

**COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND**

<b>Ordinance No.</b>	<b>Ordinance O-21-02</b>
<b>Introduced By</b>	<b>City Council</b>
<b>Date Introduced</b>	<b>July 13, 2020</b>
<b>First Reading</b>	<b>July 13, 2020</b>
<b>Amendments Adopted</b>	
<b>Second Reading</b>	<b>July 20, 2020</b>
<b>Date Adopted</b>	<b>July 20, 2020</b>
<b>Date Effective</b>	<b>August 16, 2020</b>

**AN ORDINANCE concerning**

**ELECTION PROCEDURES**

**FOR** the purpose of implementing Election Procedures in municipal elections in the City of Seat Pleasant.

**BY** Adding  
Chapter 43, Voting  
Article IV, Voting Procedures  
Section 43-4 A through O.  
**ARTICLE V, ELECTIONEERING**  
**SECTION 43-5 A THROUGH B**

Code of the City of Seat Pleasant (1994 Edition, as amended)

**SECTION 1. BE IT ORDAINED BY THE SEAT PLEASANT CITY COUNCIL** that Section 43-4. A through O. and 43-5 A through B of the Code of the City of Seat Pleasant (1994 Edition, as amended), Chapter 43, Voting, Article IV, Election Procedures and **ARTICLE V ELECTIONEERING**, is hereby established to read as follows:

## **Chapter 43 - VOTING**

### **ARTICLE IV**

#### **ELECTION PROCEDURES**

##### **§ 43-4 ELECTION PROCEDURES GENERALLY.**

- (A) CITY ELECTIONS WILL BE BY MAIL-IN BALLOT VOTING, EARLY VOTING AND 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 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 FORTY-FIVE (45) DAYS PRIOR TO THE ELECTION. THE 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) EARLY VOTING WILL BEGIN ON THE FIRST TUESDAY PRIOR TO THE ELECTION AND END ON THE FIRST MONDAY PRIOR TO THE ELECTION ON THE FOLLOWING SCHEDULE: FIRST TUESDAY, WEDNESDAY, THURSDAY AND FRIDAY (9:00A.M. TO 5:00P.M.), FIRST SATURDAY (9:00A.M. TO 1:00P.M.) SUNDAY (11:00A.M. TO 3:00P.M.) AND THE FIRST MONDAY (9:00A.M. TO 5:00P.M.) IN THE MUNICIPAL BUILDING THROUGHOUT THIS PERIOD.
- (E) 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.
- (F) A MAIL-IN BALLOT SHALL BE COUNTED ONLY IF IT IS RECEIVED BY THE BOARD OF SUPERVISORS OF ELECTION PRIOR TO THE CLOSING OF THE ELECTION POLLS.

- (G) 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.
- (H) 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.
- (I) 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.
- (J) 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 (½) PERCENT OR LESS, THE BOARD OF SUPERVISORS OF ELECTIONS MUST CONDUCT A MANUAL RECOUNT. IF REQUESTED BY ANY CANDIDATE SO AFFECTED WITHIN FORTY-EIGHT (48) HOURS OF THE INITIAL ANNOUNCEMENT OF THE ELECTION RESULTS.
- (K) 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 WEBSITE.
- (L) 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.
- (M) 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 POSTED ON THE CITY WEBSITE.
- (N) 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.
- (O) DETERMINING THE WINNING CANDIDATES.
  - (1) REQUIREMENTS FOR A GENERAL ELECTION. THE CANDIDATE FOR MAYOR WITH THE HIGHEST NUMBER OF VOTES IN THE GENERAL ELECTION WILL BE DECLARED ELECTED AS MAYOR. THE SEVEN (7) CANDIDATES FOR COUNCIL WITH HIGHEST NUMBER OF VOTES IN THE GENERAL ELECTION 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 HIGHEST NUMBER OF VOTES, THEN, IN EITHER OF SUCH EVENTS, THERE MUST BE A SPECIAL 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 SPECIAL ELECTION BETWEEN THE CANDIDATES RECEIVING THE TIE VOTE, TO BE HELD AFTER THIRTY (30) DAYS' NOTICE, PURSUANT TO APPLICABLE PROVISIONS OF THE CITY CHARTER, STATE LAW, AND THIS CHAPTER.

## **ARTICLE V**

### **ELECTIONEERING**

#### **§ 43-5 CANVASSING.**

- A. NO PERSON SHALL CANVASS, ELECTIONEER OR POST ANY CAMPAIGN MATERIAL, OR OTHER HANDOUTS OF ANY KIND, IN ANY POLLING PLACE OR WITHIN A ONE-HUNDRED-FOOT RADIUS FROM THE FRONT OF THE POLLING LOCATION. POLLING PLACES AND VOTING STATIONS SHALL BE FREQUENTLY CLEANED TO ENSURE THE REMOVAL OF CANDIDATE PARAPHERNALIA AND OTHER MATERIAL OF THE CANDIDATE.
- B. NO CAMPAIGN SIGNS SHALL BE ALLOWED ON ANY CITY-OWNED PROPERTY, WITH THE EXCEPTION OF ELECTION DAY ADHERING TO SUBSECTION A ABOVE.
- C. PUBLIC INTEREST EVENTS/CAMPAIGN SIGNS MUST BE: "AT LEAST 10 FEET BEHIND THE STREET LINE, "AND "AT LEAST 50 FEET FROM THE NEAREST CORNER OF ANY STREET INTERSECTION. ADDITIONALLY, IT SPECIFIES THAT "CAMPAIGN SIGNS MAY BE ERECTED FORTY-FIVE (45) DAYS PRIOR TO

THE ELECTION. THE SIGNS SHALL BE REMOVED WITHIN FIVE (5) DAYS AFTER THE ELECTION.

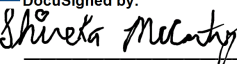
**SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL** that the City Clerk shall certify to the adoption of this Ordinance, and cause the same to be published as required by law, and that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the council after veto by the Mayor.

**COUNCIL OF THE CITY OF SEAT PLEASANT**

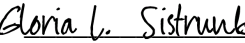
\_\_\_\_\_  
Charl Jones, Councilmember

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Hope Love, Councilmember

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Ianer Maxwell, Councilmember

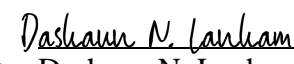
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Shireka McCarthy, Councilmember

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Kelly Porter, Councilmember

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Gloria L. Sistrunk, Councilmember

DocuSigned by:  
  
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Reveal L. Yeargin, Councilmember

**ATTEST:**

DocuSigned by:  
  
\_\_\_\_\_  
Dashawn N. Lanham, CMC  
City Clerk

**APPROVED:**

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter of the City of Seat Pleasant this 7/21/2020 day of \_\_\_\_\_, 2020.

DocuSigned by:

*Dashaun N. Lanham*

Dashaun N. Lanham  
City Clerk

In accordance with Section C-313 of the Charter of the City of Seat Pleasant, I hereby **APPROVE/DISAPPROVE** this Ordinance this 7/21/2020 day of \_\_\_\_\_, 2020

DocuSigned by:

*Eugene W. Grant*

Eugene W. Grant  
Mayor

KEY:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parentheses)) indicate matter deleted from existing law.

Underlining indicates matter added to the Ordinance by amendment.

~~Strike through~~ indicates matter stricken from the Ordinance by amendment.