

ARTICLE V

REGISTRATION, NOMINATIONS, AND ELECTIONS

Section 501. Voters

Every person who meets all the following requirements may vote in City elections:

- (a) is a citizen of the United States,
- (b) is at least eighteen (18) years of age,
- (c) has resided within the corporate limits of the City for thirty (30) days immediately preceding the City election, and
- (d) is registered to vote in accordance with the provisions of State and County law and this Charter.

Section 502. Absentee Voting

Any qualified voter registered to vote in the elections of the City of District Heights is entitled to vote by absentee ballot. The Commission shall enact by ordinance the procedures by which a qualified voter may cast an absentee ballot.

Section 503. Board of Supervisors of Elections

(a) Appointment. The Mayor, upon the advice and consent of the Commission, shall appoint three persons who shall constitute the Board of Supervisors of Elections and one (1) substitute member who shall act as a member of such Board in the absence of any one of the regular members and while so acting shall exercise the same authority and fulfill the same duties as a regular member. The members of said Board and the substitute member thereof shall be qualified registered voters of the City for at least one (1) year prior to their appointment, shall be at least twenty-five (25) years of age at the time of their appointment and shall not hold or be a candidate for any elective public office nor serve as an election judge during their tenure.

All appointments shall be for three-year terms with one term beginning each January 1st and expiring December 31st three years hence. The term of appointment of the substitute member shall expire on December 31, 1997, and every third year thereafter. Before entering upon the duties of their office, each member of the Board and the substitute member thereof shall take and subscribe the oath prescribed in Article 1, Section 9 of the Maryland Constitution, to be administered by the Mayor and duly

recorded.

(b) Chair. Within twenty (20) days from the appointment of a new member, the Board shall meet and select a Chair from among its members.

(c) Compensation. Compensation to be paid to the members of the Board shall be determined by the Commission.

(d) Duties. The Board of Supervisors of Elections shall be in charge of receiving nominations, certifying candidates, conducting all City elections, and certifying election results. The Board may appoint election clerks or other employees to assist in its duties. The Board shall appoint judges of elections. It shall be the further duty of the Board to formulate election procedures, subject to the approval of the Commission. The Board shall keep minutes of all of its official proceedings.

(e) Removal. Any member of the Board of Supervisors of Elections may be removed for good cause by the Commission. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him or her and shall have a public hearing before the Commission, if he or she so requests within ten (10) days after receiving the written copy of the charges.

Section 504. Notice of Elections:

At least fourteen (14) days but no more than twenty (20) days prior to each City election, the Board of Supervisors of Elections shall provide notice of the upcoming election at least once a week for two weeks in a newspaper of general circulation within the City's corporate limits.

Section 505. Registration

(a) Registration by the Prince George's County Board of Elections shall be deemed registration for City elections, provided that the person so registered meets the voter qualifications enumerated in this Charter. The District Heights Board of Supervisors of Elections shall accept the list of registered voters provided by the Prince George's County Board of Elections as a valid registration list for the City.

(b) No person shall be entitled to vote in a City election unless he or she is duly registered to vote at least thirty (30) days prior to that election.

Section 506. Appeals

If any persons shall feel aggrieved by any action of the Board of Supervisors of Elections, such person may appeal to the Commission or to the Circuit Court for the County. Any decision or action of the Commission upon such appeals may be appealed to the Circuit Court for Prince George's County within thirty (30) days of the decision or action of the Commission.

Section 507. Nominations

(a) Filing of Requests for Certification. Persons shall be nominated for Commissioner in the City by filing a request for certification of nomination signed by five registered voters in the City who shall reside in the ward which the candidate wishes to represent. Persons shall be nominated for Mayor in the City by filing a request for certification of nomination signed by ten (10) registered voters in the City. Such request for certification shall contain the following:

- (1) the office for which the candidate is seeking the nomination,
- (2) the name of the candidate,
- (3) a statement that the signers of the request for certification are registered voters, and
- (4) a statement that the signers support the nomination of the named candidate.

The request for certification shall be filed with the Clerk of the City or the Chair of the Board of Supervisors of Elections at least thirty (30) calendar days prior to the election. No person shall file for nomination for more than one elective City public office at one time.

(b) Certification. The Board of Supervisors of Elections shall determine whether the request for certification meets all of the requirements provided in subsection (a) of this section and whether the candidate meets the qualifications of the office for which he or she has been nominated. The Board of Supervisors of Elections shall certify all qualified nominees as candidates for the City general election at least twenty-five (25) days prior to the date set for such election.

Section 508. Election of Mayor and Commissioners

- (a) The City shall be divided into two wards. On the first

Monday in May 1997 and in every third year thereafter the qualified voters of both wards in the City shall elect one person to serve as Mayor and one person from each ward to serve as Commissioner from their ward.

(b) On the first Monday in May 1998 and in every third year thereafter the qualified voters of each ward of the City shall elect one person from each ward to serve as Commissioner from their ward.

(c) In every election for Commissioners only the qualified voters of the ward who the candidate will represent may vote. The Mayor shall run at large. If in any election year the first Monday in May is a legal holiday, then the election shall take place on the following day that is not a legal holiday.

Section 509. Election Wards

The two wards of the City shall be divided by a line following Rochelle Avenue south to Elmhurst Street; east on Elmhurst Street to Edfeldt Drive; south on Edfeldt Drive to Foster Street; west on Foster Street to Driver Place; south on Driver Place to Gateway Blvd.; east on Gateway Blvd. to Marbury Drive; south on Marbury Drive to Kipling Parkway; east on Kipling Parkway to the City limits. The entire area of the City lying east and north of this line shall constitute the First Ward. The entire area lying west and south of this line shall constitute the Second Ward.

Section 510. Conduct of Elections

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 10:00 a.m. to 8:00 p.m. on election days or for longer hours if the Commission deems it necessary.

Section 511. Special Elections

(a) All special City elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as City general elections.

(b) In the event a special election is required pursuant to

Section 512 of this Charter, said special election shall be held thirty (30) days after the general election unless the thirtieth (30th) day falls on a Saturday, Sunday, or legal holiday, in which case the special election shall be held on the following day.

Section 512. Vote Count

(a) Certification of Results. Within eighteen (18) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk of the City who shall record the results in the minutes of the Commission.

(b) Determination of Results. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidate for Commissioner in each ward with the highest number of votes in the general election shall be declared elected as Commissioner. Write-in votes and absentee ballots shall be counted.

(c) Tie Votes. In the event of a tie between any candidates for an elected seat, in which the tie has a bearing on who shall be declared elected, those candidates shall participate in a special election pursuant to Section 511 of this Charter.

Section 513. Preservation of Ballots

The Board of Supervisors of Elections shall be responsible for preserving all ballots used in any City election for at least six months from the date of the election.

Section 514. Recall of Elected Officials

The Mayor or a Commissioner may be recalled and removed from office in accordance with the following procedure:

(a) In the case of the Mayor, a petition signed by at least thirty percent (30%) of the qualified voters of the City or, in the case of a Commissioner, a petition signed by at least thirty percent (30%) of the qualified voters of the official's ward shall be presented to the Mayor and Commissioners at a regularly scheduled meeting of the Commission. The petition shall state the desire of the signatories to have the named City official subjected to a vote of the electorate to determine whether the official shall be reaffirmed in office or removed. In the case of the Mayor, the vote of the full City electorate shall apply. In the case of a Commissioner, the vote of the ward electorate shall apply. The petition shall state specifically the reason(s) for

recall of the Mayor or, as the case may be, a Commissioner. A petition shall name only one City official subject to recall.

(b) Each qualified voter signing said petition shall sign his or her name and the date. A petition shall be considered initiated on the date that the first voter signature is obtained. Under each signature shall be typed or printed each petitioner's name and address and the ward in which he or she votes in City elections. At the bottom of each page of the petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and witnessed each individual whose name appears thereon sign the same in his or her presence.

(c) Upon receipt of said petition, the Commission shall forthwith refer the petition to the City's Board of Election Supervisors for verification of the appropriate number of qualified voters' signatures, as well as the corresponding addresses and wards. The Board of Election Supervisors shall return said petition with its written findings as to qualified voters' signatures, addresses, and wards to the Commission at the Commission's next regularly scheduled meeting; and at its meeting, if the petition is authenticated, the Mayor and Commission shall announce a date that is within thirty (30) days hence on which a special election will be held in order to allow, in the case of a Mayor, all qualified voters of the City to vote on the petition and, in the case of a Commissioner, all qualified voters of his or her ward to vote on the petition.

(d) The voting ballot will contain the official's name and the choice to "reaffirm" or "remove." In order for the official to be removed, a majority of those voting must vote to "remove."

(e) A petition to recall the Mayor or any Commissioner may not be initiated before such person has served in office for at least six months of his or her current term, nor may a recall petition be submitted to the Commission after such person has served in office for eighteen (18) months of his or her current term.

(f) The voting shall be conducted in the same manner as prescribed herein for regular City elections; and, if the election results in a majority vote to remove, the position shall become vacant immediately and shall be filled as prescribed in Section 515 of this Charter.

Section 515. Vacancies in Elective Office

(a) Existence of Vacancy. A vacancy on the Commission shall

exist upon the death, resignation, or recall of a member. In addition, a vacancy on the Commission shall exist in the case of removal of a member under the provisions of subsection (b) of this section or if the member ceases to reside within the boundaries of the area that member represents.

(b) Removal of Commission Members. If the Mayor or a Commissioner fails to exercise the duties of the office for a period of ninety (90) consecutive days, the Commission may, by the affirmative vote of four members, declare a vacancy on the Commission.

(c) Filling of Vacancies. In case of a vacancy on the Commission for any reason, the Commission shall appoint some qualified person to fill such vacancy for the remainder of the unexpired term. In case of a vacancy in the office of Mayor for any reason, the Commission shall appoint some qualified person to fill the vacancy for the remainder of the unexpired term. An individual who has been recalled may not be reappointed to fill the vacancy created by the individual's recall. Any vacancies on the Commission or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members of the Commission. The results of any such vote shall be recorded in the minutes of the Commission.

Section 516. Regulation and Control

The Commission shall have the power to the extent provided by law and not specifically covered by the provisions of this Charter to promulgate by ordinance rules regarding registration and nominations for City office. The City shall also have the power, to the extent provided by law and not specifically covered by the provisions of this Charter, to promulgate rules governing City elections and the ordering of a recount, if it is believed that the election results are either inaccurate or were the result of fraud.