

## **ARTICLE V. ELECTIONS**

### **§ 1. Conduct of Elections.**

The Board of Aldermen, by ordinance, shall provide for the registration of voters and the conduct of municipal elections, including but not limited to provisions for the casting of ballots by absentee voters, the prevention of fraud, and a recount of ballots in case of doubt or fraud.

### **§ 2. Board of Supervisors of Elections.**

- (a) There is hereby established a Board of Supervisors of Elections consisting of three members appointed by the Mayor with the advice and consent of the Board of Aldermen. Members will be appointed on or before the first day of June every four years, beginning in 2014. The terms of members of the Board of Supervisors of Elections will begin on the first day of June of the year in which they are appointed and will run for four years, ending on May 31 in the fourth year. The Board of Aldermen shall determine the compensation of the Board of Supervisors of Elections.
- (b) The members of the Board of Supervisors of Elections must be individuals of high character and integrity. They must be residents of the City and registered voters of the City. No more than two members of the Board of Supervisors of Elections may be members of the same political party, and a member of the Board of Supervisors of Elections may not hold, or be a candidate for, any elective office during the member's term.
- (c) Any member of the Board of Supervisors of Elections may be removed for good cause by the Board of Aldermen. Before removal, a member of the Board of Supervisors of Elections must be given a written copy of the charges and have a hearing on the charges before the Board of Aldermen.
- (d) In the event of a vacancy on the Board of Supervisors of Elections for any reason, the vacancy shall be filled by the Mayor, with the advice and consent of the Board of Aldermen, for the remainder of the unexpired term.
- (e) The Board of Supervisors of Elections shall elect from its membership a President and a Vice President. All matters requiring a decision of the Board of Supervisors of Elections shall be decided by a majority vote of the Board of Supervisors of Elections.
- (f) The Board of Supervisors of Elections shall provide general supervision over the conduct of all primary, general, and special municipal elections in accordance with the provisions of this Charter and the City Code.

### **§ 3. Early voting.**

The Board of Aldermen, by ordinance or resolution, may provide that early voting will take place as part of any City election and may adopt regulations and guidelines for early voting, including provisions for locations, dates, times, and conduct of early voting. Except as otherwise stated in this Charter or the City Code, any provision therein that applies to voting on election day also applies to early voting.

#### **§ 4. Election precincts.**

- (a) The Board of Aldermen, by resolution, shall establish the election precinct boundaries with the advice and cooperation of the Board of Supervisors of Elections.
- (b) During any City election, a voter may vote in the voter's assigned precinct on election day or, if so provided by the Board of Aldermen, at an early voting center.

#### **§ 5. Primary election—Date.**

Every fourth year on the second Tuesday after the first Monday in September, counting from 2013, a primary election will be held in the City.

#### **§ 6. Candidate nominations—Political parties.**

- (a) Candidates for Mayor or Alderman affiliated with either of the two principal political parties, as defined by Maryland law, will be nominated by direct primary election. Any registered voter of the City who is affiliated with either principal political party may vote in the primary election for that party. An individual nominated by primary election will be designated on the general election ballot as a nominee of the principal political party by which the individual was nominated.
- (b) There will be no primary election for Alderman for a political party with five or fewer candidates. There will be no primary election for Mayor for a political party with one or no candidates.
- (c) Candidates for Mayor or Alderman affiliated with any political party, as defined by Maryland law, other than the two principal political parties, shall be nominated in accordance with that party's bylaws. On or before the first Monday in August before the general election, the political party must certify the names of any candidates so nominated to the Board of Supervisors of Elections. Any individual nominated under this subsection will be designated on the general election ballot as a nominee of the political party by which the individual was nominated.
- (d) A political party may nominate no more than one candidate for Mayor and five candidates for Alderman.

#### **§ 7. Primary election—Candidate filing requirements.**

- (a) A certificate of candidacy and a financial disclosure statement must be filed with the Board of Supervisors of Elections, on a form prescribed by the Board of Supervisors of Elections, at least 70 days before the primary election.
- (b) On the certificate of candidacy, a candidate shall designate how the candidate's name is to appear on the ballot. Except as otherwise provided in this section, a candidate shall file a certificate of candidacy in which the candidate lists any given name, an initial letter of any other given name, and surname. A candidate may file a certificate of candidacy in a name different than that specified above if the candidate files an affidavit, under penalties of perjury, attesting that the candidate is generally known by that other name in

press accounts concerning the candidate, if any, or, if press accounts do not exist, the candidate's everyday encounters with members of the community. Except for the use of quotation marks to enclose a portion of a name, the use of symbols, titles, degrees, or other professional designations on the certificate of candidacy is prohibited.

- (c) A person may not be a candidate for more than one office in a primary election.

#### **§ 8. Primary election—Withdrawal of candidate.**

- (a) An individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal in accordance with this section.
- (b) A certificate of withdrawal must be filed with the Board of Supervisors of Elections, on a form prescribed by the Board of Supervisors of Elections, at least 60 days before the primary election.
- (c) If a certificate of withdrawal is filed under this section, the certificate of candidacy to which the certificate of withdrawal relates is void and the name of the individual withdrawing will not be printed upon the ballots to be used in the primary election unless the individual files a new certificate of candidacy within the time limit prescribed for filing.

#### **§ 9. General election—Date.**

Subject to §§ 14 and 15 of this article, in every fourth year, on the first Tuesday after the first Monday in November, counting from 2013, a general election will be held in the City, whereby the registered voters of the City will elect a Mayor and Board of Aldermen.

#### **§ 10. General election—Nominations and ballots.**

- (a) Only the names of individuals nominated in accordance with the provisions of this Charter will be placed on the ballot as candidates for Mayor or Alderman. The names of the candidates must appear as specified on the certificate of candidacy. For each office, the names of candidates will be grouped together by party, with the majority party candidate or candidates listed first, followed by the candidate or candidates of the principal minority party, followed by the candidate or candidates of other political parties in descending order based on the City-wide registration of the party, and finally by candidates who are not nominees of a political party. For purposes of this section, "majority party" means the party of the incumbent Mayor and "principal minority party" means the party whose candidate for Mayor received the second-highest number of votes in the last preceding general election. When there is more than one candidate of the same political party for election to an office, the names of the candidates will be listed in alphabetical order by surname.
- (b) An individual may not be a candidate for more than one office in any general election. An individual may not hold more than one elective public office at any one time.
- (c) An individual may decline nomination for Mayor or Alderman by delivering a notarized written statement to the Board of Supervisors of Elections no later than two days after the primary election results are certified. After the written statement is delivered, the individual's nomination will be void and will not be printed upon the ballots.

### **§ 11. General election—Results.**

The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The five candidates for Board of Aldermen with the highest number of votes in the general election shall be declared elected as the Board of Aldermen. In case of a tie in the highest number of votes for Mayor, or in case of a tie in the votes for Alderman wherein no single candidate received the fifth highest number of votes, there shall be a special election between the candidates receiving the tie vote, to be held within 90 days in accordance with this Charter.

### **§ 12. Write-in votes.**

Write-in votes are permitted in the City's general election but prohibited in the primary election. For purposes of this section, "write-in vote" means a vote cast, in a contest at a general election, for an individual whose name is not on the ballot for that contest.

### **§ 13. Poll watchers.**

- (a) Any political party, as defined by Maryland law, and any candidate for election may designate an individual known as a poll watcher at each polling place or early voting center to observe the conduct of the election.
- (b) A poll watcher will be positioned near the election judges and inside the voting room so that the poll watcher may see and hear each voter as the person offers to vote. A poll watcher may not attempt to ascertain how a voter voted or intends to vote, confer in the polling room with any voter, or assist a voter in voting.
- (c) A poll watcher may not interfere with or obstruct an election judge in the proper performance of the election judge's duties. An election judge may eject a poll watcher who engages in any act prohibited by this section.
- (d) A political party or candidate who designates a poll watcher may remove the poll watcher at any time.

### **§ 14. General election—Vacancies in nomination for Mayor.**

- (a) This section applies to the nomination of a candidate for Mayor who is a member of a political party, as defined by Maryland law. For purposes of this section, any action to be taken by a principal political party shall be taken by the local central committee of that party.
- (b) This subsection applies to the nomination of a candidate by primary election in accordance with § 6(a) of this article
  - (1) If a nominee dies, declines the nomination, or becomes disqualified after the date of the primary election but at least 30 days before the date of the general election, the candidate who received the second highest number of votes in the

primary election of the nominee's party will be certified by the Board of Supervisors of Elections as the new nominee for Mayor for that party.

- (2)** If a nominee dies, declines the nomination, or becomes disqualified less than 30 days before the date of the general election:

  - (A)** the candidate who received the second highest number of votes in the primary election of the nominee's party will be certified by the Board of Supervisors of Elections as the new nominee for Mayor for that party; and
  - (B)** the general election will not take place as originally scheduled but instead will be held on the fourth Tuesday following the certification by the Board of Supervisors of Elections.
- (c)** This subsection applies to the nomination of a candidate by a principal political party in accordance with § 6(b) of this article.

  - (1)** If a nominee dies, declines the nomination, or becomes disqualified after the date of the primary election but at least 30 days before the date of the general election:

    - (A)** the nominee's party shall fill the vacancy and file a certificate of designation for the new nominee with the Board of Supervisors of Elections at least 30 days before the date of the general election; and
    - (B)** the nominee designated under this paragraph shall file a certificate of candidacy with the Board of Supervisors of Elections.
  - (2)** If a nominee dies, declines the nomination, or becomes disqualified less than 30 days before the date of the general election:

    - (A)** within 15 days after the nominee's death, declination, or disqualification, the nominee's party shall fill the vacancy and file a certificate of designation for the new nominee with the Board of Supervisors of Elections;
    - (B)** the nominee designated under this paragraph shall file a certificate of candidacy with the Board of Supervisors of Elections; and
    - (C)** the general election will not take place as originally scheduled but instead will be held on the fourth Tuesday following the filing of the certificate of designation.
- (d)** This subsection applies to the nomination of a candidate affiliated with a political party other than one of the two principal political parties in accordance with § 6(c) of this article.

  - (1)** If a nominee dies, declines the nomination, or becomes disqualified after the nominee's name is certified to the Board of Supervisors of Elections but at least 30 days before the date of the general election:

- (A) the nominee's party shall fill the vacancy and file a certificate of designation for the new nominee with the Board of Supervisors of Elections at least 30 days before the date of the general election; and
  - (B) the nominee designated under this paragraph shall file a certificate of candidacy with the Board of Supervisors of Elections.
- (2) If a nominee dies, declines the nomination, or becomes disqualified less than 30 days before the date of the general election:
  - (A) within 15 days after the nominee's death, declination, or disqualification, the nominee's party shall fill the vacancy and file a certificate of designation for the new nominee with the Board of Supervisors of Elections;
  - (B) the nominee designated under this paragraph shall file a certificate of candidacy with the Board of Supervisors of Elections; and
  - (C) the general election will not take place as originally scheduled but instead will be held on the fourth Tuesday following the filing of the certificate of designation.

**§ 15. General election – Vacancies in nomination for Alderman.**

- (a) This section applies to the nomination of a candidate for Alderman who is a member of a political party, as defined by Maryland law. For purposes of this section, any action to be taken by a principal political party shall be taken by the local central committee of that party.
- (b) This subsection applies to the nomination of a candidate by primary election in accordance with § 6(a) of this article
  - (1) If a nominee dies, declines the nomination, or becomes disqualified after the date of the primary election but at least 30 days before the date of the general election, the candidate who received the sixth highest number of votes in the primary election of the nominee's party will be certified by the Board of Supervisors of Elections as a nominee for Alderman for that party.
  - (2) If a nominee dies, declines the nomination, or becomes disqualified less than 30 days before the date of the general election:
    - (A) the candidate who received the sixth highest number of votes in the primary election of the nominee's party will be certified by the Board of Supervisors of Elections as a nominee for Alderman for that party; and
    - (B) the general election will not take place as originally scheduled but instead will be held on the fourth Tuesday following the certification by the Board of Supervisors of Elections.

- (c)** This subsection applies to the nomination of a candidate by a principal political party in accordance with § 6(b) of this article.
- (1)** If a nominee dies, declines the nomination, or becomes disqualified after the date of the primary election but at least 30 days before the date of the general election:
- (A)** the nominee's party shall fill the vacancy and file a certificate of designation for the new nominee with the Board of Supervisors of Elections at least 30 days before the date of the general election; and
  - (B)** the nominee designated under this paragraph shall file a certificate of candidacy with the Board of Supervisors of Elections.
- (2)** If a nominee dies, declines the nomination, or becomes disqualified less than 30 days before the date of the general election:
- (A)** within 15 days after the nominee's death, declination, or disqualification, the nominee's party shall fill the vacancy and file a certificate of designation for the new nominee with the Board of Supervisors of Elections;
  - (B)** the nominee designated under this paragraph shall file a certificate of candidacy with the Board of Supervisors of Elections; and
  - (C)** the general election will not take place as originally scheduled but instead will be held on the fourth Tuesday following the filing of the certificate of designation.
- (d)** This subsection applies to the nomination of a candidate affiliated with a political party other than one of the two principal political parties in accordance with § 6(c) of this article.
- (1)** If a nominee dies, declines the nomination, or becomes disqualified after the nominee's name is certified to the Board of Supervisors of Elections but at least 30 days before the date of the general election:
- (A)** the nominee's party shall fill the vacancy and file a certificate of designation for the new nominee with the Board of Supervisors of Elections at least 30 days before the date of the general election; and
  - (B)** the nominee designated under this paragraph shall file a certificate of candidacy with the Board of Supervisors of Elections.
- (2)** If a nominee dies, declines the nomination, or becomes disqualified less than 30 days before the date of the general election:
- (A)** within 15 days after the nominee's death, declination, or disqualification, the nominee's party shall fill the vacancy and file a certificate of

designation for the new nominee with the Board of Supervisors of Elections;

- (B) the nominee designated under this paragraph shall file a certificate of candidacy with the Board of Supervisors of Elections; and
- (C) the general election will not take place as originally scheduled but instead will be held on the fourth Tuesday following the filing of the certificate of designation.

**§ 16. General election—Petition candidate.**

- (a) An individual who is not affiliated with a political party, as defined by Maryland law, may be nominated by petition.
- (b) An individual not affiliated with a political party, as defined by Maryland law, will be deemed to have been nominated by petition as a candidate for Mayor or Alderman upon filing on a prescribed form with the Board of Supervisors of Elections, on or before July 1 preceding the general election, a petition containing:
  - (1) the signatures and addresses of at least 3% of the registered voters of the City, based on the number of registered voters on January 1 preceding the general election;
  - (2) the name of the candidate;
  - (3) a statement of the candidate's political party affiliation, if any; and
  - (4) the office the candidate seeks.
- (c) An individual may not sign a petition more than once for the same candidate.
- (d) The Board of Supervisors of Elections shall verify the signatures of individuals who are registered voters in the City at the time the petition is received. The Board of Supervisors of Elections shall notify the proposed candidate of the results of the verification.
- (e) An individual nominated under this section will be designated on the general election ballot as "Other".

**§ 17. Conduct of special elections.**

A special election, if required, will be conducted in the same manner as described in this article for holding primary and general municipal elections.

**§ 18. Referenda.**

- (a) Any ordinance or part of an ordinance enacted by the City may be challenged by the filing of a petition for referendum, in accordance with this section, except an ordinance adopting or amending an annual budget or imposing a tax.



- (b) A petition for referendum must be filed with the Board of Supervisors of Elections within 20 days after the ordinance becomes effective according to its terms. Upon the timely filing of a petition, the ordinance or part thereof to be referred will cease being effective until 30 days after its approval by a majority of the qualified voters of the City voting on the question. Any ordinance or part thereof disapproved by the voters shall stand repealed. An emergency ordinance shall remain in effect from the date it becomes effective according to its terms, notwithstanding the filing of a petition for referendum, but shall stand repealed 30 days after having been rejected by a majority of the qualified voters of the City voting on the question.
- (c) A petition filed under this section must be signed by 10% or more of the registered voters of the City, based on the number of registered voters on January 1 preceding the filing of the petition. The Board of Supervisors of Elections shall verify the signatures on the petition and shall forthwith notify the Mayor and Board of Aldermen, in writing, that it has verified the signatures.
- (d) Following the timely filing of a valid petition and receipt of the notice from the Board of Supervisors of Elections that the signatures have been verified, the Board of Aldermen, by resolution, shall designate an election at which the registered voters of the City may vote on the ordinance or part thereof referred. If an election of the City, the State of Maryland, or the United States is scheduled to take place within 6 months after the Board of Supervisors of Elections verifies the signatures on a petition, the Board of Aldermen shall designate that scheduled election for the referendum vote. If no such election is scheduled, then the Board of Aldermen shall designate a special election to take place on a specified date within 90 days after the Board of Supervisors of Elections verifies the signatures on a petition. Any resolution providing for a referendum must specify the exact wording that is to be placed on the ballots when the question is submitted to the voters of the City.
- (e) The Board of Aldermen, by resolution, may provide for the submission of any proposed ordinance to a vote of the registered voters of the City. A resolution providing for a referendum must designate the election at which the voters may vote on the ordinance and must specify the exact wording that is to be placed on the ballots. If an election of the City, the State of Maryland, or the United States is scheduled to take place within 6 months after the adoption of the resolution, the Board of Aldermen shall designate that scheduled election for the referendum vote. If no such election is scheduled, then the Board of Aldermen shall designate a special election to take place on a specified date within 90 days of the adoption of the resolution. A proposed ordinance approved by a majority of the registered voters of the City voting on the question will become effective 30 days after its approval. A proposed ordinance not approved by the voters will be of no effect.

#### **§ 19. Canvassing of votes.**

The Board of Supervisors of Elections is responsible for canvassing the votes in all City elections. At 9 a.m. or later on the first Thursday after election day, the Board of Supervisors of Elections shall convene and proceed to canvass the ballots cast at the election. The results of the canvass shall be certified by the Board of Supervisors of Elections to the Director of Finance and to the Mayor and Board of Aldermen, which shall have the results entered into its minutes. After the general election or a special election, the Director of Finance shall issue certificates of

election to the candidates certified by the Board of Supervisors of Elections to have been elected. The canvass includes the tabulation of votes cast during early voting.

#### **§ 20. Vacancy in the office of Mayor.**

- (a) A vacancy in the office of Mayor must be filled in accordance with this section.
- (b) If the individual elected as Mayor dies, resigns, or becomes disqualified after the general election but before taking office, the newly elected Board of Aldermen, after taking office, shall select from its membership an acting Mayor to serve until a new Mayor is elected in accordance with this subsection. An Alderman retains a vote on the Board of Aldermen while serving as acting Mayor under this subsection. Within 90 days after the individual's death, resignation, or disqualification, the City will conduct a special election for the purpose of electing a new Mayor. Within 30 days after the special election, the new Mayor shall take office in the same manner as regularly elected City officials.
- (b) If the Mayor dies, resigns, or becomes disqualified after taking office but at least 12 months before the next general election, the President Pro Tempore of the Board of Aldermen shall serve as the acting Mayor until a new Mayor is elected in accordance with this subsection. The President Pro Tempore retains a vote on the Board of Aldermen while serving as acting Mayor under this subsection. Within 90 days after the Mayor's death, resignation, or disqualification, the City will conduct a special election for the purpose of electing a new Mayor. Within 30 days after the special election, the new Mayor shall take office in the same manner as regularly elected City officials.
- (c) If the Mayor dies, resigns, or becomes disqualified less than 12 months before the next general election, the President Pro Tempore of the Board of Aldermen shall serve as the acting Mayor until a new Mayor is elected by general election in accordance with this article. The President Pro Tempore retains a vote on the Board of Aldermen while serving as acting Mayor under this subsection.

#### **§ 21. Vacancy in the office of Alderman.**

- (a) A vacancy in the office of Alderman must be filled in accordance with this section.
- (b) If an individual elected as Alderman dies, resigns, or becomes disqualified after the general election but before taking office, the individual who received the sixth highest number of votes in the general election will be certified by the Board of Supervisors of Elections as Alderman. The City's Legislative Clerk shall notify an individual certified under this subsection, in writing, immediately after the certification. Within 5 days after the individual's receipt of the notice, the individual must inform the Legislative Clerk of the individual's acceptance or declination. If the individual accepts the selection, within 30 days the individual shall take office in the same manner as regularly elected City officials.
- (c) If an Alderman dies, resigns, or becomes disqualified less than 12 months after taking office, the individual who received the sixth highest number of votes in the general election will be certified by the Board of Supervisors of Elections as Alderman. The City's Legislative Clerk shall notify an individual certified under this subsection, in writing, immediately after the certification. Within 5 days after the individual's receipt of the

notice, the individual must inform the Legislative Clerk of the individual's acceptance or declination. If the individual accepts the selection, within 30 days the individual shall take office in the same manner as regularly elected City officials.

- (d)** If an Alderman affiliated with a political party, as defined by Maryland law, dies, resigns, or becomes disqualified at least 12 months after taking office, the party to which the Alderman belonged when elected shall fill the vacancy. Within 30 days after the vacancy is filled, the individual selected shall file a certificate of candidacy with the Board of Supervisors of Elections and take office in the same manner as regularly elected City officials. For purposes of this subsection, any action to be taken by a principal political party shall be taken by the local central committee of that party.
- (e)** If an Alderman not affiliated with a political party, as defined by Maryland law, dies, resigns, or becomes disqualified at least 12 months after taking office, the Board of Aldermen shall fill the vacancy by selecting, with a favorable vote of at least three Aldermen, a qualified individual to serve as Alderman for the remainder of the term. Within 30 days after the vacancy is filled, the individual selected shall file a certificate of candidacy with the Board of Supervisors of Elections and take office in the same manner as regularly elected City officials.