



Board of Supervisors of Elections Administrative Complaint Procedure

The Administrative Complaint Procedure is set by the City of Rockville Board of Supervisors of Elections (Board).

HOW TO FILE A COMPLAINT

1. The person filing the complaint (complainant) must provide all of the information required on the Board of Supervisors of Elections Complaint Form including all of the relevant facts regarding actions or events that form the basis for the complainant's belief that a violation of *Rockville City Code Chapter 8 – Elections* (City's Election Code) has occurred.
2. The complaint must be in writing and signed under oath by the complainant.
3. A complaint must be filed within 20 calendar days * after the occurrence of the actions or events that form the basis for the complaint. If a complaint is filed later than 20 calendar days * after the occurrence, the complaint must set forth the extenuating circumstances for the late filing. The Board of Supervisors of Elections may, at its sole discretion, decide whether to consider a late-filed complaint.

WHERE TO FILE A COMPLAINT

The complaint must be filed with the City Clerk's Office, 111 Maryland Avenue Rockville, MD 20850.

ADMINISTRATIVE DETERMINATION PROCESS

Once a complaint is filed, the City Clerk's Office will send notice to the person(s) whose actions are asserted to be in violation of the City's Election Code (respondent), and allow 20 calendar days * for the person(s) to respond to the allegations in writing. If a timely response is not received, the Board may make a decision on the complaint without a response.

The Board may hold a hearing on the complaint or may make a decision on a complaint without a hearing, at its sole discretion.

If the Board decides not to hold a hearing, the Board will notify the complainant and the respondent of its decision on the complaint.

If the Board decides to hold a hearing, the Board will provide reasonable notice to the complainant and the respondent of the time and date of the hearing. At the hearing, the Board will allow the complainant and the respondent each 15 minutes to present evidence. The Chair of the Board may permit additional time, at his/her sole discretion. The Board may ask questions of each side during the hearing. The Board may make a decision after holding the hearing or may defer decision to a later meeting.

*Any deadline that falls on a day that City Hall is closed (e.g, weekend, holiday, inclement weather) will be extended to the next City business day.

BOARD DECISION

The Board may decide to dismiss the complaint or, if the Board finds a violation, the Board may issue an order 1) requiring the respondent to take specified action(s) within a certain amount of time; or 2) prohibiting the respondent from taking specified action(s). In addition, at any time after the determination that a violation has occurred, the Board may decide to issue a municipal infraction pursuant to § 8-111(b) of the City's Election Code or refer the matter to the State's Attorney's Office for criminal prosecution pursuant to § 8-111(a) of the City's Election Code.

The Board will notify the complainant and the respondent of its decision on the complaint. A decision of the Board is final and may not be appealed except as provided in § 8-111(c)(2).