

ORDINANCE 2023-04

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG ENTITLED “AN ORDINANCE TO REPEAL AND REENACT SECTION 3-3 OF THE FROSTBURG CODE (2018 EDITION) PERTAINING TO ELECTIONS FOR THE PURPOSE OF FACILITATING ELECTIONS AND CHANGING THE DEADLINES FOR THE FILING OF CANDIDACIES.”

WHEREAS: The City of Frostburg is a municipal corporation of the State of Maryland, organized and operating under a charter (“Charter”) adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23-A of the Annotated Code of Maryland, as amended;

WHEREAS: Article 3-3 of the Frostburg Code contains the City’s election laws;

WHEREAS: As an incident to the COVID-19 pandemic, the Mayor and City Council passed Ordinance No. 2021-04 on October 21, 2021, amending its election laws to ensure that registered voters have the opportunity to vote;

WHEREAS: Experience has shown that these amendments were helpful in ensuring voters’ access to the polls, and the Mayor and City Council have determined that those measures would be helpful for that purpose on a permanent basis;

WHEREAS: In implementing the new measures, the Board of Elections and City staff have suggested that further changes be made to facilitate the election process;

WHEREAS: The Board of Elections and City staff are also recommending the elimination of write-in candidacies as write-in candidates can file for candidacy after the date early voting commences, thereby depriving early voters who cast votes before the deadline for the filing of write-in candidacies of the right to vote for all candidates, and they are also recommending such changes so that all candidates are required to abide by the same rules;

WHEREAS: The Mayor and City Council are committed to ensuring that all residents of the City have the opportunity to participate in City elections and they continue to amend the City Code for that purpose.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG, MARYLAND that Section 3-3 of the Frostburg Code is repealed and reenacted with amendments to read as follows:

Sec. 3-3. Elections.

(a) Registration.

- (1) All persons meeting the voter qualifications set forth in article VI, section 601 of the Charter shall be considered to be registered for City elections if they are included on the statewide voter registration list at an address within the corporate limits of the City. Statewide voter registration applications shall be made available at City Hall during normal business hours.
- (2) The City shall maintain a supplemental registration list for voters who are not listed on the statewide voter registration list but reside within the corporate limits of the City and are eligible to vote in City elections. Applications shall be made available at City Hall during normal business hours. The Board of Elections shall keep the supplemental registration list current by utilizing the standards set forth in COMAR Ch. title 33, subtitle 05, Ch. 07.
- (3) No person shall be entitled to vote in a City election unless he/she is duly registered to vote at least thirty (30) days prior to that election.

(b) Notice of elections. The Board of Elections shall give notice six (6) weeks and two (2) weeks in advance of every general and/or special election in at least one (1) newspaper of general circulation in the City, on the City's website, on its social media pages, and by posting a notice thereof on the front door of City Hall. The notice shall state the date of the election, the location of the polling places and the hours during which the polling places will be open for voting. The second notice shall state the names of the candidates whose names will appear on the ballots and the names of write-in candidates eligible to run for office. The notices shall include the position sought by each candidate.

(c) Candidates.

(1) Candidate filing.

- a. A person seeking an elected office of the City shall file a Certificate of Candidacy and a Financial Disclosure Form with the City Administrator as notice of the candidate's intention to seek elected City office. This Certificate of Candidacy and Financial Disclosure Form shall be filed no later than the March 20 preceding the date of the election. If March 20 falls on a weekend or holiday, this deadline shall be extended through the next business day. These documents must be completed in their entirety and the fee provided for in subsection d hereinafter. Otherwise, the prospective candidate's filings will be ineffective and he/she shall not be deemed to be a candidate.
- b. The Certificate of Candidacy shall state the prospective candidate's name, address, the specific office sought, and a statement declaring that the qualifications for the office sought, as established by the City Charter, will be met as of the date of the election. The Certificate of Candidacy shall be signed under oath.
- c. A person may file for only one (1) elected office in any election.
- d. A ten-dollar (\$10.00) non-refundable fee shall be paid at the time of the filing of the Certificate of Candidacy.

- (2) **Write-in candidates.** *Write-in candidates.* A person who seeks election as a write-in candidate shall satisfy the requirements of subsection (c)(1)(a) no later than thirty-five (35) days prior to the date of the election. The Board shall tally and

report only those votes cast for write-in candidates who have satisfied the requirements of subsection (c)(1)(a).

- (3) *Death/withdrawal of a candidate.* If a candidate dies or withdraws from candidacy after the voting ballots are printed and if that candidate receives sufficient votes to have been elected, the office shall be deemed vacant and shall be filled as if the vacancy had occurred during the term of office.
- (d) *Ballots and voting.*
 - (1) Ballots shall be mailed to registered voters no sooner than thirty-five (35) days and no later than twenty-five (25) days prior to the date of the election.
 - (2) Registered voters who did not receive or lost a ballot, whose ballot was destroyed or otherwise rendered unusable for any reason may obtain a replacement ballot at City Hall upon the execution of an affidavit certifying the reason(s) why the replacement ballot is required. Before issuing a replacement ballot, the City Administrator or his/her designee shall ensure that the applicants are registered to vote.
 - (4) Only those ballots with the oath of the voter completed with a signature which are returned in the official, provided ballot envelope shall be counted and considered properly cast,
 - (5) The City Administrator shall keep a list of all persons who have received ballots and shall provide the list to the Board of Elections the day after the election.
 - (6) The Board of Elections, after all ballots cast at the polling places have been tabulated and the results totaled, shall then open, approve as to form, and total all ballots cast. A ballot may not be rejected except by unanimous vote of the Board. The ballots may be counted at one time or on several occasions. The City Administrator will provide public notice of the days, times, and locations for the counting of ballots on the City's website and post on the front of Frostburg City Hall at least twenty-four (24) hours in advance, in which ballots will be open and tallied, subject to the requirement of Section 606 of the Charter requiring that ballot counting be completed no later than 11:59 p.m. on the tenth day following the date of the election.
 - (7) Ballots and Oath of voter envelopes shall be preserved by the City Administrator for twenty-two (22) months after the day of the election and shall then be destroyed.
- (e) *Signage.* All signs, posters or billboards used to advertise or promote a particular candidate for elected office shall comply with the provisions of the Zoning Ordinance of the City regarding placement, size, location, and permitting.
- (f) *Multiple ballots.* If the City receives multiple ballots from the same voter, the first ballot received will be the only ballot counted.

[NOTE: The Exhibit A attached hereto shows the edits to the text of the existing law that are effected by the terms of this Ordinance.]

SECTION 2: BE IT FURTHER ORDAINED that this Ordinance shall become effective on the date of its adoption.

Introduced: October 19, 2023

Public Hearing: Nov. 16, 2023

Adopted: Nov. 16, 2023

Effective: Nov. 16, 2023

MAYOR AND CITY COUNCIL OF FROSTBURG

By: 

W. Robert Flanigan, Mayor

ATTEST:



Elizabeth Stahlman, City Administrator

EXHIBIT A

Sec. 3-3. Elections.

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

(b) *Notice of elections.* The Board of Elections shall give notice six (6) weeks and two (2) weeks in advance of every general and/or special election in at least one (1) newspaper of general circulation in the City, on the City's website, on its social media pages, and by posting a notice thereof on the front door of City Hall. The notice shall state the date of the election, the location of the polling places and the hours during which the polling places will be open for voting. The second notice shall state the names of the candidates whose names will appear on the ballots and the names of write-in candidates eligible to run for office. The notices shall include the position sought by each candidate.

(c) *Candidates.*

(1) *Candidate filing.*

- a. A person seeking an elected office of the City shall file a Certificate of Candidacy and a Financial Disclosure Form with the City Administrator as notice of the candidate's intention to seek elected City office. This Certificate of Candidacy and Financial Disclosure Form shall be filed no later than ~~fifty (50) the March 20 preceding the date of the election. If March 20 falls on a weekend or holiday, this deadline shall be extended through the next business day, days prior to the election.~~ These documents must be completed in their entirety and the fee provided for in subsection d hereinafter. Otherwise, the prospective candidate's filings will be ineffective and he/she shall not be deemed to be a candidate.
- b. The Certificate of Candidacy shall state the prospective candidate's name, address, the specific office sought, and a statement declaring that the qualifications for the office sought, as established by the City Charter, will be met as of the date of the election. The Certificate of Candidacy shall be signed under oath.
- c. A person may file for only one (1) elected office in any election.
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- (2) *Write-in candidates.* A person who seeks election as a write-in candidate shall satisfy the requirements of subsection (c)(1)(a) no later than ~~twenty-five (25)~~ thirty-five (35) days prior to the date of the election. The Board shall tally and report only those votes cast for write-in candidates who have satisfied the requirements of subsection (c)(1)(a).

- (3) *Death/withdrawal of a candidate.* If a candidate dies or withdraws from candidacy after the voting ballots are printed and if that candidate receives sufficient votes to have been elected, the office shall be deemed vacant and shall be filled as if the vacancy had occurred during the term of office.

(d) *Ballots and voting.*

- (1) Ballots shall be mailed to registered voters no sooner than thirty-five (35) days and no later than twenty-five (25) days prior to the date of the election.
- (2) Registered voters who did not receive or lost a ballot, whose ballot was destroyed or otherwise rendered unusable for any reason may apply for obtain a replacement ballot at City Hall upon the execution of an affidavit certifying the reason(s) why the replacement ballot is required. no later than seven (7) days prior to the date of the election. Before issuing a replacement ballot, the City Administrator or his/her designee shall ensure that the applicants are registered to vote.
- (4) Only those ballots with the oath of the voter completed with a signature which are returned in the official, provided ballot envelope shall be counted and considered properly cast,
- (5) The City Administrator shall keep a list of all persons who have received ballots and shall provide the list to the Board of Elections the day after the election.
- (6) The Board of Elections, after all ballots cast at the polling places have been tabulated and the results totaled, shall then open, approve as to form, and total all ballots cast. A ballot may not be rejected except by unanimous vote of the Board. The ballots may be counted at one time or on several occasions. The City Administrator will provide public notice of the days, times, and locations for the counting of ballots on the City's website and post on the front of Frostburg City Hall at least twenty-four (24) hours in advance, in which ballots will be open and tallied, subject to the requirement of Section 606 of the Charter requiring that ballot counting be completed no later than 11:59 p.m. on the tenth day following the date of the election.
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