

Ordinance No. 05-19 ORDINANCE:

To amend Chapter 8 of the Rockville City Code entitled "Elections" by amending Section 8-41 entitled "Election procedures generally" so as to modify the number of notices and reminders of certain voting deadlines that must be mailed to registered voters in the City and to provide for at least one alternative form of mass communication regarding election deadlines

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND that Chapter 8 of the Rockville City Code entitled "Elections" be amended by amending Section 8-41 entitled "Election procedures generally" to read as follows:

Sec. 8-41.- Election procedures generally.

(a) City elections will be by mail-in ballot voting with one voting center at City Hall open on election day for in-person voting. The Board of Supervisors of Elections shall keep the voting center open from 7:00 a.m. to 8:00 p.m. on election day.

(b) Mail-in ballots for the general election must be mailed or distributed no more than thirty (30) days and no less than twenty-five (25) days prior to the election to which they apply. Postage for transmitting the ballot material to the voter and postage for the return of ballots shall be paid by the Board.

(c) The Board will mail one notice to all households in the City and at least four ~~(4)~~three (3) notices and reminders to all registered voters in the City informing them of the mail-in ballot voting deadlines and the date, time and location of in-person voting on election day. The first notice will be mailed or distributed no later than ninety (90) days prior to the election. The [[three (3)]] notices will be in addition to the mailing of the ballot itself. The Board will also provide at least one other form of mass communication informing the public of the City election which must include all of the information required on the notices.

(d) All ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of the Charter, arranged in alphabetical order by office with no party or principal designation of any kind.

(e) A mail-in ballot shall be counted only if it is received by the City Clerk prior to the closing of the election polls.

(f) A registered voter may obtain a replacement ballot if the original ballot was destroyed, spoiled, lost, or for any other reason not received by the registered voter. A registered voter who obtains a ballot in accordance with this subsection will be required to sign an affidavit, in a form approved by the Board, specifying the reason for requesting the replacement ballot.

(g) If the City receives more than one ballot from a registered voter, the first ballot received by the City will be the only ballot counted.

(h) Any mail-in ballot that contains a vote for a person who has ceased to be a candidate shall not be counted for that candidate but such vote shall not invalidate the remainder of the ballot.

(i) In determining the vote cast for each candidate or question the Board of Supervisors of Elections shall verify the accuracy of the counts by such procedures as it deems appropriate. Notwithstanding the above, however, in the event that the Board of Supervisors of Elections initially announces that a candidate for Mayor or a candidate for Councilmember has lost an election by a margin of one-half ($\frac{1}{2}$) percent or less, the Board of Supervisors of Elections must conduct a manual recount of two (2) election districts chosen at random, if requested by any candidate so affected within forty-eight (48) hours of the initial announcement of the election results.

(j) The Board of Supervisors of Elections shall announce the unofficial results of the election as soon as possible after tabulating the results. The tentative results shall be posted at City Hall and shall be announced on the City cable television channel.

(k) All challenges to the results of an election shall be submitted to the Board of Supervisors of Elections within forty-eight (48) hours of the initial announcement of the results.

(l) Within seven (7) calendar days after the election, the Board shall resolve all challenges and shall certify the results of the election to the City Clerk, who shall record the results in the minutes of the Council. The results shall be posted at City Hall and shall be announced on the City cable television channel.

(m) Any person aggrieved by reason of such determination of the Board may appeal to the Circuit Court for the County, according to the Maryland Rules governing administrative appeals.

(n) The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The four (4) candidates for Council with highest number of votes in the general election shall 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 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.

NOTE: ~~Strikethroughs~~ indicate material deleted
 Underlining indicates material added
 Asterisks * * * indicate material unchanged by this ordinance
 Double underlining indicates material added after introduction
 [[Double brackets]] indicate material deleted after introduction

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 January 28, 2019.


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