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Chapter 43

Voting

[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant as indicated in article histories. Amendments noted where applicable.]

Article I

Absentee Voting

[Adopted 7-12-1976 as Ord. No. 76-01]

§ 43-1 General provisions.

A. A qualified voter of the City desiring to vote at any City election as an absentee voter shall make an application to the Board of Elections Supervisors, in writing upon a form prescribed by the Board, for an absentee ballot. The application shall contain an affidavit, which need not be under oath but which shall set forth the following information under penalty of perjury: **[Amended 2-14-1994 by Ord. No. 94-01; 9-12-2011 by Ord. No. O-12-04]**

- (1) The voter's name and residence address, including the street number.
- (2) That the person is a qualified voter at the residence address given.
- (3) If the person voted at the preceding election, the residence address from which the person voted.
- (4) The address to which the ballot is to be mailed, if different from the residence address.

B. All applications for absentee ballots must be received by the Board of Elections Supervisors no later than the day before the election. The Board of Elections Supervisors shall thereafter determine whether an applicant has met the requirements for absentee voting. Whenever an applicant has met the requirements for voting in absentia, the Board of Elections Supervisors shall deliver to the applicant an absentee voting ballot which the Board has designated to be the official absentee voting for the City.

[Amended 9-12-2011 by Ord. No. O-12-04]

C. Whenever any application to vote in absentia has been denied or rejected by the Board of Elections Supervisors, the Board shall immediately notify the applicant, in writing, stating the reason or reasons for such rejection. Any person whose application has been rejected may appeal the decision of the Board as provided for in § C-608 of the Charter. **[Amended 2-14-1994 by Ord. No. 94-01]**

D. Persons receiving absentee ballots shall also be furnished an official self-addressed return envelope for use in returning the marked ballots. Only those ballots returned in an official return envelope shall be counted and considered properly cast.

E. All absentee voting ballots must be received before the day of election, as set forth in § C-614 of the Charter. The ballots are to remain in the unopened official return envelopes in which they are received

and be placed in any ballot box which is designated for the purpose of storing absentee ballots until they are to be counted. Ballots returned in any envelope other than the official return envelope shall be destroyed and not counted. **[Amended 2-14-1994 by Ord. No. 94-01]**

- F. The Board of Elections Supervisors shall open all absentee ballots only after all of the polling places have been closed. Absentee ballots are thereafter to be opened, approved as to form and totaled. The grand total of the ballots cast at the polling places and the ballots cast in absentia shall thereafter be added together and included in any official election result as determined by the Board of Elections Supervisors.
- G. Absentee ballots are to be preserved in the manner as prescribed for any other election ballots in § C-617 of the Charter. **[Amended 2-14-1994 by Ord. No. 94-01]**

Article II Write-In Candidates

[Adopted 2-14-1994 by Ord. No. 94-01]

§ 43-2 General provisions.

- A. A write-in candidate is required to file a certificate of candidacy for election. The certificate shall be filed with the Board of Supervisors of Elections as if the write-in candidate were filing for office under § 610 of the Charter. The certificate may be filed without payment of a filing fee.
- B. The certificate shall not be filed later than 5:00 p.m. on the day preceding the day of the election for which the certificate is filed.

Article III Early Voting

[Adopted 5-13-2019 by Ord. No. O-19-12]

§ 43-3 General provisions.

- A. Residents of the City who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by early voting in municipal elections, as provided in this section.
- B. For purposes of this Code, an "early voting ballot" is a ballot not used in a polling place on election day nor for "absentee voting." and "election day" means the day of a municipal election.
- C. Voting by early voting in municipal elections shall be as follows:
 - (1) Early voting shall be from two to seven days prior to 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 (9:00 a.m. to 5:00 p.m.), first Saturday (9:00 a.m. to 1:00 p.m.), Sunday (11:00 a.m. to 3:00 p.m.) and the first Monday (9:00 a.m. to 5:00 p.m.) in the polling location designated by the Board of Supervisors of Election. **[Amended 8-3-2020 by Ord. No. O-21-04]**
 - (2) To cast an early voting ballot, the voter must complete the ballot on the premises, place it in a blank, sealed envelope, and then place the sealed envelope in the early voting envelope on which are written the voter's name as registered and signature. The voter shall place the early voting envelope in the

designated early voting ballot box. Early voting envelopes that contain more than one blank sealed envelope shall be kept by the City Clerk, and those early voting ballots shall not be counted. If a ballot is submitted in a properly signed and sealed early voting envelope without being contained in a blank, sealed envelope, then the Board shall determine by majority vote whether a violation of the voter's privacy has occurred or whether the ballot may be counted. If a determination is made to count the ballot, then a member of the board shall place the ballot in a blank, sealed envelope.

- (3) The City Clerk shall deliver the ballot box containing the early voting sealed, blank envelopes to the Board of Elections for the counting of early voting ballots. The City Clerk shall advise the Board of Supervisors of Election of the number of early voting ballots cast and shall keep the record of the early voting ballots.
- (4) Upon receipt of the ballot box containing the early voting sealed, blank envelopes, the Board of Supervisors of Elections shall open the sealed envelopes and determine that no envelope contains more than one ballot. Ballots in sealed envelopes that contain more than one shall not be counted.
- (5) If an early voting ballot is challenged by the City Clerk or the Board of Supervisors of Elections for noncompliance with this section, it may not be counted until it has been determined that it is valid. Any person whose early voting ballot was determined to be invalid by the Board of Supervisors of Election may appeal the decision as provided for in § C-608 of the charter.

Article IV Election Procedures

[Adopted 7-20-2020 by Ord. No. O-21-02]

§ 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 30 days and no less than 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 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 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 (9:00 a.m. to 5:00 p.m.), first Saturday (9:00 a.m. to 1:00 p.m.), Sunday (11:00 a.m. to 3:00 p.m.) and the first Monday (9:00 a.m. to 5:00 p.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 1/2% or less, the Board of Supervisors of Elections must conduct a manual recount, if requested by any candidate so affected within 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 48 hours of the initial announcement of the results.
- M. Within seven 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 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 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 30 days' notice, pursuant to applicable provisions of the City Charter, state law, and this chapter.

Article V Electioneering

[Added 7-20-2020 by Ord. No. O-21-02]

§ 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 100-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 45 days prior to the election. The signs shall be removed within five days after the election.