

## ARTICLE V. REGISTRATION, NOMINATIONS AND ELECTIONS.

### Section 83-21. Voters.

Every person who (1) is at least eighteen years of age, (2) has resided within the corporate limits of the town for fourteen days next preceding any election, (3) is a citizen of the United States of America or an alien legally authorized to reside in the United States, and (4) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections. (Mont. Co. Code 1965, § 59-21; Reso. 2-2-76, § 1; Res. R-3-93, 7-28-93.)

### Section 83-22. Board of supervisors of elections -- Membership: appointment, term of office qualifications and compensation of members: chairman: filling of vacancies.

There shall be a board of supervisors of elections, consisting of three members who shall be appointed by the mayor, with the approval of the council. On or before the first Monday in January 1985, the mayor shall appoint three (3) members subject to the approval of the council, for one, two and three-year terms, respectively. The terms of members of the board of supervisors of elections shall begin on the first Monday in January in the year in which they are appointed and from and after the appointments made in January 1985, the terms of those appointed shall run for three years. Members of the board of supervisors of elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their tenure of office. The board shall appoint one of its members as chairman. Vacancies on the board shall be filled by the mayor, with the approval of the council, for the remainder of the unexpired term. Members of the board of supervisors of elections shall receive no compensation for their services. (Mont. Co. Code 1965, § 59-22; Reso. 4-14-84, Char. Am. 5-84, 12-25-84.)

### Section 83-23. Same—Removal of members.

Any member of the board of supervisors of elections may be removed for good cause by the mayor, with the approval of the council. Before removal, the member of the board of supervisors of elections to be removed shall be given a written copy of the charges against him and

shall have a public hearing on them before the council if he so requests within ten days after receiving the written copy of the charges against him. (Mont. Co. Code 1965, § 59-23.)

Section 83-24. Same—Duties.

The board of supervisors of elections shall be in charge of the registration of voters, nominations, and all town elections. The board may appoint election clerks or other employees, whose compensation, if any, shall be fixed by the council, to assist it in any of its duties. (Mont. Co. Code 1965, § 59-24.)

Section 83-25. Notice of elections and registration days.

The board of supervisors of elections shall give at least two weeks' notice of every registration day and every election by publication as provided in section 83-87 of this Charter. (Mont. Co. Code 1965, § 59-25.)

Section 83-26. Registration of voters.

There shall be a registration on the first Monday in March in every year, for qualified persons not previously registered to vote. There shall also be voter registration by mail all year except for fourteen days prior to an election. If necessary for the performance of registration or the convenience of citizens of the town, the council may designate additional days for registration in person. Provided also, pursuant to Maryland Code Annotated, Article 33, Section 3-2(d) (1990), as amended, a resident of the town registered to vote with the Montgomery County Board of Elections shall be deemed registered for elections in the town. The Council is authorized to coordinate and perform such actions, including but not limited to appointing the Board of Supervisors of Elections or other agent(s) as liaison to act in its place, to effectuate the provisions of Maryland Code Annotated, Article 33, Section 3-2(d) (1990), as amended. Registration shall be permanent, and no person shall be entitled to vote in town elections unless he is registered. It shall be the duty of the board of supervisors of elections to keep the registration list up to date by striking from the lists persons known to have died or to have moved out of the town. The council is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a reregistration when

necessary. (Mont. Co. Code 1965, § 59-26; Reso. 2-2-76, § 1; Reso. R-4-85, 5-21-85; Res. R-3-93, 7-28-93.)

Section 83-27. Appeals from action of board of supervisors of elections.

If any person shall feel aggrieved by the action of the board of supervisors of elections in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the council. Any decision or action of the council upon such appeals may be appealed to the circuit court for Montgomery County within thirty days of the decision or action of the council. (Mont. Co. Code 1965, § 59-27.)

Section 83-28. Nominations.

Candidates at the regular elections shall be nominated at a town meeting to be held on a date at least four (4) weeks prior to the date set for the municipal election. The specific date shall be designated by the Town Council by Resolution no later than January 15th of the year in which the election is to take place. Additional candidates may be nominated after such meetings by written petition signed by at least twenty voters and filed with the clerk-treasurer not less than twenty-one days before the election. The names of nominees who meet the qualifications for election and who accept the said nominations, all as determined by the board of supervisors of elections, together with such other information as is called for by the council, shall be published not less than fourteen days before the election as provided in section 83-87 of this Charter. (Mont. Co. Code 1965, § 59-28; Reso. R-5-85, 5-21-85; Res. No. R-11-87, 12-22-87.)

Section 83-29. Election of mayor and councilmen.

In every even-numbered year, the qualified voters of the town shall elect one person as mayor and two persons as councilmembers to serve for terms of two years, and in every odd numbered year shall elect three persons as councilmembers to serve for terms of two years. The election shall be on one of the following dates: March 20th through April 7th, excluding Saturdays, Sundays, and holidays. The specific date shall be designated by the Town Council by resolution no later than January 15th of the year in which the election is to take place. (Mont. Co. Code 1965, § 59-29; Reso. R-6-85, 5-21-85; Res. No. R-10-87, 11-24-87.)

Section 83-30. Conduct of elections.

(a) It shall be the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots or voting machines. The ballots or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The board of supervisors of elections shall keep the polls open from 6:00 P.M. to 9:00 P.M. on election days or for longer hours if the council requires it.

(b) Qualified voters who are incapacitated or who will be absent may receive ballots from the clerk-treasurer at any time within fourteen days prior to an election. The ballots of such persons shall be validated on the reverse side by the signature of the clerk-treasurer, and shall be counted if returned to him or the board of supervisors of elections before the close of the polls. (Mont. Co. Code 1965, § 59-30.)

Section 83-31. Special elections.

All special town elections shall be conducted by the board of supervisors of elections in the same manner, as far as practicable, as regular town elections. (Mont. Co. Code 1965, § 59-31.)

Section 83-32. Vote count.

Within not more than twenty-four hours after the closing of the polls, the board of supervisors of elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the clerk-treasurer of the town who shall record the results in the minutes of the council. The candidate for mayor with the highest number of votes shall be declared elected as mayor. The candidates for council members with the highest number of votes shall be declared elected as council members. In the event of a tie vote in any election or on any question, there shall be a special election three weeks later to break the tie. (Mont. Co. Code 1965, § 59-32; Reso. 2-2-76, § 1.)

Section 83-33. Preservation of ballots.

All ballots used in any town election shall be preserved for at least three months from the date of the election. (Mont. Co. Code 1965, § 59-33.)

Section 83-34. Vacancies.

(a) Whenever any vacancy exists in the office of mayor or on the council by reason of a recall pursuant to section 83-11A of this charter, the council shall order a special election to fill such vacancy for the unexpired term pursuant to section 83-31 of this charter; the special election shall be held on a date not less than 30 days but not more than 45 days from of the certification of election results by the board of supervisors of elections (See Note (4)); provided, however, that if any town election is scheduled within ninety days from the date of certification of the recall election results, the council may, in its discretion, order that the vacancy be filled at the general election.

(b) In case of a vacancy in the office of mayor or on the council for any reason other than recall, including failure of a newly elected mayor or councilman to take office, the council shall, in its discretion, either elect some qualified person or call a special election to fill such a vacancy for the unexpired term. The results of any such vote or election shall be recorded in the minutes of the council. (Mont. Co. Code 1965, § 59-34; Res. R-9-88, 2-8-89.)

Section 83-35. Women.

Women shall have equal privileges with men in all town functions. Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender. (Mont. Co. Code 1965, § 59-35.)

Section 83-36. Regulation and control.

The council shall have the power to provide by resolution in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections and for the prevention of

fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. (Mont. Co. Code 1965, § 59-36.)

Section 83-37. Penalties.

Any person who (1) fails to perform any duty required of him under the provisions of this article or any ordinances passed thereunder, (2) in any manner wilfully or corruptly violates any of the provisions of this article or any resolutions passed thereunder, or (3) wilfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination, or town election, shall be deemed guilty of a misdemeanor and shall be subject to the maximum penalties authorized by Section 83-20 of this Charter. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment. (Mont. Co. Code 1965, § 59-37; Reso. R-3-80, 6-24-80.)