

Ordinance No. \_\_\_\_\_ ORDINANCE: To amend Chapter 8 of the Rockville City Code entitled "Elections" by amending Sections 8-6, "Voter Registration," 8-22, "Special elections," 8-41 "Election procedures generally," and 8-83 "Requirements of election reports and statements," and by adding a new Section 8-25 "Elections by the Mayor and Council to fill a vacancy," so as to clarify certain provisions regarding special elections and filling Mayor and Council vacancies

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND that Chapter 8 of the Rockville City Code entitled "Elections" be amended as follows:

SECTION 1. That Section 8-1 entitled "Definitions" be amended by adding a definition of "runoff election" to read as follows:

Sec. 8-1. – Definitions.

\* \* \*

Runoff election means an election held between two or more candidates when there is a tie vote between the candidates //as a result of a special election held to fill a vacancy in the office of mayor or councilmember//. A runoff election shall be conducted by the Board of Supervisors of Elections in the same manner, as far as practical, as City special elections.

\* \* \*

SECTION ~~[[1]]~~ 2. That Section 8-6 entitled "Voter Registration" be amended to read as follows:

Sec. 8-6. - Voter registration.

\* \* \*

(b) Once the County registration is closed, any person eligible to register to vote in any City election may register to vote at City Hall. Such registration must be done in person and may be done any day after the County registration closes up to and including on general election day or on election day for a special election.

\* \* \*

(d) The ballots of those registering on general election day or on election day for a special election shall will be processed as a provisional ballot in accordance with subsection 8-42(b).

\* \* \*

SECTION ~~[[2]]~~ 3. That Section 8-22 entitled “Special Elections” be amended to read as follows:

Sec. 8-22. Special elections.

(a) All special City elections ~~shall must~~ be conducted by the Board of Supervisors of Elections in the same manner, as far as practical, as general City elections.

(b) ~~A special election will occur no less than ninety (90) days and no more than one hundred and~~ ~~[[five (105)]]~~ fifty (150) days after a Mayor or Councilmember vacancy occurs.

(c) ~~Within~~ ~~[[ten (10)]]~~ fifteen (15) days of a Mayor or Councilmember vacancy occurring, the Board of Supervisors of Elections will determine and publicly announce the date of the special election.

\* \* \*

SECTION ~~[[3]]~~ 4. That a new Section 8-25 entitled “Elections by the Mayor and Council to fill a vacancy” be added as follows:

Sec. 8-25. Elections by the Mayor and Council to fill a vacancy.

(a) ~~A vacancy occurring in the office of Councilmember after the~~ ~~[[November 15]]~~ October 1 of the year immediately prior to the year of a general City election due to any of the reasons enumerated in Section 5 (a) of the City Charter must be filled by the remaining members of the Mayor and Council ~~[[body]]~~ within 75 days of the vacancy occurring.

(b) The Mayor and Council must publicly announce the vacancy and the process for applying to fill the vacancy. The application period must remain open for a minimum of 30 days.

(c) To apply, applicants must submit a narrative of their relevant experience and background, a statement of their priorities and vision for the City, and a financial disclosure statement. All application materials received by the City, with the exception of the financial disclosure statements, will be publicly posted on the City’s website.

(d) All applicants who meet the requirements of Section 1(b) of the City Charter to serve as a Councilmember will be interviewed by the Mayor and Council. All interviews must be held in open session and the interviews must be televised. The Mayor and Council may convene into a closed session solely for the purpose of discussing an applicant’s financial disclosure statement.

\* \* \*

SECTION [[4]] 5. That Section 8-41 entitled “Election procedures generally” be amended to read as follows:

Sec. 8-41. - Election procedures generally.

\* \* \*

(n) Determining the winning candidates.

(1) Requirements for a general election. The candidate for Mayor with the highest number of votes in the general election ~~shall-will~~ be declared elected as Mayor. The four (4) candidates for Council with highest number of votes in the general election ~~shall-will~~ be declared elected as members of the Council. In case of a tie in the highest number of votes for Mayor, or in case of a tie in the votes for Council members wherein no candidate received the fourth highest number of votes, then, in either of such events, there ~~shall-must~~ be a runoff election between the candidates receiving the tie vote, to be held after thirty (30) days' notice, pursuant to applicable provisions of the City Charter and this chapter.

(2) Requirements for a special election. In a special election for Mayor, the candidate for Mayor with the highest number of votes in a special election will be declared elected to fill the remainder of the term. In a special election for Council, the candidate for Council with the highest number of votes in a special election will be declared elected to fill the remainder of the term. In case of multiple council vacancies, the number of candidates matching the number of vacancies with the highest number of votes will be declared elected to fill the remainder of the term. In case of a tie in the highest number of votes for Mayor, or in case of a tie in the votes for Council members, then, in either of such events, there must be a runoff election between the candidates receiving the tie vote, to be held within 90 days after the election and after thirty (30) days' notice, pursuant to applicable provisions of the City Charter, State law, and this chapter.

\* \* \*

SECTION [[5]] 6. That Section 8-83 entitled “Requirements of election reports and statements” be amended to read as follows:

Sec. 8-83. Requirements of election reports and statements.

\* \* \*

(b) Prerequisites to becoming candidate, being elected by the Mayor and Council to fill a vacancy, or serving as treasurer. A person may not become a candidate for public office in any election in the City, may not be elected by the remaining members of the Mayor and Council to fill a vacancy in the office of Mayor or Councilmember, may not have a certificate of candidacy ~~may not be~~ accepted on [[their ]] that person's his behalf, and ~~he~~ that person may not become a treasurer for a candidate or committee unless:

(1) The person has filed or had filed on ~~his~~ [[their]] that person's behalf all reports or statements required by section 8-81 and subsection (d) of this section to be filed by ~~him~~ [[them]] that person, as a candidate, chairman or treasurer during the five (5) calendar years preceding the election in which the person seeks to become a candidate or treasurer; and

(2) Any late filing fees due in connection with such reports and statements have been paid.

NOTE: ~~Strikethroughs~~ indicate material deleted  
Underlining indicates material added  
Asterisks \* \* \* indicate material unchanged by this ordinance  
[[Double Brackets]] (in blue) indicate material deleted by BSE suggested changes after introduction  
Double underlining (in blue) indicates material added by BSE suggested changes after introduction  
Language appearing in *Italics (in blue)* indicate material added by additional edits of the BSE members after introduction of the ordinance and after initial edits suggested by BSE  
Language appearing between *italicized [[double brackets]] (in blue)* indicate material deleted by additional edits of the BSE members after introduction of the ordinance and after initial edits suggested by BSE

\* \* \* \* \*

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of

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Sara Taylor-Ferrell, City Clerk/  
Director of Council Operations