

Town of Cheverly

Elections Handbook

**COUNTY OF PRINCE GEORGE'S
STATE OF MARYLAND**

May 8, 2013

BOARD OF ELECTION SUPERVISORS RULES & REGULATIONS

PART 1 -- BOARD OF ELECTION SUPERVISORS

Sec. 1.1 The Board and Members.

(a) **Composition.** The Board consists of "three members who shall be appointed by the Mayor subject to approval of the Council for a two year term. Two members shall be appointed at the first council meeting in January of every odd-numbered year, and one member shall be appointed at the first council meeting in January of every even-numbered year. The Mayor shall designate one of these to serve as Chairman ...A vacancy on the Board shall be filled by the Mayor subject to approval of the Council for the remainder of the unexpired term." (Charter, Sec. C-18A)

(b) **Qualifications.** "The members of the Board shall be Cheverly residents and registered voters for the Town elections and shall not hold or be candidates for any Town elective office or other appointive office during their term of office." (Charter, Sec. C-18A)

(c) **Oath.** Prior to assuming the duties of office, each member of the Board shall take an oath before any officer of Maryland duly authorized to take an affidavit to the effect that he OR SHE will obey the Constitution of the United States and the Constitution and laws of the State of Maryland, and the laws of the Town of Cheverly, and will fairly and impartially administer the duties of this office. (Charter, Sec. C-18A)

(d) **Removal.** "Board members ...may, at the pleasure of the majority of the Mayor and Council, be removed from office and successors appointed." (Charter, Sec. C-18D)

Sec. 1.2 Duties and Powers.

(a) **General.** The Board is responsible for "registration of voters, certification of candidates for Town elections, and Town elections." (Charter, Sec. C-18B) "The Board shall supervise the duties of election judges and clerks and are [sic.] authorized to perform such duties when circumstances require." (Charter, Sec. C-18C)

(b) Powers.

(1) "The Board shall have the power to make and publish regulations... regarding the conduct of such functions. And, further, the Board shall act as judge and arbiter of all disputes and controversies arising from the administration of the Town election laws." (Charter, Sec. C-18B)

(2) The provisions of this Chapter are the written regulations of the Board. Single copies are available on request from the Town office.

(3) Procedures for resolution of disputes and controversies are contained in Part 2 of this Chapter.

(c) **Quorum.** "For the exercise of such powers, a majority of two (2) shall be sufficient for quorum and decision." (Charter, Sec. C-17B)

Sec. 1.3 Meetings, Counsel.

(a) **Charter.** The Board shall meet at regular intervals it prescribes and shall be authorized to hold such special meetings as the Board may require, and all such meetings shall be publicly advertised and open to the public. (Charter, Sec. C-18B)

(b) **Regular and Special Meetings.** The Board shall meet in January of each year. The Board should set such other regular and special meetings, which will be called as needed by the Chairman or by the request of which two members. Notice of the meetings at which matters of policy are to be considered will be posted in the Community Center as soon as possible after it is decided to have a meeting.

(c) **Counsel.** The Town Attorney serves as counsel to the Board. The Board seeks advice from the Town Attorney on all matters of law.

(d) **Rules.** To the extent parliamentary guidance is required, and consistent with the Charter and Ordinances, the Board's internal deliberations are governed by Roberts Rules of Order, Revised. Minutes of each meeting shall be kept by a person appointed by the Board.

Part 2 -- DISPUTES AND CONTROVERSIES

Sec 2.1 Informal Dispute Resolution. The policy and practice of the Board is to resolve disputes over candidate qualifications and certification, voter qualifications, voter registration and related matters by informal hearing at which witnesses may be asked to appear. The Board may also draw upon the investigative unit of the Town Police for additional information it needs to develop facts needed for decision.

Sec. 2.2 Formal Dispute Resolution. In any case where the Board determines the credibility of a witness or the validity of a document is called into question, the Board may provide by written order for a special hearing at which sworn testimony is received, for submission of verified statements, and/or for such other supplementary proceedings as may appear necessary. When formal dispute resolution of this nature is ordered, affected persons are specifically notified of their right to be advised or accompanied by counsel.

Part 3 -- JUDGES AND CLERKS

Sec. 3.1 Judges and Clerks.

(a) **Appointment.** "To assist the Board in the registration of voters and in the conduct of elections, the Council shall annually in January appoint the necessary number of election judges and clerks, who shall themselves be registered voters of Cheverly. Judges and clerks shall perform such duties as are prescribed for them by the Board." (Charter, Sec. C-18C)

(b) **Removal.** "Judges and clerks may, at the pleasure of a majority of the Mayor and Council, be removed from office and successors appointed." (Charter, Sec. C-18D) The Board will examine promptly any complaint which may be made concerning the fitness or qualifications of any person appointed to be a judge or clerk. The Board shall recommend to the Council the removal of any judge or clerk found by it to be incompetent.

(c) **Ward Representation.** The Council appoints one election judge from each ward on recommendation of the Mayor. Additional at-large judges may be appointed, as deemed necessary by the Council. By custom, clerks are appointed from the ranks of Town office staff who are registered voters of Cheverly.

(d) **Oath.** Prior to assuming the duties of office, each judge and clerk shall take an oath before any officer duly authorized to take an affidavit, to the effect that the judge or clerk will obey the Constitution of the United States and the constitution and laws of the State of Maryland, and the laws of the Town of Cheverly, and will fairly and impartially administer the duties of the office.

Sec. 3.2 Responsibilities. Judges and clerks shall assist the Board in registration of voters and conduct of elections in the manner prescribed by the Board.

Sec. 3.3 Training and Qualifications. The Board shall provide each judge and clerk with appropriate instructions and training prior to each general or special election and as otherwise required. Clerks shall be thoroughly familiar with procedures for registration of voters, absentee ballot procedures, and candidate petition procedures. Judges shall be thoroughly familiar with operation of the polls on election days and such other matters relating to maintenance of the election days and such other matters relating to maintenance of the election rolls as may be pertinent to their assigned duties.

Part 4 -- COMPENSATION

Sec. 4.1 General. "Compensation of the members of the Board of Supervisors of Elections and judges of elections and expenditure for their duty shall be determined by the Council annually." (Charter, Sec. C-18D)

Sec. 4.2 Practice. By custom, Board members and judges are paid at rates set by the Mayor and Council for each Election Day served. Additional duties are performed without compensation. Compensation of clerks is considered to be included in salary provided for employment as Town staff.

Sec. 4.3 Salary Sheets. On Election Day, the Board prepares a salary sheet listing the hours worked by judges. The sheet is presented to the Town Clerk.

Part 5 -- QUALIFICATION AND REGISTRATION OF VOTERS

Sec. 5.1 Voter Qualifications.

(a) In order to qualify as a voter in the Town of Cheverly, a person shall --

(1) Be a citizen of the United States;

(2) Have resided in the Town of Cheverly for at least thirty (30) days prior to the day of any general or special election; and

(3) Be eighteen (18) years old on or before the day of any general or special election.

(4) Not have been convicted of a disqualifying crime or be under guardianship for mental disability, as provided in The Maryland Code.
(Charter, Sec. C-18.1A)

(b) "No person shall be allowed to vote in any election in the Town except those persons who appear upon the registration books of the Town, and who reside in the Town on Election Day." (Charter, Sec. C-18.3B)

Sec. 5.2 Registration with County.

(a) **General.** "Registration [for purposes of voting in a Town election] may be made by becoming a registered voter of Prince George's County... (Charter, Sec. C-18.1B) "All registered voters of Prince George's County who meet the above qualifications stated in [Sec. 5.1 of this Part] and are so registered before the period beginning thirty (30) days prior to any Town election are registered voters for that Town election." (Charter, Sec. C-18.1E)

(b) **Closed registration lists.** The Board periodically requests the County Board of Election Supervisors to provide the registration status of Cheverly residents, on such occasions and in such form as the Board deems necessary. Following the conclusion of the annual purge procedure by the County Board in January of each year, the Board obtains a list of registered Cheverly voters, which list may be utilized as the registration roll of County-registered voters for purposes of eligibility to sign a candidate petition under Charter Sec. C-18.2 (see Part 6 of these procedures). Such list is requested to be provided in two formats: alphabetical (entire Town) and by ward (street listing). In addition, the Board annually obtains from the County Board an alphabetical list of County-registered voters who were shown as resident within the corporate boundaries of Cheverly immediately prior to the period beginning thirty (30) days before each general and special election, which list may be utilized as the registration roll of County-registered voters for purpose of such election.

Sec. 5.3. Separate Town books.

(a) **General.** "Registration may be made ... by the following procedures: Persons qualified to vote in the Town of Cheverly elections may register to vote in person or by mail." (Charter, Sec. C-18.1B)

(b) **Registration in person.**

(1) "Registration in person may be completed on such dates and at such special registration sites as may be established by the Board of Election Supervisors. The dates and sites of such special registrations shall be generally published to Town residents at least five (5) days prior to such dates." (Charter, Sec. C-18.1B)

(2) Registrations shall be taken at the Town office by a clerk unless otherwise provided. Clerks taking registrations shall observe the following procedures:

(A) Ask registrant to respond to this oath or affirmation:

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, age, citizenship, your qualifications as a voter, and your right as such to register and vote under the laws of Cheverly."

Answer should be "I do."

(B) Ask if the registrant believes he or she has reasons to think he or she would be disqualified because of a court action or otherwise.

Answer should be "No."

(C) Ask registrant for information on first 3 lines of form. **PRINT THE ENTRIES.** The applicant shall be required to answer in the presence of the registrar and under oath all questions required on the registration forms.

Questions to be asked are:

(i) Applicant's full name.

(ii) Applicant's address.

(iii) Applicant's age (optional).

(iv) Applicant's date of birth. [Must be eighteen (18) or over. Voter may respond "18 or over" and entry will be made in that form.]

(v) Citizenship. [Must be native-born or naturalized. If naturalized, indicate location of court such as "New York City" and year of naturalization.]

(vi) Has applicant had a criminal record that would disqualify him/her from voting? [Make entry under "Court" only if potentially disqualifying conviction is reported. Board will review and registration will not be reported. Board will review and registration will not be completed if voter does not qualify.]

Cross-references: 60 Op. Attn'y Gen. 245 (1975); 67 Op. Attn'y Gen. 176 (1982)

(vii) Year applicant last moved into Cheverly.

(viii) which ward does applicant live in? [If ward is uncertain, ask registrant to indicate residence location on map. If still uncertain, leave blank and refer to a member of the Board.]

(D) Have registrant verify all entries on form.

(E) Have registrant sign, using same name shown on first line. If applicant cannot sign, registrar shall make the entry "cannot sign" on the form.

(F) Judge or clerk signs as registration official.

(G) Registration forms are kept in folder and delivered to a Board member at the earliest opportunity when the member is present in the Town office for that purpose.

(c) **Registration by mail.**

(1) "To register by mail, residents may call the Town office during normal business hours and request that a registration application be sent, or request in person the registration application at the Town office. The individual requesting such registration application shall give the clerk his or her name, address and telephone number. When the completed mail registration application is returned to the Town office, the date received shall be noted thereon and a notice of receipt shall be sent by unforwardable mail within three (3) business days. The information on the application, when properly certified by the Board, shall be transferred to a permanent registration card. The voter shall, when he or she appears to vote at any general or special election day, affix his or her signature to the permanent registration card, thus completing his or her registration. Special arrangements to secure the signature of a disabled applicant by other means may be made by the Board. The original registration application shall be preserved by the Board until the person has signed the permanent registration card, but no longer than five (5) calendar years from the date received." (Charter Sec. C-18.1B.)

(2) When a disabled applicant is unable to come to the polls to sign the permanent registration card, a board member, judge or clerk visits the disabled applicant at that person's residence to secure the signature.

(d) **Open registration periods.** Except as provided in subsection (e) of this section or by special order of the Board, the rolls of voters maintained under this section shall be open to new registrations at any time during regular business hours of the Town office.

(e) **Closed registration periods.** "There shall be no registration of voters by the Town Board of Election Supervisors during the period thirty (30) days prior to or fifteen (15) days after any election." (Charter, Sec. C-17.1B)

Sec. 5.4 Maintaining Town registration books.

(a) **Town purge actions generally.**

(1) "All registrations shall be permanent. However, if a registered voter for Town elections has not voted at least once at a general or special election in the Town, County or State, within the preceding five (5) calendar years (such number to be determined by counting back from December 31 of any given year), if the voter has been convicted of a disqualifying crime or is under guardianship for mental disability, if the voter is no longer a resident of the Town of Cheverly, or has died, it shall be the duty of the Board of Election Supervisors, during the month of January of each year, to cause the registration of such voter for Town elections to be cancelled and stricken from the registration books of the Town."

(2) The Board meets to update the Town registration books during the month of January each year and from time to time as the need arises.

(3) "Provided, however, that the registration of any person shall not be canceled during his or her service in the armed forces of the United States which service causes such person to reside outside of Cheverly; and provided further, that such service in the armed forces that causes such person to reside outside the Town shall not be taken into account for purposes of canceling the registration of such person for failure to vote within the previous five (5) calendar years.

Interpretation: The Board understands the provisos regarding military service to be designed to protect the voter from being stricken from the rolls solely because of lack of current residence in the Town during any period the records are under review. From the second proviso, it is clear that a normal 5-year purge or cancellation for other cause is not barred.

(4) A notice of such cancellation and the reason(s) therefor shall be sent to the address of record of the voter, notifying said voter to show cause within fourteen (14) days from the date of such notice why his or her name should not be removed from the registry. (Charter, Sec. C-18.1C)

Interpretation: The notice requirement serves two purposes. First, it permits the voter to begin the rectification of any administrative error by responding that the specified basis of the action (e.g., no longer resident, deceased, failed to vote in past 5 years) is not factual. Second, it reminds the voter whose registration is lapsing for failure to vote that the voter must re-register

in order to vote in the next election. Thus, a letter simply asking to remain in active voting status, despite the acknowledged presence of a disqualifying factor, does not "show cause" why the purge action is inappropriate.

(b) **Voter moved -- instruction for supervisor or judge.** If the Board receives information that a voter has moved and not advised the Board within thirty (30) days of the move, the Board will:

(1) Send a first-class letter to the individual at the address of the registration books. This will advise the voter that information indicates a move and ask the voter to show cause within fourteen (14) days of the notice date why the voter's name should not be removed from the registration records.

(2) Keep a copy of the letter or a list of letters sent on a given day in a "purge action folder".

(3) If a reply is received within fourteen (14) days attesting that the voter has not moved or has moved to a new address within the corporate limits of Cheverly, endorse the poll card accordingly.

(4) If no reply is received after fourteen (14) days or if the voter replies that the voter is no longer resident in Cheverly, remove the registration card. Endorse the registration card "Moved - notice sent / /; no reply" or "moved - voter confirmed on / /, together with the initials of the official removing the card and the date removed. The poll card is placed in a "purge file" maintained alphabetically in the permanent election records of the Town. The registration card will be endorsed like the poll book card. It will be retained with the letter or list referred to in paragraph (2) above.

(c) **No vote in five (5) years -- instruction for supervisor or judge.** In the case of the failure of a voter to vote for five years, the matter is handled as for "Voter moved" except:

(1) The letter sent will advise the voter that records show the voter has not voted within five (5) years.

(2) The endorsement on the registration cards will read "Did not vote in five years -- letter sent / /", together with the initials of the official removing the card and the date removed.

(d) **Change of name by marriage or decree -- instruction for supervisor or board member.** If the Board receives information that a voter registered on the Town rolls has experience a legal change in name, the Board moves to verify this fact in the same manner as for "Voter moved", except:

(1) The letter sent will advise the voter that it has been reported that the voter's name has been changed, and re-registration is necessary to vote.

(2) If no reply is received and the voter does not act to register within fourteen (14) days, the registration card is endorsed "name change by marriage (or decree) -- did not register, letter sent / / ," together with the initials of the official removing the card and the date removed.

(e) **Voter deceased.**

(1) If the Board has definite knowledge of death by personal knowledge, positive local report, or receipt of death notice from the County Election Board, the following procedure applies:

(A) Complete "deceased voter memorandum".

(B) Remove poll book and registration book cards.

(C) Endorse the poll book card "Deceased -- card removed by (initials) on / / (date)." Card is placed in "Purged" file maintained alphabetically in the permanent election files of the Town.

(D) The registration card will be endorsed like the poll book card. It will be maintained with the memorandum for one year in the "purged action folder" in the Board files and then be destroyed.

(2) If the Board does not have definite knowledge of death, the following procedure applies:

(A) Send a first-class letter to the name and address shown on the registration card. This will ask for verification of a reported death by a surviving immediate relative or personal representative (parent, spouse, sibling, or executor/administrator) or negative statement (by the voter) within fourteen (14) days of the date of the letter. A reply card and envelope will be included.

(B) A copy of the letter will be kept in a "purge action folder."

(C) If the reply shows the reported death to be inaccurate, file correspondence and take no other action.

(D) If reply confirms death, or no reply is received in fourteen (14) days, remove the registration and poll book cards.

(E) Endorse card as in paragraph (1) (C) of this section.

(F) Endorse registration card like the poll book card. Maintain with correspondence in the "purge action folder for one year and then destroy.

Sec. 5.5. Maintaining County registration books. "If a person is a registered voter of Prince George's County, it shall be sufficient for purposes of complying with the provisions of C-18.1C (subsection (a) above), that the Board of Elections Supervisors for Prince George's County conforms to the laws and regulations governing such board regarding the canceling or striking of names from the registration records. This canceling or striking shall be sufficient to strike such names from the registration records of the Town of Cheverly. (Charter Sec. C-18.1D)

Sec. 5.6 Purge removes eligibility. "A voter whose registration has been canceled shall not thereafter be eligible to vote except by registering again [as provided in the Charter]." (Charter Sec. C-18.3B)

Sec. 5.7 Universal registration: reconciliation of lists.

(a) **Consistent determinations.** In order to reliably and authoritatively determine the eligibility of each voter to participate in a given election, sign a candidate petition, serve in an elective or appointive office for which Town registration is a prerequisite, or engage in any other activity or enjoy any other status for which Town registration is required, it is important that maintenance of registration rolls by the Board not be inconsistent with actions taken under identical criteria by the Prince George's County Board of Election Supervisors. Further, frugal use of public resources and administrative efficiency dictate that duplicative records not be maintained in active status. Accordingly, the Board follows the following procedures to reconcile and ensure the completeness of registration rolls.

(b) **Universal Cheverly lists.**

(1) The Board utilizes rolls of registered Cheverly voters provided from time to time by the Prince George's County Board of Election Supervisors (see Sec. 5.2 of this Part) as the primary registration list for those Town voters who register in the universal system maintained by the County Board. The Board maintains communication with the County Board with respect to events affecting the registration status of Cheverly voters to the extent information comes to the attention of the Board that requires such communication and to the extent the Board identifies discrepancies and omissions that require correction.

(2) The Board assists the County Board in maintaining its records by advising the County Board of the participation of voters in Town elections. Such participation is credited by the County Board and ensures that no Cheverly voter who has voted in a Town election within the previous five (5) years will be stricken from the County registration polls.

(c) **Town-only list.** The Board utilizes the Town registration books prepared and maintained by the board as the registration list for those Cheverly voters who do not elect to register with the County Board.

(d) **Current dual registration.** Any Cheverly voter who, on or after April 1, 1986, votes in a Town election while holding the status of registered voter under the County system of registration, and who thereafter is removed from rolls of voters maintained by the County Board,

shall be deemed to have been stricken from the rolls of registered voters of the Town of Cheverly unless said voter again registers with the County Board (more than 30 days prior to the election for which registration is sought) or separately re-registers with the Board under Town procedures, indicating an intention to maintain the status of a Cheverly-only voter.

(e) **No duplicate registrations.** The Board will not enter on the rolls maintained as Town-only rolls any voter registered with the County system. Any voter who after [15 days from effective date of these new regulations] separately registers as a Cheverly-only voter but subsequently is registered with the County Board, shall be stricken from the Town-only list, and no separate notice shall be required of such action; but such action shall be without prejudice to the voter's eligibility to vote based on registration with the County Board.

Part 6 -- CANDIDATES FOR OFFICE AND PETITIONS

Sec. 6.1 Nominating Petitions.

(a) Any person desiring to be a candidate for an elective office under the terms of this subtitle shall file, not less than forty-five (45) days previous to the date of election, with the Board of Election Supervisors, a petition under oath setting forth the following:

(1) "That said candidate is a registered voter of the Town [and, as such, citizen of the United States, per Charter Secs. C-8 & C-9];

(2) "That said candidate will have attained the required age for the office he or she is seeking on or before Election Day;

[For Mayor, "twenty-five (25) years of age". (Charter, C-8)]

[For Council, "twenty-one (21) years of age". (Charter C-9)]

(3) "That said candidate has been a resident of the Town for not fewer than six (6) months immediately preceding the date of election; and

(4) "The ward in which said candidate resides,

(5) "The name of the office sought;

(b) "Council members must reside in the wards from which they are elected, such residency commencing either on the date of the submission of the petition for candidacy or forty-five (45) days immediately preceding the date of their election in the case of a write-in candidate. Such residency shall continue without interruption throughout their terms as Council members." (Charter Sec. C-9, as amended.)

(c) The Board will publicly announce the time and place by which candidates must formally file the nominating petitions for review in any channels considered proper. Nominating petitions must be delivered to the Town office no later than close of business on the deadline set. (Charter, Sec. 18.2)

(d) REVOKED MARCH, 2011.

Sec. 6.2 Filing of petitions.

(a) When any petition is received by the Board, the board member will note time and date of receipt in the upper right corner of the first page and initial under the time and date. All petitions will be locked in a secure place until they are verified at a certification meeting(s).

Sec. 6.3 Evaluation and certification of petitions.

(a) **Verification.** (i) As soon as practical after the deadline for filing of nominating petitions, the Board will meet and review each one. The qualifications of the prospective candidate will be verified.

(ii) In the event the Board is called upon by the Mayor and Town Council to certify any other petition besides a nominating petition, the Board shall meet as soon as practicable to verify the signatures on such petition.

(iii) The Board shall not verify any signature on any petition or certify any petition unless the Board has received the original document with original signatures. The receipt of a fax or copy of any document with a signature that is not original shall not be accepted by the Board as a timely filing or for any other purpose. The Board will only consider original signatures in determining whether to verify signatures.

(b) **Certification.** (i) The Board shall certify nominating petitions meeting the terms of Section 18.2 of the Charter.

(ii) The Board shall certify all other petitions to the Mayor and Town Council if they conform to the charter or ordinances or regulations of the Town. Whether or not the Board certifies a petition, it shall list the number of verified signatures, the total number of voters registered to vote at (or as close in time as practicable to) the time the petition was submitted to the Mayor and Town Council, and the date used for counting the total number of registered voters in the Town. When the Board fails to certify a petition, it shall notify the Mayor and Town Council as soon as practicable.

(iii) Petitions that require signatures of registered voters must have typewritten at the top of each page the purpose of the petition stated in such a manner as to define the issue at hand without confusion. The Board, in certifying such petitions, may comment to the Mayor and Town Council on the adequacy of the language of the petition, the form of the petition, or any other matter regarding the petition. However, the Board cannot ordinarily withhold certification of a petition unless the number of verifiable signatures on the petition is inadequate, the issue is not typewritten at the top of each page of the petition, or the petition lacks essential information necessary to verify signatures.

(iv) In verifying signatures on a petition, the Board need not compare a signature sample of the registered voter with the signature on the petition. Only printed entries on the election books need to be reviewed for compliance. However, each signer of a petition shall sign his or her names as it appears on the election records of the Town, and under each signature must be typed or printed each petitioner's name, address and ward. The Board shall not certify any signature that does not have the printed information regarding each petitioner as outlined above. If the name of a petitioner is not identical to the name as it appears in the Town's election records, the Board may only certify the name if there is no reasonable

doubt that the petitioner is the particular registered voter in question, and that all other requirements have been met.

INTERPRETATION: Thus, as a general matter, a signature "A. Jones" will never suffice, and "Tony Jones" will ordinarily not suffice for "Anthony Jones". Further, the signature "John L. Smith, Jr." will not ordinarily suffice for "John L. Smith", (nor the signature "John L. Smith, Jr." for "John L. Smith"). Further, the signature "John L. Jones" will not suffice for "John Jones" because the name is so common and the Board cannot be certain that no other person bearing that name lives in the Town. However, a signature "Frank Carmane" may suffice for "Frank L. Carmane" (as well as the signature "Frank L. Carmane" for "Frank Carmane"), but only if there are no other persons with that name within the Town and all other information (address and ward) is identical to the Town's election records and the Board has personal knowledge that no other person with a similar name lives at that address.

(v) Regardless of whether the Board finds sufficient signatures on the petition to make it effective for the stated purpose (i.e. 10% of the voters for referendum of an ordinance and 20% for a non binding referendum on a municipal question), the Board shall keep locked in a secure place, the original petition and shall not return the same to any petitioner. Working copies of such petition shall be copies made by the Board and certified by the Board or its authorized representative as a true and complete reproduction of the original petition.

(c) Only petitions with original signatures will be considered by the Board for verification or certification.

Sec 6.4 Publication. "The Board shall cause to be given general publicity within the Town the names of certified candidates with the names of the offices they seek, and shall post all of such names and offices conspicuously at the polls." (Charter, Sec. C-18.2)

Sec. 6.5 Write-in candidates.

(a) "All ... elections shall make provision for ... write-in candidates." (Charter, Sec. C-17)

(b) A person seeking election as a write-in candidate may file a certificate of candidacy with the Board not later than 5:00 p.m. on the last Town business day preceding the day of the election for which the certificate is filed. The certificate shall be in the form specified by the Board and shall include the name, address, and date of birth of the candidate and the office to which the candidate seeks election. Acceptance of the certificate does not constitute a determination by the Board that the candidate is qualified to serve.

Sec. 6.6 Candidate notices. Prior to the opening of the polls on Election Day, each candidate is provided with a notice concerning candidate rights and responsibilities during the conduct of the election procedure. Such notice includes a statement in a form approved by the Town Attorney describing restrictions on size and placement of signs, banners and other written

messages.

Note: Sec. 6.6 added August 21, 1989.

Part 7 -- ELECTIONS

Sec. 7.1 Election procedure -- generally. "All elections to fill the office of Mayor and Ward Council members, and for other purposes, shall be by ballot or voting machines. An election to fill the offices of Mayor and Ward Council members shall be held on the first Monday in May of every year, beginning on the first Monday in May, 1976. The Mayor shall be elected by the combined vote of all the wards of the Town, and the Ward Council members shall be elected by the votes of the wards in which they dwell. The candidates for each office who shall receive the greater number of votes than any other candidate for said office shall be declared elected, and in the event of a tie vote, a special election shall be held within forth-five (45) days to elect one (1) of the candidates so tied." (Charter, Sec. C-18.3A)

Cross-reference: Terms of office and vacancies of the Mayor and Council members are governed by section C-10 of the Charter.

Sec. 7.2 Public notice of election. "In all Town elections, it shall be the duty of the board of elections to give public notice of the times, place and purpose thereof. Such public notice shall be given on the government access cable channel, in the Town newsletter, in a newspaper of general circulation within the Town and in the Town's public notice board currently located at Forest Road and Cheverly Avenue. Such public notice shall be given at least ten (10) days before the date of election, and in the case of notice on the government access cable channel and the public notice board, such notice shall continue to be advertised until the date of the election. At the discretion of the Board, notices may also be posted in such public places in each ward in such manner as the Board may determine." (Charter, Sec. 18.3C)

Sec. 7.3 Eligibility to vote. Voter qualifications, procedures for change in registration information and current registration status are determined by Part 5 of this Charter.

Sec. 7.4 Candidate rules.

(a) Distance from polls.

(1) Candidates and persons campaigning for candidates, whether or not authorized to do so by the candidate, are required to remain at least 100 feet from the front door to the Town building when greeting voters or handing out materials. (This is approximately the benches across the street in front of the Town building and the walks from the parking areas where they join the walk in front of the building.) Candidates and persons campaigning for candidates may enter the building to use the rest rooms, to use telephone for non-election purposes, and to go via the office corridor to get refreshments -- provided no advertising is showing and no contact is made with voters to promote their candidacy.

(2) Except for the purpose of voting, candidates must not enter the polling place (i.e., the large room used for conducting the election) between 7:00 a.m. and 8:00 p.m. on Election Day. No person may engage in any conversation or activity designed to influence the vote of another person within the Town building during this period.

(3) In the case of inclement weather, the large conference room or other suitable facility is set aside as an area within which candidates may seek shelter and obtain rest, subject to the restrictions set forth in this section. The Board does not authorize campaign activities within the Town building or within 100 feet of the front entrance, regardless of weather conditions.

(b) **Candidates' observers.** Each candidate may designate one (1) observer who may be present in the polling place during the period of the election and thereafter until the results are certified. The observer may not participate in or interfere with the conduct of the election in any way and, while in the polling place, must remain at a position designated by the Board. The observer must direct any questions or comments concerning conduct of the election to a Board member; and the Board member may require that the discussion be conducted outside the immediate polling place. A Board member may require the observer to leave the polling place for cause, e.g., disruption of election activities, any attempt to influence the casting of a ballot.

Sec. 7.5 Voting machines or paper ballots. Balloting of voters presenting themselves at the polling place on Election Day shall be by voting machine, unless the Board determines that use of voting machines is not practicable. If the Board determines that use of voting machines is not practicable, voting shall be by paper ballots. If voting is by paper ballots, the election shall be conducted in conformity with Part 11 of the procedures of the Board in effect as of February 1, 1987.

Sec. 7.6 Polls opened and closed; attendance.

(a) **General.** "[I]n elections to fill offices of Mayor and Ward Council members, the polls shall be opened at 7:00 A.M. and closed at 8:00 P.M. The Board ...may authorize periods of excused absence of up to four (4) hours between the hours of 7:00 a.m. and 4:00 p.m. on Election Day for judges and members of the Board." (Charter, Sec C-18.3C.) IT IS THE POLICY OF THE BOARD THAT IT SHALL ONLY ALLOW AN ABSENCE OF A JUDGE OR BOARD MEMBER IN THE CASE OF AN EMERGENCY.

(b) **Prior to opening of polls.**

(1) All board members shall report to the polling place one (1) hour before the polls open, unless specifically authorized by the Board to report at a later time.

(2) If any judge has not taken the required oath of office prior to this time, an authorized officer will administer it. The judge(s) will sign the certificate. These will be filed with the Town Administrator.

(3) A review of the procedures for Election Day shall be undertaken at this time, unless a meeting of all judges was held prior to Election Day.

(c) **Continuous presence.** No board member shall leave the polling place (the Town building) until completion of the tally, unless excused by the Board for valid reasons. All judges

must be present UNTIL completion of the canvass and certification of the results.

Sec. 7.7 Inspection of machines.

(a) If voting machines are used, a Board member will inspect each machine prior to the opening of the polls to determine the following:

(1) The ballot display and levers are as specified by the Board.

(2) The machine is properly interlocked and the selection lever marked to ensure proper ward selection, so that a voter from a particular ward may cast votes only for the Councilmember candidates from the voter's ward (and similarly to ensure that all votes for the Mayor are credited).

(3) Each lever intended for use in the balloting is unlocked; and all other levers on the machine are locked.

(4) The paper record within the box displays a zero count on all columns. (This shall be determined by removing a zero count print out sheet, which shall be initialed, dated and retained with the records of the election.)

(b) If paper ballots are used, a voting booth will be provided to ensure secrecy of the ballot. The ballot box will be inspected by one or more board members to determine that it is empty and will be locked before the polls are open. It shall be opened only after the polls close and canvassing is under way.

Sec. 7.8 Responsibility of judges; arrangements.

(a) **Judges.** Judges will be assigned, as required in the judgment of the Board, to serve as poll book judges or voting machine (or both) judges. The Board may change such assignments during the course of an election day as it may see fit. The following summarizes the responsibility of the judges during the period the polls are open:

(1) The poll book judge is responsible for checking voter identification, as declared by the voter, against a relevant portion of the list of registered voters prepared for polling, for entering the voter's name as required and documenting the voter's presence at the polls on all Town and County records as required.

(2) If voting machines are used, the voting machine judge is responsible for accepting the authorization card, setting the voting machine to the proper ward (or mayoral setting only), and providing instruction regarding the operation of the voting machine to voters as necessary. The voting machine judge will enter the voting machine polling booth only at the specific request of a voter and only for purpose of explaining the functioning of the machine.

(b) **Arrangement of polling place.** Within the polling place, the area shall be divided as

follows:

- (1) A sample ballot display near the entrance to the polling place containing the names and ward designations of all registered write-in candidates and all duly certified candidates;
- (2) A table for polling book judges, with responsibility divided on an alphabetical basis and signs prominently so indicating; and
- (3) An area for one or more voting booths, as required; and
- (4) A table for the Board.

Sec. 7.9 Voting procedures.

(a) **Authorization.**

(1) Upon entering the polling place, the voter shall approach the proper desk which shows the first letter of the voter's surname and state his/her name. The judge should find the name in the poll book (which, for purposes of this part includes a list of County-registered voters) and shall ask the voter for his/her address (even if the voter is known to the judge). If the voter has moved to a new address in Cheverly, the voter shall be required to fill out a change of address card, which shall be returned to the judge. (Hereafter, the Board will make appropriate changes in the register and poll books or notify the County Board of the change of address, as appropriate.) If the voter's declared address and that in the registration book do not agree, or in the event of any other discrepancy, one of the Supervisors shall be called to resolve the matter.

(2) Having verified the voter's registration and residence, the judge will check off the voter's name on the voter list.

(3) The judge will then cause the voter to sign the County provided voter authorization.

(4) The judge will check the card to ensure that the signature is as required and then initial the card on the line provided. If paper ballots are used, the voter will be provided with the ballot. If voting machines are used, the voter will be presented with either the voter authorization card or a separate document showing that this person is entitled to vote and present the card to the voter.

(b) **Status changes not reflected in registration books: procedure on Election Day.**

(1) **Voter moved within Cheverly.** If a voter has moved to a new address in Cheverly, whether within a ward or from one ward to another ward, without providing notice to the Board or the County Board, as appropriate, the voter may still vote from the voter's new address in Cheverly, provided all other voting requirements are met. The voter shall complete a

change of address card prior to being issued a voter authorization card. such change of address card shall be sufficient to change the address of the voter on the rolls of the Town maintained under Sec. 5.7 of this part (if the voter is so registered). In the case of a County-registered voter, a copy of such card shall be provided to the County Board with the request that the County Board commence appropriate action under its own procedures.

(2) **Voter has moved into Cheverly.** If a voter registered with the County Board has moved from a residence elsewhere in the County to a residence in Cheverly in the period of 30 days prior to the date of the election, the voter does not meet the voting qualifications of the Charter, Sec. C-18.1A. By interpretation, and in order to provide for the orderly administration of Cheverly elections, a voter registered with the County Board who has moved from a residence elsewhere in the County to a residence in Cheverly may vote in a Cheverly election only if the County-registered voter has made an appropriate change of address with the County Board prior to the period of 30 days described in the Charter, Sec. C-18.1A.

(3) **Change of name by marriage or decree.** In the event an otherwise qualified registered voter presents himself/herself by a name other than that shown on the voting rolls on account of change of name by marriage or court decree (or other means sufficient under the laws of the pertinent jurisdiction), the judge refers the voter to a Supervisor of the Board. The voter then completes a new Town registration form showing the new legal name and the former name, and the voter is authorized to vote. However, in the case of a voter who is a registered voter of Prince George's County, such registration shall be effective only for purposes of the particular election (and shall be specially filed in the manner established for records of the particular election); and the voter shall take action appropriate under the requirements of the Prince George's County Board of Election Supervisors to correct the registration maintained by that Board.

(4) **Disqualifying condition.** If an allegation is lodged on Election Day that a voter is not currently qualified to vote because of guardianship for mental disability or other cause, the voter denies such disqualifying condition and the Board has no personal knowledge of the disqualifying condition, the voter is permitted to vote unless the person alleging such disqualification presents a certified true copy of the judgment or order giving rise to such disqualification.

(5) **Affidavit of residency.** In the case of a voter registered only on the books of the Town, if the voter has been purged due to a change of address to a residence outside the corporate limits of the Town of Cheverly, the voter claims this is erroneous, and the matter has not previously been resolved by the Board, the following procedure applies: The judge will ask a Supervisor to have the applicant voter execute an "affidavit of residency". Voting will then proceed as provided below, and the registration and registration books will be noted accordingly. As soon as possible after Election Day the Board will verify the address and adjust the records accordingly.

(c) **Voting.**

(1) If voting is by machine, the voter will take his or her place in the line approaching the polling booths (if any) and shall, in turn, present the authorization card to the voting machine board judge. The judge will set the machine for ward or mayor-only voting, as appropriate, as the voter approaches the machine. The voter shall enter the voting machine enclosure, pull the main lever closing the curtain, make ballot selections, and return the main lever, thereby crediting the ballot selections and opening the curtain.

(2) The voting machine judge will retain the authorization cards until they are presented to the Board.

(3) The voter must enter the voting booth alone, except that a parent or guardian may be accompanied by children not more than 4 years of age. If a voter, because of infirmity, blindness or unfamiliarity with the voting machine shall need and request assistance, two (2) of the judges may enter the booth with the voter and aid the voter in understanding the operation of the machine or (if necessary) casting the vote. The judges shall make every reasonable effort to exit the voting booth before the vote is cast, and in no event shall any judge report to any person any information obtained through presence in the booth regarding the voting preference of the voter assisted.

(d) **Write-in voting**. The procedures for write-in voting shall be as follows:

(1) The use of stickers to cast write-in votes is prohibited because these will jam the write-in paper roll and disable the machine. The use of a stencil to cast a write-in vote is permitted.

(2) Election officials should not volunteer information about write-in voting to a voter. However, if a voter inquires about write-in voting, they should inform the voter how to cast a write-in vote.

(3) Pencils and "Instructions for Write-in Votes" shall be placed in each voting booth so as to limit the need to assist the voter once the voter has entered the booth.

(4) The write-in voting full instructions (Section II A - H) attached hereto in Chapter II as Exhibit A shall be used as guidelines for voting officials.

(e) **Periodic checks**. If machines are used periodically during the day the Board will check voter tally sheets against authorization cards and the voting machine counters to ensure that proper recording and documentation of vote action. The Board may suspend voting for no more than five (5) minutes to accomplish this procedure, unless a material variance is discovered that causes concern for the integrity of the voting process.

(f) **Administrative procedures**. Administrative procedures for guidance of election officials while polls are open are contained in Chapter 2 of this Handbook.

Sec. 7.10 Absentee voting.

(a) **Generally.** Absentee voting shall be conducted in strict conformity with Chapter 2 of the Cheverly Town Code (reproduced in Chapter 2 of this Handbook).

(b) **Applications.**

(1) Applications for absentee ballots may be obtained from the Town Office or from the Board. Requests may be by mail, telephone, or in person. Copies will be kept in Town files and the files of the Board.

(2) Clerks and Supervisors receiving applications for absentee ballots shall enter the date and time of receipt of such applications on the upper right hand corner of the application, together with the initials of the person accepting receipt. (If a time stamp is used, the stamp is endorsed with the initials of the person accepting receipt.)

(c) **Processing of applications.**

(1) Absentee ballot applications will be placed, promptly, in a secure locking cabinet or file pending review by the Board. Delivery will be made to the Board as soon as possible by the election clerk.

(2) When an application for a regular absentee ballot is received, the Board will meet as soon as possible, and in the case of applications under Sec. 2-1(a) of the Code (regular applications) not later than five (5) days before Election Day.

(3) In the case of emergency applications under Sec. 2-1(b) of the Code (emergency applications), the Board will meet as soon as possible, preferably on the day of receipt of the application, so as to insure qualified applicants maximum time to execute and return the ballot.

(4) The Board shall review the application, determine that the application is from a registered voter and, if so, that it is correctly and completely executed and no known impediment exists to the voter's eligibility.

(d) **Application rejected.** If an application is rejected, the Board must notify the applicant, in writing, of the reasons. The notice will be sent within 24 hours of the Board decision. A full record of each such action will be kept for one year in the file folder for the particular election in the Board's files.

(e) **Application approved.** If an application is approved, the Board shall (in addition to making the entry in the register required below)--

(1) Prepare the ballot mailing by assembling the five (5) items specified in Sec. 2-3(e) of the Cheverly Town Code;

(2) Insert the five items in an addressed envelope, seal and mail or deliver ballot as requested; and

(3) Prior to the opening of the polls, annotate the appropriate unit of the poll book, as follows:

(A) In the case of a voter on the County-generated list, enter "A.B" (if the ballot has been received) or "A.B. Req." (if the application has been approved, but the ballot has not yet been received).

(B) For a voter registered only with the Town, annotate the poll book card with the year (and election designator, as appropriate) and "A.B." (if the ballot has been received) or the year and "A.B. Req." (if the application has been approved but the ballot has not yet been received). Remove the voter's registration card and place it in the secure file for absentee ballots and place a paper (marker) with the voter's name, address and "A.B." or "A.B. Req." in the registration book in place of the card.

(Note: Sec. 2-2(f) of the Code provides that a voter may not vote in person if that voter has been provided an absentee ballot.)

(f) **Restrictions on absentee ballots.** No more than one (1) absentee ballot shall be mailed or delivered to any one applicant unless the Board has reasonable grounds to believe that the absentee ballot previously mailed has been lost, stolen, destroyed or spoiled. When a voter designates an agent to pick up or to return a ballot, neither the Mayor, a Councilmember, a candidate for such office nor any member of their immediate families may serve as such agent.

(g) **Receipt of ballot; handling.** The clerk or Supervisor receiving an absentee ballot shall note date and time of receipt and initial on the left front of the envelope. (If a date stamp is used, the stamp is endorsed with the initials of the person accepting receipt.) The envelope shall not be opened by anyone at time of receipt. All ballots received prior to the closing of the polls will be placed in a locking file. Ballots received at the Town Office will be delivered to the custody of a Supervisor as soon as practicable. The name of the person doing this will be entered in the register described below.

(h) **Election Day.** On Election Day, the Board will maintain all absentee ballots in a separate secure file box with the register and related poll book cards, until the polls close. Any absentee ballot, including any emergency absentee ballot, received after the time of closing of the polling place shall not be counted.

(i) **Register.** The Board will maintain a register of applications for absentee ballots in which applications shall be entered chronologically by receipt. A separate line entry will be made for each application, and will be extended to show final disposition of the application and the sending and return of the ballot. Items to be recorded are as follows:

(1) **Application received.** The Board shall enter the following items after

resolving any discrepancies between the application and the information on the registration books:

- (A) Applicant's name.
- (B) Applicant's address -- street, number, apartment number.
- (C) Applicant's ward.
- (D) Date and time received by Board or Town Office.

(2) **Board action.** Check under "Approved" or "Disapproved" and enter date of action. (See above for procedures on processing of application.)

(3) **Ballot package sent.** Enter date, time and method of sending the absentee ballot package to the applicant.

(4) **Ballot received back.** Enter date and time of receipt and method of delivery and to whom delivered (clerk at Town Office, Board member).

(5) **Securement of ballot.** Upon receipt, the board member secures the ballot (with envelopes unopened).

Sec. 7.11 Canvassing and reporting of election results.

(a) **Generally.** "Immediately upon closing of the polls, the judges of the election shall proceed to count the ballots, but no ballot cast by a voter dwelling in one ward for a candidate for the office of Councilmember of another ward, and no ballot cast for more than one candidate for the office of Mayor, shall be counted. The counting of the ballots or checking of the votes on voting machines shall be announced publicly, and written returns fully completed and signed by the Board of Election Supervisors, and sealed in an envelope with the names of the judges and board signed thereon. One (1) copy of such returns shall be sent to the Mayor of the Town and one (1) copy to the Town Clerk for filing among the records of the Town." (Charter, Sec. C-18.3C)

Interpretation: Actual delivery of returns is made by presenting a certificate of returns, with a copy of the tally sheet attached, to the Mayor and to the Town Administrator as supervisor of the Town Clerk. The certificate is signed by each judge and each member of the Board. This is done the evening of the election. The sealed envelope is retained in a locked file of the board in case of any court challenge.

(b) **Dissenting judge.** Any judge or member of the board who declines to sign said return shall prepare, sign and seal in an envelope and send as aforesaid an individual return,

giving his or her reasons therefor. (Charter, Sec. C-18.3C)

(c) **Sealing of ballot boxes.** "The ballots shall then be returned to the ballot boxes from which they were removed, a paper seal with the signatures of the judges of the board thereon shall be pasted upon said ballot boxes in such manner that the boxes cannot be opened without breaking said seal, and in the event voting machines are used in lieu of paper ballots, the voting machines, upon completion of the tabulation of the votes cast, shall be sealed as provided by law for general elections of state and county officials. There shall be no postponement or adjournment of the above actions until they are completed. Said voting machines or boxes, sealed as aforesaid, shall then be retained by the board for periods of seven (7) days, exclusive of Sundays and legal holidays, in the case of machines, and six (6) months in the case of ballots, after which periods of time the machines shall be unsealed, and the boxes shall be opened and the ballots destroyed, and the board shall record a certificate of the fact of destruction; provided, however, that if there be a contest of the election, said ballots shall not be destroyed nor voting machines unsealed until after the decision of the Circuit Court for Prince George's County." (Charter, Sec. C-18.3C)

(d) **Administrative procedures.** Administrative procedures for canvassing of votes and securement of records following the close of the polls are contained in Chapter 2 of this Handbook.

Sec. 7.12 Tallying of write-ins.

(a) Write-in votes entered on the voting machine roll are counted as part of the public canvass described in Sec. 7.11. The judge or supervisor conducting the canvass of write-in votes reads aloud each entry proposed to be credited, and each such vote is credited by the judges participating in the tally, unless the supervisors by majority vote determine the entry should not be credited. Obscenities or socially inappropriate words need not be read aloud but should be counted neither for nor against any candidate. Each entry on the voting machine roll is marked by the judge or supervisor as allowed ("A") or disallowed ("D"), and any possible ambiguity as to the manner credited or the basis for disallowal is further documented prior to the completion of the tally.

(b) Upon completion of the canvass of write-in votes, the votes are counted a second time in order to ensure that the votes read aloud were properly articulated and credited.

(c) The following rules determine whether a write-in vote shall be credited:

(1) A write-in vote is to be counted if the intent of the voter is clear.

(2) A write-in vote must be cast in the correct position for the office sought.

(3) A write-in vote will be counted if it includes, at least, the correct surname of the write-in candidate.

(4) A write-in vote will not be disallowed for misspelling of the candidate's name, provided that the intent of the voter and identity of the candidate are clear. Generally, if what is written looks or sounds like the name of the write-in candidate, and is in the correct position, it should be counted for that candidate.

(5) A write-in vote will not be disallowed because of an incorrect middle initial, or by addition of an initial, provided the intent of the voter and the identity of the candidate are clear.

(6) Illegible names will not be counted since neither the identity of the candidate nor the intent of the voter can be ascertained.

(7) In the course of voter-tallying, questionable write-in votes can be put aside and held for individual review and decision by the Board after all other votes are counted.

Sec. 7.13 Eligibility to serve. The Charter does not confer upon the Board the power or responsibility for determining whether a successful candidate is qualified to serve (as distinct from determining whether a candidate is qualified to stand for election at the time a petition is filed). Therefore, the Board certified elected candidates based exclusively upon the votes cast by registered voters qualified to vote. Certification is without prejudice to the jurisdiction of any other appropriate body or court to ascertain the eligibility of the successful candidate to serve in the capacity to which the individual was elected.

Sec. 7.14 Judicial challenge of election results.

(a) **Jurisdiction.** Any candidate at said elections may contest the same and the Circuit Court for Prince George's County shall have jurisdiction to determine such contest. Each judge of the Circuit Court may adopt such modes of proceedings and adjudging costs the judge deems satisfactory.

(b) **Timeliness.** No such contest shall, however, be considered unless the petition for same is filed in the Circuit Court of Prince George's County within seven (7) days, exclusive of Sundays and legal holidays, after the public announcement by the Board of the result of the election. (Charter, Sec. C-18.3D)

Sec. 7.15 Post election procedures. Within fifteen (15) days after the election, the Board will prepare the return to the County Board of Elections Office the following items:

(a) Sealed box of County provided voter authorization cards. The cards should include the signature of the voter.

(b) Sealed envelope with election count results.

(c) Six (6) County provided blue binders with the voter list pages.

(d) One (1) County provided red binder with the pages removed.

The Cheverly Board will retain the County provided voter authorization cards for those individuals who did not vote in the election.

Sec. 7.16 Final voter card processing. The County Board of Elections will record the election results and return the voter cards after recording the voter's participation and providing them credit for voting. The Cheverly Board will retain the credited voter cards for a period of one (1) year at which time they may be destroyed.