

January 10, 2018

## **ELECTION GUIDELINES AND REGULATIONS**

Village Elections are officially guided by Article VIII, Section 8 of the By-laws. In addition, tradition, experience and press deadlines contribute to the effective administration of an annual election. These rules and regulations draw from the by-laws and past elections in order to serve as guidelines for the Village Board, the staff and the Election Monitor Committee before, during and after the village elections. The procedures are described according to the timeline of the election activities.

The Board of Directors of the Oakland Mills Community Association (OMCA) affirms their great appreciation and confidence in the Oakland Mills Election Monitoring Committee (EMC). The OMCA Board confirms that Oakland Mills continues to adhere rigorously to fair election standards and established guidelines. These guidelines are finalized by the EMC and approved by the OMCA Board prior to each year's OMCA election day; after finalization the guidelines for that election day cannot be altered or amended.

### **GOALS**

The following major goals have been identified in administering village elections:

1. The election should be fair and be perceived as fair by the establishment of clear procedures.
2. The election procedures should encourage potential candidates to run in the election and encourage people to vote.
3. Elections should be efficient and run at a reasonable cost.

### **Non-Contested Election**

In 2016 the Members of the Association passed a by-law amendment stating that if the number of candidates for the Board of Directors was equal or less than the number of open seats those candidates, who submitted a valid nomination petition, would be deemed elected with the term of office being May 1. The members also passed a by-law amendment stating that if the number of candidates for the Columbia Council Representative seat was equal to or less than one candidate, that candidate, who submitted a valid nomination petition, would be deemed elected with the term of office being May 1.

If both races are non-contested there will be no election held. An election will be held if both races are contested or an election will be held for either the Board or CCR if one of the two is contested.

## **"ELECTION ADMINISTRATIVE RULES AND REGULATIONS"**

### **I. BEFORE ELECTION**

#### **A. Selection of Election Monitor Committee and Chair**

1. Appointment by Village Board
  - a. The Village Board is responsible for appointing the Election Monitor Committee by Jan. 31. The Committee will number at least 5 people.
  - b. The Chair of the Election Monitor Committee is appointed by the Village Board.
2. Duties and responsibilities of Election Chair and Committee
  - a. The chair must be completely familiar with the rules and regulations of the

election. The chair works very closely with the Village Manager to insure that the By-Law requirements are met and that all duties are performed. However, it is the chair's ultimate responsibility to the Oakland Mills Village Board that the election conforms to the By-Laws and that all deadlines as required by the By-Laws are met.

- b. The chair or chair's designee is responsible for explaining the rules and procedures of the election to all candidates. Candidate packets are prepared by village staff and distributed to candidates.
  - c. The committee coordinates Candidates' Night/Candidates' Forum, and the chair or chair's designee(s) traditionally serves as moderator.
  - d. The committee is responsible for training poll workers. It is particularly important that all poll workers clearly understand how to determine voting eligibility, how to read the voters lists, and how to handle special problems.
  - e. The Village Manager, chair or chair's designee prepares, prior to Election Day, the vote-count grid for people who will be counting ballots. The chair or chair's designee is also responsible for validating all "irregular" and absentee ballots.
  - f. The chair or chair's designee acts as spokesperson for the Committee and, after the election, is responsible for posting the official results, handling challenges to the election and submitting an election report to the Village Board.
3. Personal qualities of Election Chair
- a. With the duties and responsibilities of this position, also comes the need to handle pressure and, sometimes, confrontations with people who have personal investments in the election results. The chair's style of dealing fairly and authoritatively with candidates and volunteers is critical for a fairly perceived election.
  - b. It is preferable that the chair have previously worked on the Election Monitor Committee.

## **B. Schedule for Election**

### **1. Setting Election Day**

The Village Manager is responsible for setting the date of the election with other Village Managers so that elections are held simultaneously throughout Columbia.

### **2. Setting election schedule**

- a. The Village Manager prepares an election timetable based on the By-Law requirements after the Election Day is established. This should be distributed and publicized to the Village Board, residents and Election Monitor Committee in January. Important dates are outlined below:

- April: required month for village elections
- Jan 31: appointment of Election Monitor Committee and the election chair
- 45 or more days prior to election: begin accepting nomination petitions
- 45 or more days prior to election: eligibility date for members in good standing
- 30 or more days prior to election: finish accepting nomination petitions
- date established by EMC: deadline for candidates' statements
- 5 or more days prior to election: publish candidates' statements

- 4:00 p.m. of day prior to election: deadline absentee ballots
- 5 days after posting of election results: deadline for written challenges to elections
- within 7 days of receiving a challenge: Election Monitor Committee will meet
- 5 days after election or until disposition of any challenge: chair will hold ballots
- by May 8, 2018 results: certify election

- b. The Village Manager will consider the need for transition time between the election of Village Boards and their taking office on May 1 in order to allow time for challenges to take place and for the election results to be accepted by the Board.

**C. Nomination Petitions** – Please refer to the information below pertaining to members of the Association and residency requirements. According to OMCA’s legal documents, candidates may only submit one nomination petition and run for only one office, either for the Board or as the Columbia Council Representative.

**Members of the Association – OMCA Articles of Incorporation, Article EIGHTH (approved by the members of the Association on July 28, 2017):**

The Affairs of the corporation shall be managed by at least (5) directors, all of whom shall be members of the Association as of the date of their election and through their entire term. If a director ceases to be a member before that director’s term expires, that director’s seat shall be considered vacant and the remaining members of the Board of Directors shall fill that position pursuant to the procedures provided herein and in the By-Laws.

**OMCA By-Law Change, Section 2.03 (approved by members of the Association on April 29, 2017):**

**Section 2.03 – Change the title to: Election and Removal of Directors**

**Section 2.03 – Add the following sentence to the end of the paragraph:**

If a director is no longer a member of the Association before the expiration of that director’s term, the Board of Directors may remove that director from office and appoint a successor.

**1. Preparation**

- a. Each nomination petition shall show the full name and address of the candidate, his/her signature, and the office she/he is seeking. A candidate whose name is on a lease must submit a copy of the lease along with their nomination petition. This will be kept in confidence and only used to validate the candidate’s address.
- b. Room will be provided for twelve signatures of association members, plus space for printed name, address and telephone numbers. Two members from a household may sign a petition. (Members are Oakland Mills property owners and those who are tenants on Oakland Mills property with their name on a lease.)

**2. Validation**

- a. A member of the Election Monitor Committee will declare the petition valid when ten signatures have been verified as those of association members.
- b. Association members may sign more than one petition.

**The following resolution was passed by the Oakland Mills Board on February 28, 2017 and effective immediately:**

To ensure that Oakland Mills residency can be established for candidates for the Oakland Mills Board of Directors and the Oakland Mills Representative to the Columbia Council, the Oakland Mills Election Monitoring Committee will adopt the following criteria to establish the residency of candidates, effective as of the 2017 election cycle:

- The election committee will perform a State Department of Assessments and Taxation (SDAT) online search to confirm candidates claiming property ownership in Oakland Mills.
- If the election committee is unable to confirm ownership, or if the candidate leases property in Oakland Mills:
  - Candidates will present to a member of the committee a valid and current government-issued identification including a driver's license, state identification card, passport, or other state or federal government issued identification displaying the candidate's name, photograph, and home address.
  - Candidates will present to a member of the committee a signed original, current lease or deed with candidate's address, valid dates, and signature(s).
  - Candidates will present to a member of the committee a current (issued within one month of the election filing date) utility bill for services at a fixed address that includes candidate's name and address (e.g., landline telephone, gas, electric, water, cable bill)
  - Address on each of the three documents presented should match to establish residency at that address.

The election committee will develop a process and check sheet to ensure each candidate meets these criteria and will return rather than retain the documentation to the candidate for protection of privacy after two election committee members review the documentation. The election committee will determine whether the candidate for the Columbia Council has Oakland Mills residency and whether the correct minimum number of candidates for the Oakland Mills Community Association Board of Directors have Oakland Mills residency, per the OMCA by-laws, and report to the Village Manager and sitting Board of Directors prior to finalization and printing of election ballots.

#### **D. Election Information Packets**

**Election Packets** will be available at The Other Barn during business hours. There is no requirement to "sign-out" a packet and the OMCA office will not keep a list of who has taken out an election packet.

1. Preparation and distribution of packets
  - a. The Village Manager, and Village Staff, is responsible for the preparation of packets for each candidate.
  - b. These packets are distributed to potential candidates when they pick up their nomination petitions.
2. Contents of information packets
  - a. The information packets shall include, for Columbia Council Representative:
    - 1) CA Articles of Incorporation and By-Laws
    - 2) Calendar of Important Columbia Association Board of Director meetings/events
    - 3) All of the following:

For Village Board:

- 1) Village Articles of Incorporation and By-Laws
- 2) Election Guidelines and Regulations

- 3) Calendar for election
  - 4) Recent copies of the latest newsletter.
  - 5) Other information about the village as prepared by the Village Manager.
  - 6) Association Approved Budget
- b. The Village Board appoints the members of the Architectural Committee. It has been the practice in Oakland Mills that the Village Board appoints itself as the Architectural Committee

#### **E. Candidates' Statements**

1. Length
 

Candidates' official statements must be 150 words or less. All words in excess of 150 will be deleted from the statement. Candidates will also be asked to supply a shorter 100 word statement (all words in excess of 100 will be deleted from the short statement) for use when space will not allow printing the official statements. Statements will be published exactly as submitted by the candidate.
2. Publication
  - a. Complete statements are published no later than 5 days prior to the election to fulfill By-law requirements.
  - c. The statements shall be available in the lobby of The Other Barn.

#### **F. Volunteers for Election Day**

1. Recruiting
  - a. The Village Manager is responsible for recruiting workers to staff the polls on election day.
  - b. The Election Monitor Committee chair or a member from the committee is responsible for the supervision of poll workers on election days and for answering their questions during election hours.
2. Training
  - a. Each poll worker must be specifically trained.
  - b. Poll workers should be asked to arrive at least 10 minutes before their shifts begin in order to review and observe procedures.

#### **G. List of Eligible Voters**

1. Acquiring voters list
  - a. The Village Manager is responsible for securing a list of eligible voters according to the Village By-Laws.
  - b. The list of property owners shall be obtained from the CA assessment office.
  - c. The list of apartment tenants shall be a list of apartment dwelling units, not residents of the units, for each apartment complex.
2. Format of list
  - a. Two lists of property owners should be available at the polls, one printed out in alphabetical order by owner, one by address. Both are important to validate all possible ballots.
  - b. A current list of apartment dwelling units must be available.

#### **H. Regular and Absentee Ballots**

1. Preparation
  - a. The Village manager and village staff are responsible for the preparation of all ballots.
  - b. The order of names on the ballot is determined by lottery at the time that the ballots are verified. Names are "drawn" by an election committee member with either another member or OMCA staff member present to verify order drawn. Names will be listed on the ballot

- according to the order that they were drawn.
2. Absentee ballots
    - a. Absentee ballots will be available as provided by the By-Laws.
    - b. Only absentee ballots may be submitted by mail or delivered, in the sealed ballot envelope. Hand delivered ballots must be turned in to The Other Barn by 4:00 p.m. the day before the election.
  3. Procedures for validating ballots
    - a. Regular ballots will be validated by the Election Monitor Committee.
  - b. Absentee ballots are validated and remain sealed until election day.

**I. Campaigning** - Candidate's volunteers who serve in any capacity for Oakland Mills Community Association as elected members or as volunteers (with the exception of the members of the Election Monitor Committee) can actively campaign for or against candidates. **This must be done separately from their volunteer roles for the Association.**

**Campaign Signs and Campaigning:** The Oakland Mills Election Monitor Committee will follow the Howard County Sign Code as it pertains to sign codes and the Oakland Mills Architectural Guidelines. Here is a link to the Howard County Sign Code:

<http://library.municode.com/index.aspx?clientId=14680&stateID=20&statename=Maryland>

Here is link to the Oakland Mills Architectural Guidelines: <http://oaklandmills.org/node/43>

Additionally no campaign signs are permitted on Columbia Association property. For your reference CA property in the Oakland Mills village center area are the Ice Rink, The Teen Center, The Other Barn, and sidewalk/courtyard in front of, and around all facilities, and the parking lot behind the Columbia Bank where the police office is located. Additionally we recommend that you contact Cedar Shopping Centers (owners of the Oakland Mills Village Center) for permission to campaign in the village center. You can contact Cedar's property manager Tim McNally, [TMcNally@cdrtr.com](mailto:TMcNally@cdrtr.com) or by calling 856-292-6623.

Individual storeowners should be contacted for any type of campaigning within the stores.

## II. DURING THE ELECTION

### A. Voting Time and Place

#### 1. Location

Voting takes place at The Other Barn, 5851 Robert Oliver Place, Columbia, and possible other locations at the discretion of the EMC.

#### 2. Hours for polls to be open:

In order to encourage voter turnout, polls *may* be open Friday hours as well as Saturday hours.

**Voting in 2018 will take place at The Other Barn on Saturday, April 28 only from 8:30 a.m. – 5:00 p.m.**

#### 3. Visibility and location of polling sites

- a. Voting tables should be in a clear, obvious place, not obstructed by other special events or displays.
- b. People setting up poll sites should be aware of the electioneering boundaries.

### B. Who Can Vote

#### 1. Owners of property in Oakland Mills and tenants with a lease on property in Oakland Mills

- a. If a property is jointly owned, the voting right is jointly held, so only one vote may be cast.
- b. If a "fee simple" lot, condominium or cooperative unit is leased to a tenant, the tenant is also entitled to a vote.

#### 2. Eligibility and identification

- a. A member who has resided in Oakland Mills at least 45 days prior to the election is eligible to vote. The actual date is set by the Election Monitor Committee.
- b. A member will be considered eligible to vote if she/he can present identification showing that they rent and/or own at an address to be in Oakland Mills Village.
- c. The Election Monitor Committee should publicize, along with the names and statements of candidates, information about who can vote and I.D. requirement in order to encourage voter turnout.

### C. Voters Lists and Procedures for Validating Ballots at the Polls

#### 1. Voters lists

- a. There should be at least two poll workers and, poll workers will determine the best method to efficiently verify voter information utilizing voter lists and apartment dwelling lists.

#### 2. Validation of property owners

- a. After showing suitable I.D., property owners whose names are on the voters list will be checked off by the poll worker. A ballot will then be issued to them.
- b. After showing suitable I.D., property owners whose names are not on the voters lists will place their ballots in a cover envelope with their name and address on the outside, and the ballot, in the envelope, will be placed in the ballot box.
- c. After showing suitable I.D., an apartment tenant will be checked off the apartment unit at the appropriate address. Apartment tenants will also be asked if they have lived at the address for at least 45 days and if so, sign a sheet identifying their address and verifying that they are a current lease holder.

### D. Electioneering

#### 1. Electioneering boundaries

- a. There shall be no electioneering within the area established annually by the Election Monitor Committee. Boundaries established for 2018 are:

**No electioneering may take place** inside The Other Barn or inside the courtyard, or on the sidewalk area directly in front of, on the side or behind the Other Barn (except as outlined below) or the parking lot on the side of The Other Barn or the parking lot in the rear of The Other Barn.

**Electioneering may take place** in front of and behind the Teen Center and on the sidewalk in front of the Courtyard up to the end of the Courtyard fence where the sidewalk leads to the handicap door of The Other Barn and the same area behind the Courtyard. **Electioneering may also take place** to the left of The Other Barn (when looking at the building from the street) on the section of the sidewalk abutting Robert Oliver Place and in front of the grass area.

Candidates may not stand under the canopy in front of the Other Barn entrance doors.

Candidates and their supporters must adhere to all electioneering boundaries.

No electioneering means that no canvassing, electioneering, campaigning, or posting of any campaign material is permitted within the zone. "Posting of any campaign material" includes wearing any article of clothing, hat, sticker, or button that indicates support of or opposition to any candidate, question, or political party.

**However**, electioneering does not apply to a voter going to vote in his or her polling place. A person on his or her way to vote may wear campaign paraphernalia or carry, but not distribute, campaign literature. He/she must leave the voting zone promptly after voting.

- b. Poll workers should take care to remove any electioneering hand-outs from the voting tables

and from anywhere else in The Other Barn

2. Violations

- a. The Election Monitor Committee chair or a delegate is responsible for warning candidates and their representatives if they electioneer within the electioneering boundary.
- b. If a serious problem results, the Election Monitor Committee should document the violations in writing and may recommend that the Village Board invalidate the election.

### III. AFTER THE ELECTION

#### A. Vote Count

1. Setting up for the vote count
  - a. Members of the Election Monitor Committee and assigned helpers shall count the ballots. The chair is responsible for the smooth processing and counting of the ballots.
  - b. The vote count shall be held in a room separate from post-election socializing.
  - c. Candidates (and/or their representatives) are permitted to be present in the counting room but they may not verbally question the counting or any other election procedures. If they have any objections to the procedures, they must submit a written challenge.
2. Preparation and validation of ballots
  - a. All ballots will first be scanned to be sure none has more than 7 votes cast for Village Board slots and no more than 1 vote cast for Columbia Council Representative. If part of the ballot is invalid, only the invalid section will not be used in the count.
  - b. The Election Monitor committee chair and designee(s) will open all absentee validated ballots. These ballots will be added to the other ballots. The Election Monitor Chair will then determine the validity of the ballots that were cast by voters who were not on the voter list (ballots were placed in sealed envelopes.)
3. Counting the ballots
  - a. The ballots are divided into piles of up to 40 ballots and each pile of ballots is assigned to two counters.
  - b. Each counter records ballots on a counting grid. The grid shall be numbered vertically from 1 to 40 and have candidates' names across the top. Each ballot shall be assigned a separate line.
  - c. Each counter counts one pile of 40 ballots on a separate grid. The two grids are totaled and compared for accuracy. If a discrepancy exists, the pile of 40 ballots shall be recounted until the discrepancy is resolved.
4. Official election results
  - a. After the ballots are counted, the official election results are announced to those present and posted by the Election Monitor Committee Chair or designee on the front door of The Other Barn.
  - b. Only the Election Monitor Committee chair or designee is authorized to post, publish, announce or otherwise release the election results. The chair or designee also acts as the only spokesperson for the committee.
5. Challenge procedure
  - a. Challenges must be in writing or sent by email and submitted to the Election Monitor Committee chair within 5 calendar days after the posting of the election results. After receiving a challenge the committee shall meet in a public session within 7 days for discussion on the challenge and, if necessary, make any recommendations to the Village Board.
  - b. The committee is not required to consider any challenges, unless they could affect the results of the election, until after the election is certified. The committee should then evaluate the election procedures and the complaint and make recommendations in the final report of the election.
6. Certification of results



- a. The Village Board shall certify, or invalidate, the election after reviewing the election report submitted by the Election Monitor Committee.
- b. The committee must submit its report **by Tuesday, May 8, 2018.**

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