

## **AGENDA for the VMA Election Committee Meeting, 8 pm, October 4, 2023**

- 8:00 Call to order by Katie Howard, Council liaison to the Committee.  
Election of the Committee chair, vice-chair, and secretary.
- 8:05 Review of the Committee's main duties and timetable:
- Set the dates for election day and the other 2024 election components, at this meeting.
  - Review the election rules and procedures, and be ready to submit the proposed 2024 election ordinance to the Council before the December 2023 Council meeting.
  - Provide the official election info packet for the voters, the election notices, and other communications.
  - Update and verify the VMA voter roll by early April 2024, and hold the forum in late April.
  - Approve the ballot packet in April before the mail-vote service provider sends it to the voters.
  - Conduct a fair, accurate, independent election and certify the voting results in May 2024.
- 8:10 Review and confirm the Committee's ethics guidelines.
- 8:15 Decide the format for the Committee meetings this year. Set the schedule for the next two Committee meetings. Set up the Committee email, and confirm who will do the OMA certificate class.
- 8:20 Residents' comments, questions, and suggestions.
- 8:30 **ACTION ITEMS** to decide at this meeting:
1. Schedule the dates for the 2024 election?  
Election day, nomination period, candidate filing date, election forum, and the date for the vote-counting.
  2. Keep the 2023 rules and procedures as the basis for the 2024 election ordinance?
  3. Make this a long-term, standard ordinance, so future Committees can just decide the election dates and then carry out the regular procedures instead of having to do a new ordinance every year?
  4. Consolidate all the election procedures in one place, in the overall ordinance?  
Five separate election documents: the 2023 rules and procedures ordinance, the vote-counting procedure, the voter roll verification procedure, the procedures for the mail-vote contractor, and the forum procedure.
  5. Recommend that the Council authorize hiring a short-term contractor to help us verify the voter roll this year?  
The Committee is responsible for the accuracy of the voter roll, and the verification this year will be a bigger job than usual because the Council adopted a new definition of "qualified voters."
- 9:00 Residents' comments, questions, and suggestions.
- 9:10 Committee task assignments.
- 9:15 Adjourn.

## ELECTION COMMITTEE GUIDELINES

The VMA election committee is the official government body that is legally responsible for conducting fair, independent Village elections. As public officials, committee members sign an oath of office and a conflict-of-interest disclosure form. Committee members are subject to the Open Meetings Act, the Maryland Public Information Act, the Village election ordinance, state election laws, and the recent VMA ethics ordinance regarding bias and conflicts of interest.

There are some specific election ethics guidelines that have been a standard practice in VMA, for many of our elections. The election committee usually reviews and confirms the basic guidelines at its first meeting each year.

1. The committee will faithfully carry out the approved election procedures; ensure ballot security, voter privacy, and election integrity; verify and certify the annual VMA voter roll; conduct a fair and accurate vote count; certify the election results; and report the complete voting results to the community. VMA elections should be transparent and voter-friendly.
2. Per the Village Charter, the election committee, not the Council or staff, manages the election process. Council members and staff are not permitted to alter public election notices, issue or handle ballots, get involved in the vote-counting, or otherwise interfere with the independent management of the election. The committee has an obligation to document any election interference and report it to the Council.
3. The committee welcomes all nominees equally and provides the same information and impartial administrative assistance to every candidate (e.g., all the candidates receive a copy of the election rules and procedures). The committee will provide a fair, level playing field for all the candidates to compete.
4. Committee members are not allowed to solicit or recruit any particular individuals to run for the Council. To prevent any perception of favoritism, the committee is limited to general public notices that encourage all eligible residents to run for office.
5. Committee members cannot sponsor a candidate campaign event, distribute campaign flyers, or otherwise give the appearance of supporting any specific candidate. Election committee members who have a family connection, a business connection, or a close personal friendship with a candidate must notify the committee chair as soon as the nominations are received, and may be asked to step off the committee to avoid the perception of bias. Committee members cannot recommend any specific candidates, even in private conversations with neighbors.
6. Any two committee members can talk to each other, but all substantive election discussions that involve three or more committee members must take place in a public committee meeting, to comply with the Open Meetings Act. The committee does not make election decisions by text or email or in private conversations.
7. Any procedural requests from candidates must be openly and impartially considered on the basis of objective merit, fairness, and potential benefit to the voters, without regard as to which candidate made the request.
8. The VMA election regulations are public documents, available on request. There are no secret election procedures. The committee will provide public mark-ups to show all proposed election changes, and the committee meetings should allow a reasonable opportunity for public input before the committee makes its decisions.
9. The official VMA election information packet includes the candidates' statements. Those are published as submitted. No one on the Council, staff, or election committee can edit the content of any candidate's statement.
10. The committee will be impartial in conducting the election forum. None of the candidates can see the questions in advance, and all the candidates will have an equal opportunity to respond to the questions, per the committee's written forum procedure. The moderator and committee members will not engage in any personal comments or body language that might indicate approval or disapproval of any candidate's answers.
11. The fundamental principle of election law is that all valid votes will be counted. No VMA voters, ballots, or votes will be unnecessarily disqualified. Candidates and residents are allowed to observe the vote-counting session, per the vote-counting procedures policy.
12. Council members who are up for re-election should not serve as the liaison to the election committee that year. Former Council members should take a break of at least one year before serving on the election committee.

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.  
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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 voter<sup>1</sup>  
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

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<sup>1</sup> 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

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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.



**Village of Martin's Additions  
Election Committee  
Election 2023 Vote Counting Procedures**

May 24

**The Village of Martin's Additions Election Committee (Committee) shall convene on May 24, 2023 via Zoom for initial ballot envelope adjudication, supported by ELECTEC, the Village's vendor.** Attendees will include: the Committee; the Village Manager; ELECTEC, Inc (ELECTEC or the Village's vendor); and one named observer for each candidate. Only the named observers may raise an objection and only to: (1) the acceptance of a ballot from a voter who has submitted more than one ballot and/or (2) a Committee decision to not accept a ballot return envelope; and/or (3) a Committee adjudication concerning a ballot rejected by the tallying computer. Objections must be raised immediately. The Village attorney will be available for any required consultation via phone.

**6:00 PM            Confirm how will be operating, generally following past practice and legal counsel**

**6:02 PM            Process (in this order) and all on with ELECTEC actions through Step 7 on camera**

1. ELECTEC will already have inventoried on the final voter roll all ballot return envelopes received, counted them, and sorted them into conforming or non-conforming stacks. ELECTEC will inform the Committee of the total number of ballot return envelopes received and how many are in each stack.
  - a. ELECTEC will maintain a written record of these numbers. The Committee will begin recording the data as well.
2. ELECTEC will present the Committee stack of ballot return envelopes preliminarily deemed valid pursuant to the Council-adopted plan, verifying things like each voter has voted only once, all envelopes were signed, and had valid, matching control numbers. ELECTEC will inform the Committee of the total number of conforming ballot envelopes received.
  - a. If an observer wishes to make a challenge based on the belief that a voter may have voted more than once, the observer must immediately notify the Committee Chair and provide the basis for this objection. The Committee will then review the challenge and make a determination based on the totality of the circumstances.
  - b. ELECTEC will maintain a written record of the outcomes, including if there were challenges and what the outcome of each challenge was. The Committee will do so as well.
3. ELECTEC will then present to the Committee the non-conforming ballot return envelopes, one at a time, and state the reason why the ballot was deemed preliminarily non-conforming. The Committee will evaluate and determine on a case-by-case basis whether the non-conforming ballot return envelope is 1) deemed conforming; 2) non-conforming, but can be cured or 3) non-conforming and cannot be cured, making the determination based on the totality of the circumstances.
  - a. Ballots must be returned in the service-provider-issued return envelope.
  - b. Ballot return envelopes must be sealed.

- c. Ballot return envelopes must bear a valid control number that has not been canceled or voided.
  - d. Voters must have written their full name as it appears on the ballot envelope as well as the house number and street name of qualifying address in the Village on the issued return envelope.
  - e. If voters from the same household use each other's envelopes, those ballot return envelopes shall be accepted as valid.
  - f. Ballot return envelopes must be signed.
  - g. Curing requires a reasonable and meaningful attempt by the Committee can be made to address the discrepancy.
4. The Committee will determine, by a majority vote, for each non-conforming ballot return envelope, if the Committee will deem it "conforming" OR if it will attempt to "cure" or correct the discrepancy.
    - a. If an observer wishes to make a challenge, the observer must immediately notify the Committee Chair and state the basis for the challenge. The Committee will then review the challenge and make a determination on the challenge. It is anticipated that any and all challenges will be resolved by the Committee during the initial ballot return envelope validation process. If, however, a challenge cannot be resolved to the satisfaction of the Committee during the initial process, consistent with the Council-adopted plan, the ballot shall not be counted provisionally and shall be set aside by ELECTEC until such time as the Committee is able to perform a further review.
    - b. ELECTEC and the Village Manager will provide viewing access to the qualified voter roll deemed final by the Committee, as needed for the Committee to complete its work.
  5. Any ballot return envelopes deemed conforming will be added to the appropriate set. Any ballot return envelopes designated for curing will be set aside by ELECTEC and designated as "Under Review". Any ballot return envelopes deemed "non-conforming and not eligible for curing" will be preserved separately.
    - a. ELECTEC will maintain a written record of the number of rejected ballot return envelopes and the reason(s). ELECTEC will also maintain a written record of any challenges and their outcomes. The Committee will maintain a record of such information as well.
  6. The Committee will review and confirm the updated number of ballot return envelopes deemed conforming, those where an effort to cure is being made, and that have been deemed non-conforming.
  7. In a non-public manner, the Committee will promptly get a list of the voters whose names are associated with the ballot control numbers of the non-conforming envelopes.

#### Ballot Curing Session (if Necessary)

1. For any ballot return envelope where the Committee has deemed it eligible for curing, the Committee will undertake a reasonable and meaningful attempt to contact the voter associated with the control number on the non-conforming envelope.

2. Using the list of names of voters associated with the non-conforming envelopes, the Committee, in conjunction with the Village Office, will send an email and place a phone call to the voter in question informing them that an issue arose with their ballot return envelope.
3. The Committee will undertake reasonable steps to correct the deficiency, either through working directly with the voter or connecting the voter with the Village Office or election vendor to address the concerns.
4. If the Committee has not heard from the voter in a reasonable amount of time, the Committee, in conjunction with the Village Office, will reach out an additional time to the voter using their preferred method of contact.
5. The Committee member designated to work to cure each ballot envelope will maintain a record of their actions and the outcome of the efforts to cure to share with the Committee.

### May 24

**The Village of Martin’s Additions Election Committee (Committee) shall reconvene on May 24, 2023 via Zoom for vote counting and certification, supported by ELECTEC, the Village’s vendor.** Attendees will include: the Committee; the Village Manager; ELECTEC, Inc (ELECTEC or the Village’s vendor); and one named observer for each candidate. Only the named observers may raise an objection and only to: (1) the acceptance of a ballot from a voter who has submitted more than one ballot and/or (2) a Committee decision to not accept a ballot return envelope; and/or (3) a Committee adjudication concerning a ballot rejected by the tallying computer. Objections must be raised immediately. The Village attorney will be available for any required consultation via phone.

**7:00 PM            Confirm how will be operating, generally following past practice and legal counsel**

**7:02 PM            Process (in this order) and all on with ELECTEC actions through Step 8 on camera**

1. One-by-one, the Committee members will report out the results of the ballot envelope curing process, including the steps taken and the results of those steps. For each curing process, the Committee will determine, based on a majority vote, if it will now deem the non-conforming ballot envelope to be cured.
  - a. If an observer wishes to make a challenge, the observer must immediately notify the Committee Chair and state the basis for the challenge. The Committee will then review the challenge and make a determination on the challenge.
  - b. ELECTEC will maintain a written record of the outcomes, including if there were challenges and what the outcome of each challenge was. The Committee will do so as well.
2. If/after the resolution of any challenge to ballot return envelope acceptance, the Committee will then vote on whether to accept the remaining ELECTEC-sorted conforming ballot return envelopes.
3. ELECTEC will then open all the ballot return envelopes deemed valid and securely sequester them for return to the Village, so that they may be retained in accordance with the Village’s State-approved record retention policy.
4. ELECTEC will then open the secret ballot envelopes and separate ballots with write-in votes on them from ballots without write-in votes.

5. ELECTEC will then electronically count the votes on the valid ballots, starting with the ballots without write-in votes and then separately counting the totals on the ballots with the write-in votes, generating a report of the electronic vote count, but it will **not** provide the totals to the Committee at this time.
6. ELECTEC will then hand review each ballot with a write-in vote, developing a list of individuals receiving write-in votes and the total number of write-in votes received.
7. ELECTEC will then provide the Committee with any non-conforming ballots found during the electronic count (e.g., those with stray marks, those rejected by the tallying computer because of over votes, etc.), and the Committee will evaluate and determine whether to accept or reject those ballot(s) and their vote(s) on a case-by-case basis based on the totality of the circumstances.
8. If an observer wishes to make a challenge, the observer must immediately notify the Committee Chair and provide the reason(s) why the ballot should or should not be accepted. The Committee will then review the challenge and make a final determination based on the totality of the circumstances. ELECTEC will maintain a written record of the number of additional accepted and rejected ballot(s) and vote(s) as well as any objections and their outcomes. The Committee will record such information as well.
9. ELECTEC will report to the Committee the total number of write-in ballots received, along with relevant information about the vote totals on write-in and declared candidates. The Committee will discuss, at its sole discretion, if it wishes to review each individual write-in ballot on camera, using a majority decision to set a path.
  - a. If the Committee votes in favor of reviewing individual write-in ballots, the Committee will then review any write-in votes and determine by a majority vote if the write-in vote is valid. The Committee will maintain a record of write-in votes and will review the total number of write-in votes at the end of the counting.
  - b. If the Committee votes in favor of accepting the write-in totals from ELECTEC, the Committee will review the totals provided by ELECTEC, ensure write-in ballots have been cast for eligible candidates, and provide updated totals.
10. After all the non-conforming, including write-in ballots requiring hand counting, are totaled and recorded by both ELECTEC and the Committee, the public session will end.
11. ELECTEC will then spend such time as may be needed to perform an internal review, verify the results, and email the final vote totals to the Village ([manager@martinsadditions.org](mailto:manager@martinsadditions.org) and [VMAElections@martinsadditions.org](mailto:VMAElections@martinsadditions.org)), using ELECTEC's electronic count, plus any Committee-accepted non-conforming ballots and write-ins accepted during Step 5.
12. Upon receipt of this written notification of ELECTEC's totals, the Committee will check its totals against ELECTEC's, confirming all data and reason(s).
13. If all the data and outcomes are confirmed as being consistent with the Committee's record, the Committee will complete its election report (example appended) and move on to Step 12. If not, the Committee will reach out to ELECTEC to resolve any discrepancies before completing its report and moving to Step 12.
14. The Committee will then officially certify the election results by recorded vote of all members.

15. Lastly, the Committee will notify the Village of the results by emailing all qualified voters at one time. Those who receive the monthly newsletter, *Martin's Edition*, via mail will receive a copy via email shortly thereafter.

## VMA Elections Committee – 2022 Election: Voter Roll Procedures

### **I. Who Can Vote?**

- a. Pursuant to the Charter Section 301, a qualified voter is “any person who owns property or any resident of Martin’s Additions who is eighteen years of age or over.”
- b. In the case of students such as college or boarding school students, a student who resides elsewhere during the school year but who maintains a permanent address in Martin’s Additions is deemed a resident and entitled to vote in the Village Council election.
- c. 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.
- d. Where a property is rented, both the renters and the owners may vote.
- e. Voters must be natural persons; if an LLC or other corporation owns a property, that business entity does not have the right to vote in the village election.
- f. Voters must own property or be a resident of Martin’s Additions who is eighteen years of age or over on Election Day.

### **II. Timing**

- a. The current version of the voter roll should be prepared during the first week of April for sharing with the designated election vendor to allow time for the printing and mailing of ballots.
- b. Pursuant to the 2022 Election Rules and Procedures, ballots will be mailed after the candidate forum has been conducted.

### **III. Voter Roll Process**

- a. The Committee Chair will work with the Village Manager to review the status of the current Village voter roll and discuss possible data sources and processes to be utilized in reviewing and updating the voter roll.
- b. The Village Manager will provide information to the Committee regarding the current status of the Village voter roll, any identified issues or areas of concern, and any recommended steps or data sources for updates to the voter roll. The Manager will, at the direction of the Committee Chair, work with the Committee to provide the voter roll to the Committee.
- c. Processes for providing updates and relevant information relating to the roll may include, but not be limited to, the following:
  - i. Conducting a review of notifications of move-ins/move-outs in the Village;
  - ii. Conducting a data merge between the county voter list for VMA’s precincts and the most recent version of the voter roll;
  - iii. Conducting a check against relevant property records to address questions relating to property ownership; or
  - iv. Conducting a query of public records databases to identify potential ownership, residency, or occupancy information;
- d. The Chair and/or designated committee members will review the voter roll, identifying any addresses where residents and/or owners cannot be

48 verified or where conflicting information has been identified during the  
49 review of the voter roll, the Village directory, or county voter records.

- 50 e. The Committee will, as appropriate and necessary, review the relevant,  
51 previously identified records relating to identification of any issues  
52 relating to eligibility or qualification for inclusion on the voter roll.
- 53 f. The Committee will vote to begin a review of any name identified as having  
54 an outstanding issue or to decline to conduct further review and leave the  
55 status unchanged. The review process will entail the following:
- 56 i. The Committee Chair will designate member(s) of the Committee  
57 who will utilize the most recent electronically available contact  
58 information from the Village Office to reach out to  
59 residents/qualified voters where issues have been identified to  
60 gather additional information relating to voter status and to  
61 communicate to potential voters regarding the processes for being  
62 added to the voter roll.
  - 63 ii. The designated members will reach out to the individual through an  
64 email and a phone call. The Committee members will coordinate  
65 with the Village Office to send a written notification via mail to the  
66 listed address. The outreach should inform the resident that a  
67 question has arisen related to their qualification to vote in the  
68 upcoming election and request that the individuals in question  
69 reach out to the Committee or the Village Office to resolve the  
70 question.
  - 71 iii. If the resident/qualified voter can be reached and would like to be  
72 added to the voter roll, the Committee will coordinate between the  
73 voter/resident and the Village Office to ensure they are added to the  
74 file.
  - 75 iv. If the resident/qualified voter is already listed on the voter roll but a  
76 question has arisen, the Committee will coordinate with the Village  
77 Office to ensure their eligibility. Then, the Committee will add notes  
78 to a single document tracking the names of voters/residents where  
79 questions arose but their eligibility to vote in the Council election  
80 was confirmed, along with the steps taken.
  - 81 v. If the resident/qualified voter is no longer eligible to vote in the  
82 Village Election, the Committee will coordinate with the Village  
83 Office to provide the individual with the relevant information to be  
84 removed from the voter roll and will maintain a file noting the  
85 name and address of the ineligible individual to ensure no ballot is  
86 mailed to them or any ballot envelopes mailed to them are voided.
    - 87 1. If it is not possible for the individual to be removed from the  
88 voter roll prior to Election Day, the Committee will vote,  
89 based on the evidence before it, on designating the individual  
90 as “Not Qualified”.
  - 91 vi. If there is no response within a reasonable period of time, the  
92 Committee may vote to declare the individual to be “Not Qualified”  
93 and remove them from the list of qualified voters receiving a mailed  
94 ballot.

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- g. The Committee and Village Manager, working in coordination, will develop a list of individuals deemed “Not Qualified” who will not be mailed ballots nor included on the version of the voter roll submitted to the Election Vendor.
  - i. The Committee and Village Office will work to provide notice of the Committee’s vote, where possible, to any individuals designated as “Not Qualified”, as well as information relating to the Challenge process set forth below.
- h. The Committee and Village Manager will review the updated voter roll and compare it to the list of “Not Qualified” individuals, and will ensure that the updated voter roll reflects the designations set forth by the Committee in its decisions to mark individuals as “Not Qualified”.
- i. The Committee will provide notice through the Village communications reminding residents and qualified voters that they can reach out to the Village Office if they have a question relating to their status on the voter roll or if they have undergone a change in status (such as turning 18 or recently moving to the Village) making them eligible for inclusion on the voter roll.

**IV. Transmitting the Voter Roll to the Vendor**

- a. Upon conclusion of the process delineated in Section III, the Committee will vote to authorize the Village Manager to send the voter roll to the election contractor.
  - i. This version will not include any individuals designated as “Not Qualified” through the Committee process outlined above.
- b. Authorization of the transmission of the voter roll to the vendor may be addressed administratively between the Committee members.
- c. The copy of the voter roll designated by the Committee for transmission to the election vendor will be duly marked and recorded with the time and date of its approval.

**V. Adding to the Voter Roll**

- a. Pursuant to the Election Plan, new voters may request to be added to the voter roll up to 12:00 PM on Election Day, May 10, which is the ballot drop-off deadline.
- b. Voters seeking to be added to the voter roll should be prepared to show a driver’s license, a utility bill, or other documentation acceptable to the Committee in its sole discretion, showing the voter’s Martin’s Additions address.
- c. If a new voter provides the required documentation after the transmission of the voter roll to the vendor, the Committee Chair will coordinate with the Village Manager to direct the 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 on May 23.

**VI. Cancellation of Ballots & Removal from the Voter Roll**



- 141 a. If, following the transmission of the voter roll to the election vendor, an  
142 individual identifies that they are no longer a qualified voter or requests to  
143 be taken off of the voter roll, the Village Manager and the Election Chair  
144 will communicate with the election vendor to cancel any outstanding  
145 ballot control numbers related to that individual and provide appropriate  
146 notice to the Committee.  
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## 148 **VII. Challenges**

- 149 a. Challenge to a Removal from the Voter Roll
- 150 i. If an individual has a good faith belief that they were improperly  
151 removed from the voter roll, they may file a challenge by notifying  
152 the Committee via its email inbox.
  - 153 ii. This challenge may only be brought by the individual removed from  
154 the voter roll or their duly designated representative.
  - 155 iii. **Challenges should be raised no later than 12:00 PM on May 10<sup>th</sup>,**  
156 **Election Day.**
  - 157 iv. The challenging party will have a reasonable opportunity to present  
158 or share evidence with the Committee relating to why a previous  
159 decision declaring them to be “Not Qualified” is improper,  
160 inaccurate, or otherwise in need of reconsideration.
  - 161 v. Based on the totality of the evidence, the Committee will vote to  
162 determine if the individual should be restored to the voter roll and  
163 list of “qualified voters”.
  - 164 vi. If the individual is successful in their challenge, the Committee will  
165 coordinate with the Village Manager to work with the election  
166 vendor in order to have a ballot mailed to the individual with  
167 sufficient time to allow for the ballot to be returned prior to the vote  
168 return deadline of 5:00 PM on May 23<sup>rd</sup>.
- 169 b. Challenge to Remove Individual from Voter Roll
- 170 i. A resident or qualified voter may raise a challenge relating to  
171 inclusion of a name on the voter roll that the challenging party has a  
172 good faith belief is no longer a qualified voter.
  - 173 **ii. The challenge must be raised no later than 12:00 PM on Monday,**  
174 **May 2<sup>nd</sup>.**
  - 175 iii. The challenging party must provide notification to the Committee  
176 via its inbox of a challenge, including the name and address of the  
177 voter whose place on the voter roll is being challenged, along with  
178 any evidence that they believe supports their challenge.
  - 179 iv. The Committee will review the evidence and vote on advancing  
180 consideration of the challenge. If the Committee votes in favor of  
181 advancing the challenge, the Committee will follow the process laid  
182 out in Section III (f) to gather additional information relating to the  
183 voter’s qualification and eligibility.
  - 184 v. The individual whose eligibility is being challenge will have  
185 opportunity to present any relevant information to the Committee  
186 to support its decision-making.

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- vi. After conclusion of the process described above, the Committee will vote on a determination that the voter is qualified or not qualified. A determination of “not qualified” will warrant following the relevant processes for cancelling any outstanding ballots or removing the name from the list of people being mailed ballots.

**VIII. Certification and Record-Keeping**

- a. After the conclusion of the deadline for changes to the voter roll, the Committee Chair will review the current copy of the voter roll to review that it reflects any updated information. The Chair will then certify the 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 version being used for the 2022 VMA Council Election.

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## **STANDARD PROCEDURE: VMA ELECTION FORUM**

1. The Election Committee sets the final date, time, and location for the forum after consulting with the candidates about their preferences and availability. The forum may run up to two hours, at the moderator's discretion. The committee may conduct the forum in person or by Zoom or both. The forum will be strictly impartial.
2. One member of the Election Committee moderates the forum; a second member serves as the timekeeper. The VMA staff assists the committee in setting up the physical location and technical logistics.
3. All VMA residents are welcome to participate directly (in person, by Zoom, or via a call-in number). Residents may email questions to the committee in advance at [VMAelections@gmail.com](mailto:VMAelections@gmail.com) or submit questions by other means. Residents can submit forum questions anonymously, and can ask live questions during the forum. No candidate can see the questions prior to the forum. The committee chair compiles the advance questions from residents and provides the list to the forum moderator.

#### 4. VMA forum rules and structure:

- 1-minute welcome and introduction from the moderator or committee chair.
- 2-minute opening statement from each candidate.
- Residents' comments and questions:
  - 2-minute answers from all the candidates.
  - A 1-minute follow-up round is allowed on each question if a candidate wants to respond.
- 2-minute closing statement from each candidate.
- Moderator thanks the candidates and residents for participating and closes the forum.

#### The moderator:

- rotates the order of calling on the candidates to respond to the residents' questions.
- alternates between the live questions from residents and the questions submitted in advance.
- keeps the time balanced fairly among all the candidates in order to maintain a level playing field.

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

5. The VMA staff records the forum and posts the audio or video on the VMA website afterward, to be readily accessible to VMA residents.

6. Public notice: The Election Committee publishes the formal notice about the date, time, and location of the forum by email on Constant Contact and in the official VMA election information packet that is sent to all VMA households. If the forum is held remotely, "location" means the Zoom link and call-in number. The committee posts an additional forum notice on Constant Contact two days in advance, and again on the morning of the forum. The committee may also post informal reminders on the village listserv.