

**AD-HOC TOWN CHARTER REVIEW COMMITTEE on
SECTION 33-23 THROUGH 33- 39
Registration, Nominations and Elections**

Purpose

At the June 2001 Town Meeting, Council member Anne Reifsneider introduced a Motion to amend the Town Charter so as to provide for Council review of verification of any or all of votes cast in Town Elections **AND/OR** to develop procedures for the Count of regularly cast and/or absentee ballots. This motion was filed as a result of some concern for the accuracy for the certification of the vote immediately following Town Elections in May 2001. The Mayor, Honorable Sue E. McGinnis appointed an ad-hoc committee to review the Town Charter and report its recommendation regarding the process used for taking, counting and verifying Town Elections. Those Town residents appointed were:

Joyce Beck, Seneca Drive, Chairperson
Alice Farrell, Modoc Lane, Member
Paula Noble, Cree Drive, Member

Committee Discussion

Members of the Ad-Hoc Town Charter Review Committee (Committee) disagreed on the responsibility assigned to the Committee as it relates to the nature of the motion filed by Council member Reifsneider and found it impossible to review the Council member's motion because of unavailability of the taped recording and incomplete minutes of the June 2001 Town meeting. Therefore, the Committee resolved to review the Charter for clarity of rule and procedure. The Committee does agree, however, that Council member Reifsneider's concern is for the validity of the Vote Count.

Findings

The Committee found that while there are multiple versions of the Town of Forest Heights Charter available for review by Town residents, that there is only one version of the Town's Charter on file with the Maryland Secretary of State (Secretary). Further, the Committee found that there is neither a set of Town of Forest Heights Charter Resolutions nor Ordinances on file with the Secretary of State. Municipalities are bound by State Laws to file its Charter Resolutions and Ordinances with the Secretary in order to become legally binding. The Town of Forest Heights was not able to provide the Committee with copies of the Charter Resolutions referred to throughout Section 33-23 - 33-29.

The Committee secured a copy of the Town's Charter from the Secretary and reviewed that same Charter for the purpose of answering the Mayor's question as it relates to the Council member's concerns.

Review

The Committee met at the Town Office to review and study Section 33-23 - 33-29 of the Town Charter. It found that the Charter is clear in its rules and regulations for the registration, nomination and election of Town officials. The Vote Count is addressed in Section 33-36 of the Charter and specifies that the Town's Board of Registration and Elections will

"Immediately after the closing of the polls, the Board of Registration and Elections shall determine the vote cast for each candidate and question and shall certify the results of the election to the Town Clerk who shall record the results... .

Section 33-39 sets forth the rule for "Regulation and control" of the count. It states

"The Council shall have power to provide by ordinance in every respect not covered by the

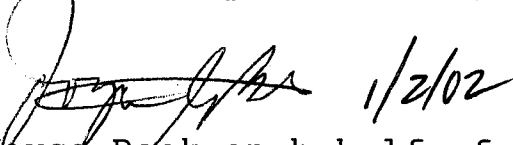
provisions of this Charter for the conduct of registration, nomination and Town elections and for the prevention of fraud in connection therewith...

In years past the Town exercised the paper ballot. During the later years of election by paper ballot there came under scrutiny the legitimacy of the Count. The question was whether the Board of Registration, Nominations and Elections (Board) was fairly and truly counting and certifying the vote and whether there were too many opportunities for the Count to be massaged by members of the Board or influence by the Council. Thus, after some debate in Town meetings the Council reluctantly agreed to "try" the voting machine.

Notwithstanding the ethical and legal ramification the Committee regards UNFAVORABLE any handling, review, certification or verification of the Count by any Town elected official.

39 The Committee recommends that a set of "Counting Procedures" be developed, based on Section 33-23 - 33-29 of the Town Charter and the Maryland Annotated Code, under which the Board of Registration, Nominations and Elections will be guided. A committee consisting of one (1) Council member and at least three(3) Town residents - one person from each Ward, shall develop such procedures.

Respectfully Submitted,



Joyce Beck on behalf of
AD-HOC TOWN CHARTER REVIEW COMMITTEE on
SECTION 33-24 THROUGH 33- 39
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