

**Article V
Nominations and Elections**

§ 501: Qualifications of Voters

(a) Every resident of the town who (1) has the Town of Riverdale Park as his or her primary residence, (2) is at least sixteen (16) years of age, (3) has resided within the corporate limits of the town for at least forty-five (45) days immediately preceding any non-runoff town election, (4) does not claim the right to vote elsewhere in the United States, (5) has not been found by a court to be unable to communicate a desire to vote, and (6) is registered to vote in accordance with the provisions of § 503 of this charter shall be a qualified voter of the Town. Every qualified voter shall be entitled to vote in all town elections; provided, however, that in the election of council members, only those qualified voters who reside within the limits of the ward from which a council member is elected shall be qualified to vote for that council member. For runoff elections, only those residents who were registered for the initial election are qualified to vote in the runoff election. [Amended 5-7-18; effective 6-26-18]

(b) The Town of Riverdale Park shall be divided into six (6) wards for municipal voting purposes. The ward boundaries shall be established by ordinance and shall be reviewed in the fall of the year following the decennial year in which the federal census is taken to ensure substantial equality of representation as nearly as practicable. The boundary descriptions of the wards shall be filed at all times in the town office for public inspection.

§ 502: Supervision of Town Elections – Board of Elections [Amended 2-28-22; effective 4-19-22]

(a) There is a board of elections for the Town of Riverdale Park. The board shall be appointed by the Mayor and Council and have such duties and responsibilities as provided in this Article and such other duties and responsibilities as the Mayor and Council may prescribe by ordinance.

(b) The board consists of five members appointed by the Mayor and Council one year before the next Town election, for terms of two years each. Members of the board and the chief election judge and deputy chief election judge serve until their successors are appointed and take office.

(c) Members of the board shall be registered voters at least 18 years of age residing in the town. In addition to the five members of the board, the Mayor and Council may appoint a registered voter less than eighteen years of age residing in the town as a non-voting participant in meetings of the board. The participant's tenure terminates when they turn 18 years of age.

(d) No officeholder, candidate for any town public office, town employee, or immediate family member of an officeholder, candidate or employee, may serve as a member of the board of elections.

(e) Members of the board serve without compensation, except as prescribed by the Mayor and Council by ordinance for performing the duties of an election judge.

(f) Following appointment and before assuming the duties of the office, each member of the board shall appear before the mayor and take and subscribe to the oath as described in Article I, § 9, of the Maryland Constitution.

(g) The Mayor and Council shall designate one member of the board as the chief election judge and one member as deputy chief election judge. The chief election judge shall be the chair of the board and shall have such duties and responsibilities as provided in this Article, and such other duties and responsibilities as the Mayor and Council may prescribe by ordinance. The deputy chief election judge shall assume and perform the duties and responsibilities of the chief election judge in the absence of the chief judge or temporary inability of the chief election judge to serve.

(h) The Mayor and Council may remove a member of the board or participant for cause after notice and opportunity to respond.

(i) The Mayor and Council shall fill any vacancy for the unexpired portion of the individual's term.

(j) In addition to such other duties and responsibilities as may be provided in this Article or by ordinance, the Board of Elections shall have the following duties and responsibilities:

1) In coordination with the town clerk, plan and conduct all town regular and special elections in accordance with this Article, the Town of Riverdale Park Code, the Town of Riverdale Park Election Manual, and state law as may be applicable to the conduct of municipal elections.

2) Serve as election judges for all town elections.

3) Recommend to the Mayor and Council qualified individuals to serve as election judges for all town elections.

4) Periodically review town election procedures and best practices for the conduct of municipal elections.

5) Solicit community input and recommend to the Mayor and Council changes to the Town's electoral process.

- 6) Conduct voter education programs.
- 7) Prepare and distribute voter outreach materials.

§ 503: **Registration** [Amended 9-8-94, effective 10-28-94.] [Amended 5-7-18; effective 6-26-18.]

(a) In accordance with §3-403 of the Election Law Article of the Annotated Code of Maryland, persons registered to vote in Prince George's County for county, state, and federal elections who meet the residency requirement of § 501(a)(3) of this charter shall be qualified to vote in Town elections. Any resident qualified to vote pursuant to the Election Law Article of the Annotated Code of Maryland may register to vote with the Board of Supervisors of Elections of Prince George's County by any means that the Board administers for such registration.

(b) The Town Clerk shall maintain a supplemental voter registry, separate from the list of registered voters maintained by the Prince George's County Board of Elections. The supplemental voter registry shall consist of the names of those individuals who are not on the list of registered voters maintained by the Prince George's County Board of Elections but are registered to vote in Town elections pursuant to subsection (c) of this section.

(c) An individual who is not registered to vote with the Prince George's County Board of Elections and who otherwise is eligible to vote in Town elections may register to vote in Town elections and inclusion on the Town's supplemental voter registry by submitting a signed registration form with the Town Clerk in a form prescribed by the Clerk. Voter registration for the supplemental voter registry shall be effective upon the Town Clerk's acceptance of a completed and signed registration application and verification that the individual is eligible to vote in Town elections.

(d) On or before March 1, 2019, the Town shall institute a same-day registration program so that Town residents who are eligible to vote in Town elections may complete and submit a signed registration form on the day of a Town election and then have the opportunity to vote at the election. Same-day registration shall occur at a minimum when the polls are open in the Town.

§ 504: **Notice of Elections** [Amended 2-28-22; effective 4-19-22]

Notices of designated dates and places and registration deadlines for all town elections shall be published in at least one newspaper of general circulation in the town and posted in at least one (1) prominent public place in each ward, as may apply, by the town clerk upon authority of the chief election judge at least twenty (20) days before an election.

§ 505: **Appeals**

If any person is aggrieved by the action of the election judges or clerks, that person may

appeal to the council. Any decision or action of the council upon such appeal may be appealed in turn to the District Court of Prince George's County within thirty (30) days of the decision or action of the council.

§ 506: Candidates for Office to File Petition [Amended 2-28-22; effective 4-19-22]

Any person desiring to be a candidate for any elective office in the town shall on or before the twenty-fifth (25th) day preceding the election file with the board of elections a petition to have their name printed on the ballot or placed on the voting machines. The petition shall set forth the office to which they desire to be elected and shall contain a statement that the candidate is qualified to hold the office if elected. In the case of any candidate seeking election as mayor, the petition shall be signed by not less than twenty-five (25) qualified voters from the town at large; in the case of a candidate for the council, the petition shall be signed by not less than fifteen (15) qualified voters from the ward in which the candidate resides. No appointed official of the town shall continue in such position after becoming a candidate for nomination or election to any town elective office. Filing fee for each office shall be set by ordinance. This section applies only to regular elections; printing of names on the ballot or placement of names on the voting machine for runoff elections is detailed in §511.

§ 507: Election of the Mayor and Council

The Town of Riverdale Park shall hold a non-partisan election for all elected offices biennially in odd-numbered years on the first Monday in May at a place or places to be designated by the mayor and council. The qualified voters of the town shall elect one qualified person as mayor and six (6) qualified persons, one from each ward, as council members to serve for terms of two years. The terms of all elective offices shall begin on the first Monday in June following the election.

§ 508: Conduct of Elections [Amended 2-28-22; effective 4-19-22]

The council by ordinance shall provide for all elections; shall designate in said ordinance a convenient polling place or places, provided, however, that such polling place or places shall remain open for a minimum of twelve (12) consecutive hours; shall appoint a board of elections and judges and clerks of election; shall designate whether voting machines or paper ballots shall be used; shall provide the voting machines or paper ballots as the case may be; and shall conduct said elections in accordance with the provisions of this article.

§ 509: Absentee Ballots [Amended 2-22-21; effective 4-13-21]

The council by ordinance shall arrange for voting by absentee ballot and shall notify the voters of this intention.

§ 510: Special Elections

All non-partisan special town elections shall be conducted by the council in the same manner and with the same personnel, as far as practicable, as set forth in § 508 of this charter. If the results of a special election require the Town to Hold a runoff election, the runoff election shall be in accordance with the procedures of §511 with the following exception: the council shall schedule the runoff election to be held no earlier than the twenty- first day, nor later than the thirtieth following the date of the special election (Amended 1-24-06).

§ 511: Vote Count, Declaration of Persons Elected, and Determination of Candidates for Runoff Election [Amended 2-4-01.] [Amended 5-7-18; effective 6-26-18.] [Amended 2-28-22; effective 4-19-22]

Within five (5) calendar days after the closing of the polls, the board of elections shall determine and record the vote cast for each candidate and shall seal the ballots and/or machine tallies. Within five (5) calendar days after the closing of the polls, the Board shall present the record of votes cast to the mayor and council, who shall declare that person or persons elected who received more than half of the votes for the respective office or offices. The results shall be recorded in the minutes of the council.

In the event no person receives more than half of the votes cast for all candidates for any office, a runoff election shall be held. To determine which persons' name shall be printed on the ballot or placed on the machines for a runoff election, the following procedure shall be followed:

a) Candidates' names shall be placed on a list in ranked order by the number of votes received, with highest rank for the candidate with the highest number of votes, and lowest rank for the candidate with the lowest number of votes. If two or more candidates received the same number of votes, they will appear on the list at the same rank.

b) If there is only one candidate at the highest rank, and there is only one candidate at the second highest rank, then these town candidates' names shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

c) If there are two candidates at the highest rank, then both of the candidates at this rank shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

d) If there are more than two candidates at the highest rank, then two of the candidates shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May. The two candidates shall be chosen from all of the candidates at highest rank by coin tosses, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief election judge.

e) If there is only one candidate at the highest rank, and there is more than one candidate at the second highest rank, then one candidate shall be chosen from all the candidates at the second highest rank by coin tosses, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief election judge. The name of the candidate at the highest rank and the name of the winner of the game of chance between the candidates at the second rank shall be printed on the ballot or placed on the machines for a runoff election on the fourth Monday in May.

The results of the runoff election shall be reported to the mayor and council, who shall declare that person or persons elected who shall have received the highest number of votes for the respective office or offices. In the event of a tie vote for any office, the person or persons elected shall be determined by a coin toss, drawing of straws, or another game of chance agreed upon by all candidates and administered by the chief election judge.

§ 512: Preservation of Ballots

All ballots and records used in any town election shall be preserved for at least six (6) months from the date of election.

§ 513: Regulation and Control

The council shall have the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of nominations and town elections and for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud.

§ 514: Recall [Amended 2-28-22; effective 4-19-22]

(a) Recall of the mayor or any council member may be initiated at any time after the end of the sixth (6th) month of a term until the end of the eighteenth (18th) month of a term by the filing of a petition with the mayor and council, at a regular or special meeting, seeking the recall of the named elected official and containing the signatures of at least twenty-five percent (25%) of the total number of voters qualified to vote for the office from which recall of the named elected official is sought, but only for one or more of the following reasons, which shall be specified in the petition: failure to uphold the oath of office; malfeasance in office; misfeasance in office; or nonfeasance in office. Only one person may be named in a petition. A petition may contain several pages, but each page shall contain the name and office of the official sought to be removed and the reason(s). Each signer shall print and sign their name as it appears on the county or town voter registration records and shall add their residence address to their signature. At the bottom of each page of the petition, the person circulating the petition, who shall be a qualified voter for the office from which recall is sought, shall sign the page and make an affidavit before a notary public that they circulated the petition and saw each person whose name

appears thereon sign their name in the circulator's presence. All pages composing such petition shall be assembled and filed as a single instrument, with the endorsements thereon of the names and addresses of at least three (3) persons designated as filing said petition, and once filed, may not be returned.

(b) Upon receipt of the petition, the council shall refer the petition to the Board of Elections for verification of the validity and sufficiency of the signatures thereon and certification of the petition, and shall set a special meeting to be held within fifteen (15) days to receive the written report of the board and to consider the petition. If the board reports that the petition lacks the sufficient amount of valid signatures or cannot otherwise be certified, the council shall declare the petition as of no effect.

(c) Upon certification of the petition by the Board of Elections, the council shall hold a special recall election within thirty (30) days in accordance with § 510 of this charter. The voting ballot shall contain the official's name and the office from which removal is sought and the choice of reaffirm or remove.

(d) The official whose recall is sought shall continue to serve pending the results of the recall election, but shall excuse themselves from all council actions in connection with their recall. If removal is voted by a majority of the qualified voters voting in the election, the official shall be recalled and the office declared vacant. Vacancies shall be filled in accordance with § 209 or § 405 of this charter, as may apply.

§ 515: Violations and Penalties

Any person who (i) fails to perform any duty required under the provisions of this article or any ordinances passed thereunder, (ii) in any manner willfully or corruptly violates any of the provisions of this article or any ordinances passed thereunder, or (iii) willfully or corruptly does anything that will or will tend to affect fraudulently any registration, nomination, or election shall be deemed guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.