

**Town of Somerset
Resolution Amending Election Rules and Regulations**

Resolution No.: 8-22
Introduced: 10/3/22
Adopted: 11/7/22
Effective Date: 12/27/22

WHEREAS, the Town of Somerset Charter, Section 83-26 provides that Town Council has the power to provide by resolution in every respect not covered by the provisions of the Charter for the conduct of registration, nomination, and Town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud; and

WHEREAS, the Town Council finds that based upon a review of the election rules and regulations and upon recommendations from the Board of Supervisors of Elections and staff, the following amendments would promote the good government of the Town, and are necessary for the protection of the public health, safety, or welfare, and/or the other reasons set forth above; and

WHEREAS, this Resolution was considered in open session on the 7th day of November

NOW, THEREFORE, BE IT:

RESOLVED that the attached Election Rules and Regulations, as amended, be and are hereby adopted; and

RESOLVED, that this Resolution shall be effective upon the effective date of Charter Amendment Res. Nos. 3-22 thru 7-22, and shall be filed by the Clerk-Treasurer and kept available for public inspection.

ATTEST:

TOWN OF SOMERSET

Matt Trollinger, Manager/Clerk-Treasurer
Town of Somerset

Stephen Surko, President
Town of Somerset

Approved:

Jeffrey Slavin, Mayor
Town of Somerset

Date: _____

Town of Somerset
Election Rules and Regulations

1. Per the Town Charter, Section 83-29, the annual election shall be on the second Tuesday in May or such other date as may be recommended by the board of supervisors and approved by the Town Council.

Voter Qualification

2. Per the Town Charter, Section 83-21, every person who (1) is at least eighteen years of age, (2) has resided within the corporate limits of the town for fourteen (14) days next preceding any election, and (3) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the town. Every qualified voter of the Town shall be entitled to vote at any or all Town elections.
3. As used in the Town Charter, Section 83-21, and herein, the terms “resided” and “residence” refer to the location deemed one’s permanent abode and single domicile for voting purposes, and where one intends to return after a temporary residence elsewhere. Actual physical presence in the Town for fourteen (14) days before an election is not required.
4. Accordingly, temporarily-absent residents who deem the Town to be their single domicile for voting purposes are entitled to vote, including but not limited to college students, travelers on vacation, property owners temporarily residing in a seasonal or second home, those serving in the military, and persons receiving medical or hospice care.

Nominations and Candidate Eligibility

5. Per the Town Charter, Section 83-4, to be eligible to run for office, a candidate for mayor or council must be a (1) a citizen of the United States, (2) have resided in the Town for at least eighteen (18) months immediately preceding their election, and (3) be a qualified voter of the Town of Somerset and of the State of Maryland.
6. Per the Town Charter, Section 83-28, candidates at the regular elections shall be nominated at a Town meeting to be held on a date at least eight (8) weeks prior to the date set for the municipal election. Candidates may be nominated according to such procedures as may be adopted by the Board of Supervisors. The Board of Supervisors will confirm the willingness to run for election of any candidates nominated at a town meeting. Additional candidates may be nominated after such meetings by written petition signed by at least twenty (20) voters and filed with the Town Manager not less than ten (10) days after the nomination meeting. No nominations will be accepted thereafter.
7. Per the Town Charter, Section 83-28, write-in candidates who have not been properly nominated by the deadline will not be eligible for election.

8. Per the Town Charter, Section 83-28, The names of nominees who meet the qualifications for election and who accept the said nominations, all as determined by the Board of Supervisors, together with such other information as is called for by the council, shall be published no more than five (5) business days following the aforementioned town meeting. The names of any additional qualified candidates nominated by petition in accordance with this section shall be published no more than five (5) business days after such petitions are filed.

Board of Supervisors

9. Per the Town Charter, Section 83-24, the Board of Supervisors of elections shall be in charge of the registration of voters, nominations, and all Town elections. The Board may appoint election clerks or other employees, whose compensation, if any, shall be fixed by the council, to assist it in any of its duties.

Notice of Election

10. Per the Town Charter, Section 83-25, the Board of Supervisors of elections shall give at least two (2) weeks' notice of every election. The notice shall include instructions for voter registration. Per the Town Charter, Section 83-25, the notice shall include the names of nominees who meet the qualifications for election and who accept nomination, all as determined by the Board of Supervisors.

Voting by Mail

11. Per the Town of Somerset Charter, Section 83-30(b), qualified voters may vote by mail regardless of the manner of the election. Absence, incapacitation, or any other reason need not be given.
12. The Board of Supervisors, with the approval of the Town Council, shall prepare a mail-in ballot application.

Voter Registration

13. Per the Town Charter, Section 83-26, any person who meets the qualifications to vote as set forth in this Charter may register at the Town office during normal business hours. There shall also be voter registration by mail. To be effective, registration by mail must be received and processed before the time of an election. A resident of the Town registered to vote with the Montgomery County Board of Elections shall be deemed registered for elections in the Town, so long as the resident remains qualified to vote, as defined in paragraphs 2-3. Registration shall be permanent (as long as a voter remains qualified to vote, as defined in paragraphs 2-3), and no person shall be entitled to vote in Town elections unless he or she is registered.
14. The Board of Supervisors, with the approval of the Town Council, shall prepare a registration application. A separate application may be used for the registration of non-

U.S. citizen residents. The application(s) shall require the applicant to attest to the applicant's residency in the Town as defined in paragraphs 2-3.

15. If any person shall feel aggrieved by the action of the Board of Supervisors in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Town Council. Any decision or action of the Town Council upon such appeals may be appealed to the circuit court for Montgomery County within thirty (30) days of the decision or action of the council.
16. Per the Maryland Code, Election Law Article, Section 3-403, a voter residing in the Town is considered to be registered for elections in the Town if the voter is included on the statewide voter registration list at an address within the Town. The Board of Supervisors shall request from the County Board of Elections a certified list of registered voters who reside within the Town, at least thirty (30) days prior to a Town election. The Board of Supervisors shall notify the County of any potential errors in the list of registered voters, including errors in the residency of registered voters.
17. The voter registration list(s) shall be available for inspection upon written application to the Town Manager. The applicant shall provide a statement, signed under oath, that the list is not intended to be used for commercial solicitation or any other purpose not related to the electoral process.
18. Per the Town Charter, Section 83-26, it shall be the duty of the Board of Supervisors of Elections to keep the registration list up to date by striking from the list persons not qualified to vote. Whenever the registration of any voter is removed for any reason, the Board shall send a notice of this action and the reason for the action to the last known address of the voter. The voter shall be given at least fifteen (15) days to respond to indicate whether the voter wishes to remain on the Town's voter registry. If the voter wishes to remain on the list and continues to be qualified under the Town's voter registration requirements, the voter's name shall be reinstated upon written request of the voter.

Vote Count

19. Per the Town Charter, Section 83-32, within not more than twenty-four (24) hours after the closing of the polls, the Board of Supervisors shall determine the vote cast for each candidate or question and shall certify the results of the election to the town manager who shall record the results in the minutes of the council. The candidate for mayor with the highest number of votes shall be declared elected as mayor. The candidates for council members with the highest number of votes shall be declared elected as council members. In the event of a tie vote in any election or on any question, there shall be a special election three (3) weeks later to break the tie.
20. Per the Town Charter, Section 83-33, all ballots used in any town election shall be preserved for at least three (3) months from the date of the election.

21. In the case of doubt or fraud, any candidate may request a recount within three (3) days following the certification of the election results. Each candidate may select one (1) watcher to observe the recount.

Uncontested Election

22. Per the Town Charter, Section 83-35, the Board may cancel an uncontested election, after the deadline for nominations has passed, in order to save the town the burden and expense of conducting an election or to address public health and safety concerns.

Emergency Procedures

23. Per the Town Charter, Section 83-35, if a state of emergency has been declared by the Governor of Maryland that includes the corporate limits of the Town, the Town Council shall be authorized to pass an ordinance to implement such emergency election procedures as may be deemed necessary as a result of the state of emergency, including but not limited to changing the election date and nomination deadlines; altering the method, conduct, or voting system of the election; altering the manner of balloting; canceling an uncontested election; and eliminating the use of polling stations.