) If the person does not appear on the County voter roll, the Committee will remove the person from the VMA voter roll upon receiving written confirmation from the person concerned verifying that they are no longer an eligible voter in VMA.
 - ii) If the person appears on the County voter roll, and confirms in writing to the Election Committee that they are no longer an eligible voter in VMA, the Committee will request that the Village Manager inform the County, as required by state law, that the individual is no longer a resident of VMA so that the County can remove the person from its voter roll. If and when the County notifies VMA that the person has been removed, the Election Committee will remove the person from the VMA voter roll. If it is not possible for the individual to be removed from the voter roll prior to Election Day, the Committee will vote to designate the individual as "Not Qualified."
 - iii) If there is no response to outreach efforts within a reasonable period of time (60 days) (30 days?), the Committee may vote to declare the individual "Not Qualified" and remove them from the list of qualified voters receiving a mailed ballot. Any voter removed from the voter roll shall be notified in writing. Individuals deemed "Not Qualified" will not be mailed ballots nor included on the version of the voter roll

submitted to the election service contractor. The Committee will mail notice of the Committee's vote to the last known address of the voter, as well as information relating to the challenge process set forth below.

IV. Transmitting the Voter Roll to the Contractor

Upon conclusion of the process delineated in Section III, the Committee will vote to certify and send the verified voter roll to the election contractor. The Committee will duly mark the copy of the verified voter roll designated by the Committee for transmission to the election contractor and record the time and date of its approval.

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V. Adding to the Voter Roll

1. New voters may contact the Committee to request to be added to the voter roll up to 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 show a driver's license, a recent utility bill, or other documentation acceptable to the Committee in its sole discretion, showing 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 will 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.

Deleted: The Committee may also require documentation of the voter's date of birth.

VI. Cancellation of Ballots and Removal from the Voter Roll

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 obtains documentation to confirm that a voter has died or moved out of Martin's Additions, the Committee will instruct the election contractor to cancel the ballot control number related to that individual and void the ballot.

1. Challenges to Removal from the Voter Roll

- a. Whenever any voter is removed for any reason from the VMA voter roll or declared "Not Qualified," the Committee shall send a notice of this action and the reason for the action to the last known address of the voter. The voter shall be given at least 15 days [30 days?] to respond. If the voter wishes to remain on the roll and can document that they continue to be qualified under the Village's requirements, the Committee shall reinstate the voter's name to the voter roll upon written request of the voter.
- b. Individuals may challenge their removal by notifying the Committee via its email inbox, or by certified mail addressed to the Election Committee at the Village Office.
- c. This challenge may only be brought by the individual removed from the voter roll or their legally designated representative. Challenges must be raised no later than 8:00 PM on Election Day.
- d. The challenging party will have a reasonable opportunity [how long?] to present evidence to the Committee relating to why a previous decision removing them from the VMA voter roll or declaring them to be "Not Qualified" is improper, inaccurate, or otherwise in need of reconsideration. [How does this work if the person doesn't raise the challenge until election day?]

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- e. Based on the totality of the evidence, the Committee will vote to determine if the individual should be restored to the voter roll.
- f. If the individual is restored to the voter roll, the Committee will instruct the election service contractor to mail a ballot to the individual with sufficient time to return it prior to that year's deadline for receipt of ballots.

2. Challenges to the Inclusion of a Voter on the Voter Roll.

- a. A resident or qualified voter may raise a challenge relating to inclusion of a name on the voter roll prior to 8:00 PM on Election Day.
- b. 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, including the name and address of the voter whose place on the voter roll is being challenged, along with any evidence that they believe supports the challenge.
- c. The Committee will review the evidence and vote on whether to advance consideration of the challenge. If the Committee votes in favor of advancing the challenge, the Committee will follow the process laid out in Section III to gather additional information relating to the voter's eligibility.
- d. The individual whose eligibility is being challenged will have an opportunity [how long?] to present any relevant information to the Committee to support its decision-making.
- e. After conclusion of the process described above, the Committee will vote on whether the individual will remain "qualified," or be removed from the voter roll or designated "Not Qualified." A voter removed from the voter roll or designated "Not Qualified" will be notified, per the challenge process set forth above.

VII. Certification and Record-Keeping

After the conclusion of the deadline for changes to the voter roll, the Committee Chair and Vice-chair will 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 will 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 VMA Council Election. Voting records will be preserved according to the Village's approved Document Retention Schedule.

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APPENDIX B: ELECTION FORUM PROCEDURE

- 1. The election forum shall be held between April 16 and April 30 each year, at least ten (10) 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.

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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 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 1-minute welcome and introduction from the moderator or Committee chair.
- A 2-minute opening statement from each candidate.
- 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.
- A 2-minute closing statement from each candidate.
- 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:

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

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1 2023 Election Rules and Procedures
2 As adopted 1-19-2023
3

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

10 The purpose of these rules and procedures is to provide for free and fair elections in the Village of
11 Martin’s Additions and to ensure that all qualified voters are able to freely exercise their right to
12 vote.
13

14 **Village Council Election Process**

15 The election of Village Council members takes place on a date determined from year to year in
16 accordance with Section 602 of the Charter. Council members are elected to terms of two years. The
17 number of seats open on the Council alternates between two and three seats every other year;
18 vacancies are filled per Section 408 of the Charter. All elections are managed by the Committee. The
19 Committee consists of a minimum of three, but preferably no fewer than five, qualified voter¹
20 volunteers appointed by the Council. The Council may appoint additional qualified voters as short-
21 term assistant Election Committee members, as needed. Committee members shall complete an Oath
22 and a Conflicts of Interest form, as provided by the Village, consistent with Village Policy.

23 Each year the details of the election cycle for that year are published in the Village newsletter and in
24 the standard Village election information packet that is mailed to all Village households. The
25 following rules and procedures apply:

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

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

38 3. Qualified voters may submit their nominations and candidate filing materials at least forty-
39 five (45) days prior to the election for the candidate to be placed on the official ballot. No
40 nominations or candidate submissions will be accepted by the Committee if received later than
41 that deadline.

42 4. The Committee shall establish a format, date, and time for a Candidate Forum for qualified
43 voters and residents to hear from the candidates and ask questions. The forum shall be
44 moderated by the Committee. Qualified voters are encouraged to send proposed questions to the
45 Committee via email (VMAElections@martinsadditions.org) by the Committee-specified

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

46 deadline or be prepared to ask them if/when called upon during the forum. The Committee may
47 receive questions via phone or otherwise.

48 5. No later than two (2) weeks after the candidate filing date, the Committee shall publish
49 and mail the official Village election information packet with the written statements of the
50 candidates for office, the official election notice and forum notice, and general voting
51 instructions.

52 6. Pursuant to the Charter and these rules and procedures, each qualified voter may cast a
53 mail-in ballot provided by the Committee, subject to the schedule publicly announced by the
54 Committee.

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

58 8. In the event that two or more candidates receive the same number of votes where only one can
59 be elected, there shall be a runoff election within two weeks of the date when votes are tabulated
60 and recorded. In this election, runoffs shall be held by mail.

61 9. Each candidate may designate one person as an official observer to be present when the
62 ballots are being counted. Other qualified voters may also observe, although no observer
63 may participate in or otherwise disrupt the counting of the ballots. Specific vote counting
64 procedures will be recommended by the Committee and adopted by the Council each year,
65 as appropriate.

66 **Who Can Vote?**

67 Pursuant to the Charter Section 301, a qualified voter is “any person who owns property or any
68 resident of Martin’s Additions who is eighteen years of age or over.” In the case of students, such as
69 college or boarding school students, a student who resides elsewhere during the school year but who
70 maintains a permanent address in Martin’s Additions is deemed a resident and entitled to vote in the
71 Village Council election. Voters in Martin’s Additions need not be registered to vote in Montgomery
72 County or in the State of Maryland and need not be U.S. citizens. The Committee shall utilize the
73 most recent electronically available Village resident contact information and other appropriate
74 sources to confirm voters’ names and addresses. The Committee shall develop, verify, and certify
75 the voter roll with the assistance of the Village staff. The Committee shall confirm that the verified
76 voter rolls are used in operating the Election. New voters may request to be added to the voter roll
77 up to 8:00 PM on Election Day. To be eligible to receive a mail ballot, new voters should be
78 prepared to show a driver’s license, a utility bill, or other documentation acceptable to the
79 Committee in its sole discretion, showing the voter’s Martin’s Additions address.

80 **Plan for the 2023 VMA Election**

81 VMA’s 2023 election will be held entirely by mail. There will be no in-person voting. To protect
82 election security, the election service provider will mail the ballots directly to the voters. Voters
83 will mail their completed ballots back to the election service provider in the postage-paid
84 envelopes issued by the provider. On Election Day, May 10, the Committee will also provide an
85 opportunity for voters to drop off completed ballot envelopes in a secure ballot drop-box directly
86 supervised by the Committee with a secure Committee procedure to convey those completed ballot
87 envelopes to the election service provider for counting.

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

89 automatically receive a ballot by mail.

90 If a voter is planning not to be at their VMA address during the voting process, they may elect to
91 receive a ballot by mail at a different location by so informing the Committee no later than 8:00 PM
92 on May 10. No one may vote two ballots at two different addresses. If a voter has lost or damaged
93 their ballot or ballot return envelope, they may contact the Committee no later than 8:00 PM on May
94 18 to request a replacement ballot. On receipt of such requests, the Committee will instruct the service
95 provider in writing, by email, to void the previous ballot sent to that voter before mailing the
96 replacement ballot.

97 A voter can also notify the Committee if they will not be able to receive a ballot by mail during the
98 regular voting period. The Committee will make reasonable efforts to provide those voters with
99 opportunities to cast their ballots.

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

101 Nominations

102
103 The Committee will issue a call for candidates on **February 20, 2023**. Any qualified voter may run
104 for office. Qualified voters may nominate themselves or be nominated by another qualified voter, in
105 writing. Nominations may be made only by qualified voters; anonymous nominations are not
106 permitted. Qualified voters who nominate themselves must submit an affirmative statement or email
107 stating that they wish to run for office. Qualified voters who nominate someone other than
108 themselves must include an email or signed written statement from the proposed candidate
109 expressing his or her consent to be nominated. The nominations period will open on **February 20**
110 and close on **March 22, 2023, at 6:00 pm. Nominations must be received by the Committee no**
111 **later than that deadline.** A thirty-minute grace period will be allowed for email nominations to
112 arrive in the Committee's email inbox.

113 To be placed on the official ballot, all candidates must submit by email to the Election
114 Committee (a) a brief Candidate Statement of up to approximately 700 words, including their
115 qualifications as well as any other information they deem relevant, and (b) their signed and
116 completed Conflicts of Interest Disclosure form. The Election Committee will specify the form
117 of both documents when the nomination period opens. In order to appear on the ballot, within
118 seven (7) days from the close of the nominations period, candidates must submit their completed
119 documents to the Committee. A thirty-minute grace period will be allowed for email
120 submissions to arrive in the Committee's email inbox. The Committee will maintain a record of
121 the date and time when nominations and supporting materials were received.

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

126 Candidate Announcements and Candidate Forum

127 The Committee will promptly notify the Village of the candidates for office and publish the
128 election information and candidate statements by email, by posting on the Village's website, and in
129 the official Village election information packet that is mailed to all VMA households. Information
130 will also be included in the Village's Friday wrap-up emails and newsletters and will be available
131 for review in the Village Office throughout the election period.

132 The Committee will host a Candidate Forum on a date agreed upon by the Committee and

133 candidates during the last fifteen (15) days of April to allow qualified voters and residents to hear
134 from candidates and ask the candidates questions. Candidates and qualified voters will be afforded
135 the ability to attend and participate remotely. The Committee shall provide a mechanism for
136 qualified voters and residents to submit forum questions anonymously. The Committee shall
137 moderate the forum in an impartial manner. This includes: (a) the forum must cover a broad range
138 of issues with questions applicable to all candidates; (b) candidates must have equal time to present
139 their views; and (c) the moderator must remain neutral and in no way indicate or imply approval or
140 disapproval of the candidates.

141 At the discretion of the moderator, qualified voters and residents may ask questions directly at the
142 forum when called on and are encouraged to send their questions for the candidates to the
143 Committee by any means that is convenient for the residents. The Committee shall send the Village
144 election packet containing the candidate information and statements to voters in time to be received
145 before the forum.

146 Election Procedures

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

- 149 1) The election service provider will mail via first class post (a) a ballot, (b) voting
150 instructions prepared by the committee in consultation with the election service provider,
151 and (c) a postage-paid return ballot envelope to each voter listed on the voter roll at their
152 address of record.
 - 153 a. The Committee shall instruct the election service provider to deliver the ballot
154 packets to the voters shortly after the Candidate Forum.
 - 155 b. Both the incoming ballot packets and the ballot return envelopes shall have postal
156 tracking codes to ensure that delivery can be traced.
 - 157 c. The Committee will work with the election service provider to identify projected
158 dates when ballots will begin arriving and shall provide notice to the Village.
- 159 2) Ballot envelopes will bear on their exterior a service-provider-issued control number and
160 an affidavit in accordance with Maryland law requiring the voter to attest to the voter's
161 identity and eligibility. The affidavit must be signed by the voter.
- 162 3) All ballot envelopes must be received by the election service provider no later than **5:00**
163 **p.m. on May 23, 2023**. Ballots received after that time shall be rejected and not included
164 in the ballot counting. The VMA Election Committee shall post reminders for all qualified
165 voters to return ballots by mail sufficiently early to ensure the ballot envelopes arrive at
166 the offices of the election service provider by that date.
 - 167 a. Ballots must be returned in the service-provider-issued return envelope.
 - 168 b. Ballot return envelopes must be sealed.
 - 169 c. Ballot return envelopes must bear a valid control number that has not been
170 canceled or voided.
 - 171 d. Voters must write their full name as it appears on the front of the incoming ballot
172 packet as well as the house number and street name of their address in the Village
173 on the form on the back of the issued return envelope.
 - 174 e. If voters from the same household use each other's envelopes, those ballot return
175 envelopes shall be accepted as valid.
- 176 4) For voters' convenience, the Election Committee will also provide a secure ballot drop-
177 box, supervised by the Committee, to collect completed ballot envelopes on the evening of
178 **Election Day, May 10, 2023**. Voters may deposit their sealed ballot envelopes containing
179 a voted ballot and bearing a completed affidavit in the Election Committee ballot drop-box
180 between the hours of **5:00 p.m. and 8:00 p.m. on May 10**. Promptly after 8:00 p.m., the
181 Election Committee shall open the ballot drop-box, count the number of ballot return
182 envelopes in the box, and then securely convey the ballot envelopes to the service

- 183 provider. The election service provider shall hold all ballots received until the date for
184 ballot counting, **May 24, 2023**.
- 185 5) Between the hours of 5:00 p.m. and 8:00 p.m. on May 10, the Election Committee will
186 also provide an opportunity for qualified voters whose ballots have been lost, damaged,
187 spoiled, or are otherwise unable to be voted, to request that their existing ballot be voided
188 and a new ballot be issued to them by the election service provider.
- 189 a. The Committee shall send all replacement ballot instructions to the election
190 service provider in writing, via email, in order to keep a complete VMA election
191 record that can be audited and verified. The service provider cannot issue ballots
192 without the Committee’s written instructions.
- 193 b. The election service provide shall void the original ballot before the second ballot
194 is issued.
- 195 c. The service provider shall then send the replacement ballot to the voter, and shall
196 keep a complete record of all ballots issued, all ballots voided, all replacement
197 ballots sent, and all Committee emails received, to maintain a complete record that
198 can be audited and verified.
- 199 6) The service provider shall count the votes on the ballots on **May 24** and ensure that the
200 Election Committee and candidate observers can clearly observe the counting process.
- 201 7) On May 24, the election service provider shall examine the ballot envelopes without
202 opening them and identify non-confirming envelopes. The provider shall then display
203 each such non-confirming envelope to the committee members, who will then
204 decide, based on a majority vote, whether each such envelope has the potential to be
205 ‘cured’ or corrected of any discrepancies or deficiencies. If so, the Committee must
206 make a prompt, reasonable and meaningful attempt to contact the voter identified by
207 the control number on that envelope to cure the defect and have the ballot be counted
208 in accordance with the county and state election regulations.
- 209 8) Candidates or their designated representative(s) — only one per candidate — may observe
210 the tallying, review, and adjudication process. Candidates or their designated observers
211 may raise objections during the counting process. The candidate or observer must identify
212 the challenge at the time of vote counting. Other qualified voters may also observe the
213 process, but they may not raise objections.
- 214 9) At the vote counting session, the service provider shall tally all votes cast, including the
215 write-in votes. The service provider shall deliver a complete, certified Official Count of
216 Ballot Report to the Election Committee by email within 24 hours.
- 217 10) The Committee shall review the Report, address any remaining ballot or vote issues, and
218 certify the election by Committee vote. The Committee shall announce the election results
219 as soon as practicable.
- 220 11) The election service provider shall return all ballots, ballot return envelopes, and other
221 election materials to the Village Office by mail or courier, for preservation according to
222 the Village’s state-approved Document Retention policy.
- 223 12) In the event that two (2) or more candidates receive the same number of votes where only
224 one can be elected, there shall be a runoff election within two (2) weeks of the May 24
225 date when votes are tabulated and recorded. The Committee shall conduct any runoff
226 election by mail-in ballot consistent with relevant provisions of the Charter.

227 **Records**

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

231 **Electioneering**

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- 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 ballots in the Election Committee ballot drop-box. That zone shall prohibit electioneering within 50 feet but no greater than a 100-foot radius of the election table. Sound amplification systems such as bullhorns will not be permitted.