

**CITY OF HYATTSVILLE
BOARD OF SUPERVISORS OF ELECTIONS
RULES & REGULATIONS**

Table of Contents

PART 1—BOARD OF SUPERVISORS OF ELECTIONS..... 1

Sec. 1.1 – The Board..... 1

 (a) Composition. 1

 (b) Qualifications 1

 (c) Oath..... 1

 (d) Participation in Elections. 1

 (e) Removal..... 1

 (f) Chairperson 1

 (g) Counsel..... 1

 (h) Role of the City Clerk. 1

Sec. 1.2 – Duties and Powers..... 1

 (a) General..... 1

 (b) Powers 2

Sec. 1.3 – Meetings..... 2

 (a) Quorum. 2

 (b) Meetings 2

 (c) Attendance of the City Clerk..... 2

 (d) Notice of Meetings; Open Meetings Act. 2

(e) Rules	2
(f) Minutes.....	2
PART 2—ELECTION JUDGES	2
Sec. 2.1 – Election Judges.....	2
(a) Appointment.....	2
(b) Removal.....	2
(c) Oath.....	3
Sec. 2.2 – Responsibilities.....	3
Sec. 2.3 – Training and Qualifications.....	3
Sec. 2.4 – Compensation.....	3
PART 3—QUALIFICATION AND REGISTRATION OF VOTERS	3
Sec. 3.1 – Voter Qualifications.....	3
Sec. 3.2 – Registration Generally.....	3
(a) Generally	3
(b) Proof of Identity, Age, and Residency.....	3
Sec. 3.3 – Same Day Registration.....	4
(a) Same Day Registration Permitted.....	4
(b) Choice of Registry.....	4
(c) Procedure for Same Day Registration.....	5
(d) Authorization to Vote Same Day.....	6
(e) Post Same Day Registration Procedures.....	6
Sec. 3.4 – Registration Lists.....	6
Sec. 3.5 – Reporting Voter Participation.....	6

PART 4—CANDIDATES FOR OFFICE AND PETITIONS	7
Sec. 4.1 – Candidate Applications.....	7
(a) Applications.....	7
(b) Contents of Application.	7
(c) Reports Required.....	7
(d) Notice.	7
(e) Filing of Applications.....	7
Sec. 4.2 – Evaluation and Certification of Candidate Applications.	7
Sec. 4.3 – Publication.....	7
Sec. 4.4 – Candidate Notices.....	8
Sec. 4.5 – Certification of Petitions for Referenda and Ballot Initiatives.	8
PART 5—ELECTIONS	9
Sec. 5.1 – Election Procedure, Generally.....	9
(a) Voting Days.....	9
(b) Wards.....	9
(c) Voting Machines.	9
(d) Vote Count.	9
Sec. 5.2 – Public Notice of Election.....	10
Sec. 5.3 – Candidate Rules.....	10
(a) Distance from Polls	10
(b) Pollwatchers	10
Sec. 5.4 – Polls Opened and Closed; Attendance.....	10
(a) General.....	10

(b) Prior to Opening of Polls	10
(c) Continuous Presence	11
Sec. 5.5 – Inspection of Voting Machines.....	11
Sec. 5.6 – Responsibility of Judges.	11
(a) Judges	11
(b) Responsibility of Chief Judges	11
(c) Responsibility of Poll Book Judges.	11
(d) Responsibility of Voting Machine Judges.....	12
Sec. 5.7 – Arrangement of Polling Places.	12
Sec. 5.8 – Voting Procedures.....	12
(a) Authorization.....	12
(b) Status Changes Not Reflected in Registration Books, Procedure on Election Day	12
(c) Voting	13
(d) Periodic Checks.....	14
Sec. 5.9 – Vote-by-Mail Voting.....	14
(a) Generally.	14
(b) Applications.....	14
(c) Processing of Applications.....	14
(d) Application Rejected.....	14
(e) Application Approved	14
(f) Restrictions on Vote-by-Mail Ballots.....	14
(g) Receipt of Ballot; Handling	15
(h) Election Day.....	15

(i) Register.....	15
Sec. 5.10 – Canvassing and Reporting Election Results.....	16
(a) Generally	16
(b) Ballots Not Counted.....	16
(c) Written Returns	16
(d) Dissenting Judge	16
(e) Sealing of Voting Information	16
Sec. 5.11 – Eligibility to Serve.	16
PART 6—COMPLAINTS.....	16
Sec. 6.1 – Complaints, Generally.	16
Sec. 6.2 – Procedure for Filing Complaints	17
(a) Eligibility	17
(b) Time for Filing a Complaint	17
(c) Contents of Complaint.	17
Sec. 6.3 – Initial Review of Complaint by Board.	17
(a) Initial Review	17
(b) Assistance.....	17
(c) Post-Investigation Procedure	17
Sec. 6.4 – Conduct of Hearing by Board.....	18
(a) General Procedure	18
(b) Summons, Appearance, and Representation	18
Sec. 6.5 – Deliberation and Decision by Board.	19
(a) Deliberation	19

(b) Confidentiality..... 19

(c) Disposition and Orders..... 19

Sec. 6.6 – Records..... 19

PART 1—BOARD OF SUPERVISORS OF ELECTIONS

Sec. 1.1 – The Board.

(a) **Composition.** The Board of Supervisors of Elections (hereinafter the “Board”) shall consist of five (5) members who shall be appointed by the Mayor with the approval of the Council for a four (4) year term as set forth in § C4-2 of the City Charter.

(b) **Qualifications.** The members of the Board shall be qualified voters for City elections and shall not hold or be candidates for any other City office during their term. (Charter, §§ C4-1, C4-2).

(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 they will obey the Constitution of the United States, the Constitution and laws of the State of Maryland, and the laws of the City of Hyattsville, and will fairly and impartially administer the duties of this office.

(d) **Participation in Elections.** Members of the Board and their designees must maintain an appearance of impartiality with respect to City electoral issues, and therefore, Board members are strictly prohibited from campaigning for any City candidate or referendum issue or otherwise participating in any City election other than voting and carrying out official duties. This prohibition includes contributing to any campaign or political committee, offering public support for any candidate or electoral issue, and/or engaging in any activity that might give the appearance of bias or partiality.

(e) **Removal.** The Council may remove any member of the Board for good cause provided that the Board member is given a written copy of the charges and an opportunity for a hearing before the Council. (Charter, § C4-3).

(f) **Chairperson.** The Board shall elect a Chairperson from among their members.

(g) **Counsel.** The City Attorney serves as counsel to the Board. The Board should seek advice from the City Attorney on all matters of law.

(h) **Role of the City Clerk.** The City Clerk shall coordinate communication between the Board and the City Council and between Board members and shall generally facilitate the conduct of City elections. The City Clerk shall also be the record-keeper for the Board.

Sec. 1.2 – Duties and Powers.

(a) **General.** The Board shall be in charge of the conduct of all City elections and may appoint election judges or other employees to assist the Board. (Charter, § C4-4)

(b) Powers.

(1) The Board shall have all the powers described in § C4-4 of the City Charter and § 8-2 of Chapter 8 of the City Code.

(2) Additionally, the Board shall have the power to make and publish regulations regarding the conduct of City elections and make decisions on all disputes and controversies arising from the administration of the City election laws consistent with Article IV of the City Charter and Chapter 8 of the City Code.

Sec. 1.3 – Meetings.

(a) Quorum. For the exercise of its powers and duties, a majority of the members of the Board shall be sufficient for quorum and decision.

(b) Meetings. The Board shall meet at regular intervals and shall be authorized to hold such special meetings as the Board may require. Meetings will be called as needed by the Chairman or by the request of any other two members.

(c) Attendance of the City Clerk. The City Clerk, or their designee, shall attend all meetings of the Board.

(d) Notice of Meetings; Open Meetings Act. All Board meetings shall be publicly advertised and open to the public unless otherwise permitted by State law. The Board shall comply with the notice and other requirements of the Maryland Open Meetings Act.

(e) Rules. To the extent parliamentary guidance is required, and consistent with the City Charter and Code, the Board may use Roberts Rules of Order, Revised, during internal deliberations a guide.

(f) Minutes. Minutes of each meeting shall be kept by a person appointed by the Board. After the minutes are reduced to a writing, a copy shall be promptly forwarded to City Clerk who shall retain them consistent with the City's record retention policy.

PART 2—ELECTION JUDGES

Sec. 2.1 – Election Judges.

(a) Appointment. The Board must appoint such election judges as allowed by the City budget and as needed for the election.

(b) Removal. The Board must remove or replace any judge if in the Board's estimation such is necessary.

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

Sec. 2.2 – Responsibilities.

Judges shall assist the Board in the conduct of elections in the manner prescribed by the Board.

Sec. 2.3 – Training and Qualifications.

The Board shall provide each judge with appropriate instructions and training prior to each general or special election and as otherwise required. Judges shall be thoroughly familiar with procedures for registration of voters, Vote-by-Mail 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 rolls as may be pertinent to their assigned duties.

Sec. 2.4 – Compensation.

Compensation of the Board members and judges of elections and expenditure for their duty shall be determined by the Council in the annual budget.

PART 3—QUALIFICATION AND REGISTRATION OF VOTERS

Sec. 3.1 – Voter Qualifications.

The qualifications of a voter are set forth in § C4-1 of the City Charter, which may be amended from time to time.

Sec. 3.2 – Registration Generally.

(a) Generally. A person who is qualified to vote in a City election may register for the purposes of voting in a City election in one of two ways:

(1) By applying to become a registered voter of Prince George’s County; or

(2) By submitting an application on a form provided by the Board to be placed on the City Supplemental Voter Registry, which is maintained by the City Clerk.

(b) Proof of Identity, Age, and Residency. An applicant may prove identity, age, and residency for the purposes of registering for the City Supplemental Voter Registry as follows:

(1) Identity may be established through a valid photo identification card or document issued by a federal, state, or local government entity of the United States, any foreign

country, or any school, provided that the identification card or document contains, at minimum, a clear photo, the person's full name, and the name or identifying marks of the document's issuer.

(2) Age may be established through the identity documents set forth in Paragraph (1) of this Subsection if the documents include proof of the applicant's age, or through other documentation such as a birth certificate.

(3) Residency may be established through the identity documents set forth in Paragraph (1) of this Subsection if the documents include proof of residency, or through other documentation, including a copy of a deed, house or apartment lease, utility bill, paycheck, bank statement, school record, or other official or government document that shows the applicant's name and current address in the City.

(4) If the applicant is unable to provide sufficient documentary proof, the Board shall waive one or more of those requirements that the applicant produce documentation if the applicant provides an additional affidavit executed under the penalties of perjury, stating that the applicant does not currently possess documentation that could be used to prove identity, age, and/or residency. The affidavit shall be executed under the penalties of perjury and contain the following information:

(i) The applicant's name and residence address including street number,

(ii) A statement that the applicant meets the registration requirements of the City Charter to be a qualified voter in the City,

(iii) That the address on the application is the applicant's primary residence;

(iv) The applicant has lived in the City of Hyattsville for at least (30) days, and

(v) The applicant does not claim the right to vote elsewhere in the United States.

Sec. 3.3 – Same Day Registration.

(a) Same Day Registration Permitted. A qualified voter who is not already registered with the City or County may register to vote on any City Election Day or Early Voting Day.

(b) Choice of Registry. Pursuant to Article III of Chapter 8 of the City Code, a voter may not remain registered in both the City Supplemental Voter Registry and the County election registry. In order to vote in a City election on the same day the voter registers, the applicant must be registered in the City Supplemental Voter Registry, at least temporarily for the purposes of that election. Applicants may then choose to remain registered in the City Supplemental Voter Registry only, or they may elect to have their application forwarded to the Prince George's County Board of Elections to apply for County registration. If the applicant chooses to have their application forwarded to the Prince George's County Board of Elections, pursuant to Subsection (e) of this

Section, the voter's name must be removed the City Supplemental Voter Registration upon verification that the voter application has been processed by the County.

(c) Procedure for Same Day Registration. Same day registration shall be conducted in accordance with the following procedures:

(1) Applicants shall be given a Prince George's County Board of Elections voter registration application or a City supplemental voter registration application.

(2) To register, the applicant must present a completed application and provide verification of identity, age, and residency per § C4-1 of the City Charter, § 8-9 of the Hyattsville City Code, and § 3.2 of these Regulations.

(3) The City Clerk or their designee shall then verify the following:

(i) review the application to ensure that all the necessary information has been provided and that it has been signed by the applicant;

(ii) verify that the applicant satisfies the age requirements

(iii) verify that the applicant's address is within City limits; and

(iv) check the City Supplemental Voter Registry and contact the Prince George's County Board of Elections to verify that the applicant is not registered in either voter database.

(4) If it is determined that the applicant is a qualified City voter and is not already a registered voter with either the City or County, the City Clerk or their designee shall:

(i) enter the applicant's registration information into the City Supplemental Voter Registry system;

(ii) issue the applicant a voter identification number;

(iii) prepare and issue a Same Day Voter Registration Voter Authority Card by completing the voter authority card, entering the voter identification number on the certificate, and having the voter sign the voter authority card; and

(iv) forward the application to the Prince George's County Board of Elections to be processed by the County Board if the applicant so desires.

(5) If it is determined that the applicant is not a qualified City voter, by reason of age, residence, or otherwise, the City Clerk or their designee:

(i) shall not register the voter in the City Supplemental Voter Registry;

(ii) shall promptly inform the applicant of the reason for rejection;

(iii) shall promptly inform the applicant that the voter is not permitted to vote in any City election until the voter becomes qualified and registered; and

(iv) may forward the application to the Prince George's County Board of Elections to be processed by the County Board if the applicant so desires.

(d) **Authorization to Vote Same Day.** An applicant who has been registered in the City Supplemental Voter Registry and issued a Same Day Voter Registration Voter Authority Card after completing the same day registration process as set forth in this Section may proceed to vote in that election.

(e) **Post Same Day Registration Procedures.** Within three business days after Election Day, the City Clerk or their designee shall forward all Prince George's County voter registration applications to the Prince George's County Board of Elections except those applications where the applicants opted to be registered in the City Supplemental Voter Registry only. Upon verification from the Prince George's County Board of Elections that voter registrations have been processed, the City Clerk or their designee shall remove the voter from the City Supplemental Voter Registry.

(f) In the event that a same day voter registration applicant's information cannot be verified, the applicant may cast a provisional ballot if otherwise eligible to do so.

Sec. 3.4 – Registration Lists.

The Board shall annually obtain from the County Board an alphabetical list of County-registered voters who were shown as residing within the corporate boundaries of the City immediately prior to the period beginning thirty (30) days before each general and special election, which list shall be utilized as the registration roll of County-registered voters for purpose of a City election. The Board may also periodically request the County Board of Election Supervisors to provide the registration status of City residents on such occasions and in such form as the Board deems necessary. As required, the Board shall obtain a list of registered voters from the County Board, which may be utilized as the registration roll of County-registered voters for purposes of eligibility to sign a candidate petition under § C4-8 of the City Charter (*see* Part 4 of these Regulations). Such list is requested to be provided in two (2) formats: alphabetical (entire City) and by ward (street listing).

Sec. 3.5 – Reporting Voter Participation.

The Board assists the County Board in maintaining its registration records by advising the County Board of the participation of voters in City elections. Such participation is credited by the County Board and ensures that no voter who has voted in a City election will be stricken from the County registration polls.

PART 4—CANDIDATES FOR OFFICE AND PETITIONS

Sec. 4.1 – Candidate Applications.

(a) Applications. Any qualified person desiring to be a candidate for an elective office shall file an application with the City Clerk on or before 5:00 p.m. on the last Friday in March in the year that the election is to be held for any elected position that will become vacant after the upcoming election. The application shall be on a form provided by the Board. No fee shall be charged for such filing. (Charter, § C4-8 and Code, § 8-6).

(b) Contents of Application. An application for candidacy shall be executed under oath and shall state:

- (1) That said candidate is a registered voter of the City;
- (2) That said candidate will be a resident of the City at the date of election;
- (3) The ward in which said candidate will reside on Election Day; and
- (4) The name of the office sought. (Charter, § C2-2(B) and Code, § 8-6).

(c) Reports Required. Each application for candidacy shall include a Financial Disclosure Statement pursuant to Chapter 10, § 10-9 of the City Code.

(d) Notice. The Board shall publicly announce the time and place by which candidates must formally file their applications as set forth in Subsection (a) of this Section. Notice of the availability of applications at the time and place for their filing shall be given twice in a newspaper of general circulation in the City once a week during the two (2) weeks preceding the filing deadline as well as on the City website and other publications. (Charter, § C4-8(B))

(e) Filing of Applications. When any application is received by the Board, the Board member or City Clerk will note the time and date of receipt in the upper right corner of the first page and initial under the time and date. All applications will be kept in a secure place until they are verified at a certification meeting.

Sec. 4.2 – Evaluation and Certification of Candidate Applications.

As soon as reasonably practicable, the Board will meet and review each application to determine whether it conforms to the City's Charter and Code requirements. The qualifications of the prospective candidate shall be verified and the Board will certify to the Mayor and City Council the name of each person filing a verified application of candidacy and the respective office for which the person has filed. This certification shall be sent to the City Council at its first regular meeting following the last Friday in March of each election year.

Sec. 4.3 – Publication.

The Board shall publicize within the City the names of certified candidates and the offices each candidate seeks, and shall post all such names and offices conspicuously at the polls.

Sec. 4.4 – Candidate Notices.

Prior to the opening of the polls on Election Day or the first Early Voting Day, each candidate is to be 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 City Attorney describing restrictions on size and placement of signs, banners and other written messages.

Sec. 4.5 – Certification of Petitions for Referenda and Ballot Initiatives.

In the event the Board is called upon by the Mayor and City Council or the Charter to certify any petition, the Board shall meet as soon as reasonably practicable to verify the signatures on such petition using the following criteria:

(1) Only original signatures supporting a petition are valid. 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. Documents with petition signatures that are copied, scanned, or faxed (i.e., documents do not include the original signature) shall not be accepted by the Board as a timely filing or for any other purpose.

(2) Each person signing a petition shall indicate thereon their name, their address and ward. It is preferred that the person signing also print their name prior to signing to facilitate verification.

(3) No signature may be verified if it was obtained more than one (1) year prior to the date the petition is filed with the Clerk.

(4) A petition may consist of several pages, but each page shall contain the exact subject matter of the petition. At the bottom of each page of signatures shall be an affidavit of the person procuring the signatures on such page that to the best knowledge and belief of that person, every signature on the page is genuine and bona fide and that the signers are qualified voters of the City.

(5) The Board shall certify all petitions to the Mayor and City Council if they conform to the Charter or ordinances or regulations of the City. 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 City Council, and the date used for counting the total number of registered voters in the City. When the Board fails to certify a petition, it shall notify the Mayor and City Council as soon as reasonably practicable.

(6) Petitions that require signatures of registered voters must have typewritten at the top of each signature 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 City 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.

(7) In verifying signatures on a petition, the Board need not compare a signature sample of the registered voter with the signature on the petition. However, each signer of a petition shall sign their name as it appears on the election records of the City, and under each signature may be typed or printed each petitioner's name, address and ward. If the name of a petitioner is not identical to the name as it appears in the City's election records, the Board may 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: 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," or the signature "John L. Smith" for "John L. Smith, Jr." Further, the signature "John Jones" will not suffice for "John L. Jones" because the name is so common, and the Board cannot be certain that no other person bearing that name lives in the City or at that address. 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 City and all other information (address and ward) is identical to the City's election records and the Board has personal knowledge that no other person with a similar name lives at that address.

(8) Regardless of whether the Board finds sufficient signatures on the petition to make it effective for the stated purpose, 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.

PART 5—ELECTIONS

Sec. 5.1 – Election Procedure, Generally.

(a) Voting Days. Election Day and any Early Voting Days shall be scheduled pursuant to § C4-9 of the City Charter and Article II of Chapter 8 of the City Code.

(b) Wards. The Mayor shall be elected by the combined vote of all the wards of the City, and Ward Council members shall be elected by the votes of the wards in which they reside.

(c) Voting Machines. All City elections shall be conducted using mechanical or electronic machines or computers.

(d) Vote Count. Votes shall be counted and the winner of each contest or question shall be determined pursuant to § C4-11 of the City Charter.

Sec. 5.2 – Public Notice of Election.

In all City elections, it shall be the duty of the Board of Elections to give public notice of the times, place and purpose thereof. (Charter, § C4-5). Such public notice shall be given on the City's website, on government access cable channel, in the City newsletter, in a newspaper of general circulation within the City and in the City's public notice board in the Municipal Building. Such public notice shall be given at least ten (10) days before the date of election. In the case of notice in a newspaper of general circulation in the City, notice shall be posted twice prior to the election. 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.

Sec. 5.3 – 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 entrance door to any voting location when campaigning, greeting voters, or handing out materials. Candidates and persons campaigning for candidates may enter the building to use the rest rooms, to use a telephone for non-election purposes, and to go via the office corridor to get refreshments provided no contact is made with voters to promote any candidate or issue. Candidates and persons campaigning for candidates using the building shall not linger in the voting location.

(b) Pollwatchers.

(1) Each candidate may designate by the appropriate form one (1) observer who shall be present in a polling place 5:00 p.m. the day prior to the election prior to the opening of the polls and may be present during the period of the election and thereafter until the results are tallied.

(2) 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.

(3) A Board member may require the observer to leave the polling place for cause, including disruption of election activities and/or any attempt to influence the casting of a ballot.

Sec. 5.4 – Polls Opened and Closed; Attendance.

(a) General. The polls shall be opened at 7:00 a.m. and closed at 8:00 p.m. on Election Day. The polls may be open at specified Early Voting Days prior to Election Day, as specified by the Board.

(b) Prior to Opening of Polls.

(1) Prior to Election Day and any Early Voting Day, the Board and election judges should review the procedures for Election Day or Early Voting.

(2) All judges shall report to their designated polling place at least one (1) hour before the polls open, unless specifically authorized by the Board to report at a later time. Board members will report in at the City Building no later than 6:00 a.m.

(3) 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.

(4) 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, which shall be filed with the City Clerk.

(c) Continuous Presence.

(1) No judge shall leave the polling place until it closes unless excused by the Board for valid reasons.

(2) No Board member or judge may leave the polling place until completion of the tally, unless excused by the Board for valid reasons.

Sec. 5.5 – Inspection of Voting Machines.

The chief judge shall conduct an appropriate inspection of each machine prior to the opening of the polls to determine that they are set up correctly and operating properly.

Sec. 5.6 – Responsibility of Judges.

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

(b) Responsibility of Chief Judges. A chief judge is responsible for:

(1) supervising other election judges;

(2) inspecting voting machines to ensure machines are operating correctly;

(3) ensuring proper order and election procedures are followed;

(4) ensuring that candidates, supporters of candidates, and others comply with the distance rule and refrain from electioneering in and near the polling place.

(c) Responsibility of Poll Book Judges. A poll book judge is responsible for:

(1) checking voter identification by requesting the voter's month and day of birth and checking the information declared by the voter against a relevant portion of the list of registered voters prepared for polling;

(2) assigning the voter a sequential number on a tally sheet;

(3) completing an authorization card for each registered voter who seeks to vote bearing the judge's initials and presenting the card to the voter; and

(4) making a record that the authorization card has been presented by putting a checkmark (✓) in the poll book next to the voter's name.

(d) Responsibility of Voting Machine Judges. The voting machine judge is responsible for:

(1) accepting the authorization card;

(2) directing the voter to the proper ward machine and, if necessary, aiding the voter in preparing or initializing the machine; and

(3) providing instruction to voters regarding the operation of the voting machine as necessary.

(4) The voting machine judge will enter the voting machine polling booth only for the purpose of explaining the functioning of the machine prior to the voter entering the polling booth to cast his/her ballot.

Sec. 5.7 – Arrangement of Polling Places.

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 duly certified candidates;

(2) A table for polling book judges, with responsibility divided on an alphabetical basis and signs prominently indicating this arrangement; and

(3) An area for one or more voting booths, as required.

Sec. 5.8 – Voting Procedures.

(a) Authorization.

(1) Upon entering the polling place, the voter shall approach the proper polling book desk which shows the first letter of the voter's surname and state the voter's name. The polling book judge should find the name in the registration list and shall ask the voter for their address (even if the voter is known to the judge).

(2) The polling book judge will check the voter's authorization card to ensure that the signature is as required and then initial the card on the line provided and present the card to the voter.

(b) Status Changes Not Reflected in Registration Books, Procedure on Election Day.

(1) *Voter moved within the City.* If a City voter has moved to a new address in the City, whether within a ward or from one ward to another ward, the voter may still vote from the voter's new address, provided all other voting requirements are met upon demonstration of convincing evidence of the change. The chief judge shall immediately call a Board member to ensure that the change is made on all appropriate records. The voter shall complete a change of address card. 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 the City.* A voter registered with the County Board who has moved from a residence elsewhere in the County to a residence in the City may vote in the City election with a provisional ballot.

(3) *Change of name by marriage or decree.* In the event an otherwise qualified registered voter presents themselves by a name other than that shown on the voting rolls on account of a change of the voter's name by marriage or court decree (or other means sufficient under the laws of the pertinent jurisdiction), the poll book and/or chief judge shall refer the voter to a Board member. The voter shall be instructed to take action appropriate to correct the registration maintained by either the Prince George's Board of Election Supervisors or the City Supplemental Voter Registry, whichever is applicable.

(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) *Voter Purged from Registration.* If the voter has been purged for any reason and the voter claims this is erroneous, the judge will ask a Board member to have the applicant voter execute a provisional ballot application. The voter may then vote with a provisional ballot.

(c) Voting.

(1) Voter will form a line approaching the polling booths, if necessary, and shall, in turn, present their authorization cards to the voting machine judge. The judge will set the machine, if necessary, as the voter approaches the machine. The voter shall then approach and/or enter the polling booth enclosure and make ballot selections.

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

(3) The voter must make ballot selections at or in a voting booth alone, except that a parent or guardian may be accompanied by children not more than seven (7) years of age. If a

voter, because of infirmity, blindness or unfamiliarity with the voting machine shall need and request assistance, they will be provided with an affidavit of assistance form or audio assist.

(d) Periodic Checks. If voting 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.

Sec. 5.9 – Vote-by-Mail Voting.

(a) Generally. Vote-by-Mail voting shall be conducted in strict conformity with Article V of the City Code.

(b) Applications.

(1) Applications for Vote-by-Mail ballots may be obtained from the City Clerk, the Board, or the City website. Requests may be made by mail, telephone, or in person. Copies will be kept in the files of the Board.

(2) Clerks and Board members receiving applications for Vote-by-Mail 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) Vote-by-Mail ballot applications shall be promptly placed in a secure cabinet or file pending review by the Board. Delivery will be made to the Board as soon as possible by the City Clerk.

(2) Pursuant to § 8-16 of Chapter 8 of the City Code, the Board shall review the applications regularly to determine that the application is from a registered voter and, if so, that the application 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 and by phone, 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 update the precinct and Vote-By-Mail binders and other registers accordingly.

(f) Restrictions on Vote-by-Mail Ballots. No more than one (1) Vote-by-Mail ballot shall be mailed or delivered to any one applicant unless the Board has reasonable grounds to believe that the Vote-by-Mail 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, an individual working for a candidate, nor any member of their

immediate families may serve as such agent. A Board member may pick up or drop off applications or ballots when need requires it.

(g) **Receipt of Ballot; Handling.** The Clerk or Board member receiving a Vote-by-Mail 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 until the time for canvassing. All ballots received prior to the closing of the polls will be placed in a secure file. Ballots received at the City Office will be delivered to the custody of a Board member or the Clerk 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 Vote-by-Mail ballots in a separate secure file box with the register and related poll book cards, until the polls close. Any Vote-by-Mail ballot, including any emergency Vote-by-Mail ballot, received after the time of closing of the polling place on Election Day shall not be counted.

(i) **Register.** The Board will maintain a register of applications for Vote-by-Mail 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:

(i) Applicant's name;

(ii) Applicant's address (street, number, apartment number);

(iii) Applicant's ward; and

(iv) Date and time received by Board or City Office.

(2) *Board action.* Check under "Approved" or "Disapproved" and enter date of action. (See Sec. 5.9(c) 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 City Office, Board member).

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

Sec. 5.10 – Canvassing and Reporting Election Results.

(a) Generally. Immediately upon closing of the polls, the judges of the election shall proceed to count the ballots. The counting of the ballots or checking of the votes on voting machines shall be announced publicly.

(b) Ballots Not Counted. 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.

(c) Written Returns. The Board shall prepare written returns of the vote counts fully completed with the names of the judges and Board signed thereon. One (1) copy of such returns shall be sent to the City Clerk for filing among the records of the City.

(d) Dissenting Judge. Any judge or member of the Board who declines to sign said return shall immediately prepare, sign, and seal in an envelope and send as aforesaid an individual return, giving their reasons therefor.

(e) Sealing of Voting Information. Upon completion of the tabulation of the votes cast, the voting machines 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. The voting cartridges, if any, shall then be retained by the Board for a period of thirty (30) days, exclusive of Sundays and legal holidays, provided, however, that if there be a contest of the election, said cartridge shall not be destroyed or unsealed until after the decision of the Circuit Court for Prince George's County.

Sec. 5.11 – 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 certifies 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.

PART 6—COMPLAINTS

Sec. 6.1 – Complaints, Generally.

All disputes as to election results or any of the policies and procedures set forth in Chapter 8 of the City Code or these Regulations shall be governed by Article VIII of Chapter 8 of the City Code and the rules and regulations set forth in this Part.

Sec. 6.2 – Procedure for Filing Complaints.

(a) Eligibility to File a Complaint.

(1) Any applicant whose application or certification pursuant to Chapter 8 of the City Code has been denied by the Board;

(2) Any person who is a qualified voter of the City and believes that a violation of Chapter 8 of the City Code or a provision of the City Charter related to an election matter has occurred, except for those set forth in Paragraph (1) of this Subsection, which must be filed by the person whose application or certification was denied.

(b) Time for Filing a Complaint.

(1) A complaint regarding denial of certification of candidacy must be filed within seven (7) days of the Board's decision on certification.

(2) All other complaints must be filed within one hundred eighty (180) days from the date that the alleged violation was discovered or reasonably could have been discovered with the exercise of due diligence, but in no case may a complaint be filed more than one hundred eighty (180) days after the election to which the alleged violation pertains.

(c) Contents of Complaint. Complaints shall include:

(1) a reasonably detailed explanation of the allegation(s);

(2) supporting documentation if necessary; and

(3) the name, address, and signature of the complaining party.

Sec. 6.3 – Initial Review of Complaint by Board.

(a) Initial Review. Upon the filing of any complaint, the Board shall conduct an appropriate investigation to ascertain whether there are reasonable grounds to believe the allegation is true.

(b) Assistance. The Board may request the assistance of the City Clerk and/or other City employees in this investigation.

(c) Post-Investigation Procedure.

(1) If, after conducting a reasonable investigation of a complaint, the Board determines there are no reasonable grounds to believe that the allegations in the complaint are true, the Board shall issue a written order dismissing the complaint.

(2) If, after conducting a reasonable investigation of a complaint, the Board determines that there are reasonable grounds to believe that the allegations in the complaint are true, the Board or its designee shall attempt to conciliate the matter by methods of initial

conference and persuasion with all interested parties and such representative as the parties may choose to assist them.

(3) If a complaint is conciliated, the terms of the conciliation agreed to by the parties may be reduced to writing and incorporated into a consent agreement as needed.

(4) If a complaint is not conciliated after the Board concludes that there are reasonable grounds to believe the complaint is true, the Board shall conduct one or more hearings as set forth in this Article.

Sec. 6.4 – Conduct of Hearing by Board.

(a) General Procedure.

(1) If a complaint is not dismissed or conciliated as set forth in Sec. 6.3 of these Regulations, the Board shall:

(i) serve upon the person against whom the complaint has been filed (designated as the “respondent”), if any, a summons and statement of charges;

(ii) schedule and hold one or more hearings;

(iii) serve upon all interested parties a copy of the statement of charges and notice of the time and place of hearings; and

(iv) promptly inform the City Clerk of the time and place of any hearing.

(2) Hearings shall be held not less than seven (7) days and not more than thirty (30) days after service of the statement of charges and summons, unless the Board determines that emergency circumstances require an earlier hearing.

(3) Hearings conducted by the Board shall be open to the public.

(4) Notwithstanding paragraph (3) of this Subsection, the Board may conduct a closed hearing if:

(i) one of the parties submits a written request;

(ii) the Board finds a compelling reason to conduct a closed hearing; and

(iii) closing the hearing to the public is not otherwise prohibited by State law.

(5) The parties or their representatives may file statements prior to any hearing and present testimony and evidence at hearings.

(6) Any testimony given shall be under oath or affirmation.

(b) Summons, Appearance, and Representation.

(1) Any summons to a hearing held pursuant to this Section must be signed by the chairperson of the Board or their designee and shall require the attendance of named persons and/or the production of relevant documents and records.

(2) The parties may, at their option, appear before the Board in person or by one or more duly authorized representatives and may have the assistance of an attorney.

(3) Unless otherwise provided, the City Attorney shall advise the Board during the administrative review of any complaint.

Sec. 6.5 – Deliberation and Decision by Board.

(a) **Deliberation.** After all necessary hearings are conducted, the Board shall deliberate and make a determination as to alleged violations of the elections provisions of the Charter or City Code or related disputes within its authority.

(b) **Confidentiality.** The deliberations of the Board shall not be public.

(c) **Disposition and Orders.**

(1) If, after deliberation, the Board determines, upon the preponderance of the evidence of record, that the respondent has not violated Chapter 8 of the City Code or any applicable election law, or that the complainant is not entitled to relief, the Board shall state and publish its findings and issue an order dismissing the complaint.


(2) If, after deliberation, the Board determines, upon the preponderance of the evidence of the record, that the respondent has violated Chapter 8 of the City Code or any applicable election law, or that the complainant is entitled to relief, the Board shall state and publish its findings and issue an order requiring any party to cease and desist conduct in violation of this Chapter or other applicable election laws and/or granting any appropriate relief as permitted by Article IX of Chapter 8.

Sec. 6.6 – Records.

The Board shall keep a full record of all hearings, decisions, and other records relevant to any review conducted under this Section which shall be transmitted to the City Clerk and retained pursuant to the City's record retention policy.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on November 19, 2018.

Adopted: 11/19/18

Attest: 

Laura Reams, City Clerk



Candace B. Hollingsworth, Mayor

Greta Mosher, Chair
Board of Supervisors of Elections

{ } indicate deletions

Underline indicates additions

Asterisks * * * Indicate matter retained in existing law but omitted herein

Effective Date: November 19, 2018