

AGENDA for the Election Committee Meeting, 6 pm, December 11, 2023

- 6:00 Call to order. Welcome to all participants.
Residents' comments, questions, and suggestions.
- 6:05 **ACTION ITEM** at this meeting:
Review and vote on the revised voter roll verification process. The two Committee members working on this section drafted this revision after the VMA attorney responded to the Committee's request for a legal review of the timing and procedures in the December 6 version of the election document.
- 6:15 Adjourn.

Join Zoom Meeting

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

Meeting ID: 897 3193 5548

Passcode: 876670

DECEMBER 10 REVISION, after Ron provided his comments in response to the Committee’s request for a legal review of the timing components and verification process in Appendix A

VMA ELECTION ORDINANCE

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V. Village Voter Roll

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

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

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

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APPENDIX A: VOTER ROLL VERIFICATION PROCEDURE

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

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

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

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

A. Voter Eligibility

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

B. Timing

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

C. Voter Roll Verification Process

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

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

D. Transmitting the Voter Roll to the Contractor

Upon conclusion of the process delineated in Section C, the Committee shall vote to approve and send the updated, verified voter roll to the election contractor. The Committee shall duly mark the copy of the verified

voter roll designated by the Committee for transmission to the election contractor, record the time and date of its approval and transmission, and confirm that the verified voter roll is used in operating the election.

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

E. Adding to the Voter Roll

1. Eligible voters may contact the Committee to request to be added to the VMA voter roll up until 8:00 PM on Election Day.
2. Voters who are not on the County voter roll and are seeking to be added to the VMA voter roll must 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 shall provide written instructions by email directing the election contractor to send a ballot to the new voter in time for that ballot to be voted and returned prior to the deadline for ballot receipt.

F. Challenges to Removal from the Voter Roll

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

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

1. A qualified voter may raise a challenge to the inclusion of a name on the VMA voter roll no later than April 1. The challenging party must provide notification of a challenge to the Committee via its email inbox, or by certified mail addressed to the Election Committee at the Village Office, and include (a) the name and address of the voter whose place on the voter roll is being challenged, and (b) any evidence that the person believes supports the challenge.

2. The Committee shall notify the individual whose eligibility is being challenged, who shall have the right to respond and present any relevant information to the Committee to support its decision-making. The Committee shall review the public records, to gather additional information relating to the voter's eligibility.

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

H. Final Certification and Record-Keeping

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

THE DECEMBER 6 VERSION

VMA ELECTION ORDINANCE

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.

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.

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.

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 may no longer be 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 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.
 - h. Check the working draft of the VMA voter roll to delete duplicate entries.
3. 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.
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 section 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), 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.

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.

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 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 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
- 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 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.