

BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO

ORDINANCE: 2001-2
SESSION: Regular
DATE: September 11, 2001

An ordinance to regulate and provide for the conduct of voter registration, maintenance of registration records, conduct of elections, certification of election results and penalties related thereto.

SECTION I.

BE IT ENACTED AND ORDAINED by the Board of Town Commissioners for the Town of Upper Marlboro, that a new ordinance, Ordinance No. 2001-2 be and is hereby enacted to read as follows:

SECTION II.

"A. ARTICLE 1 - GENERAL

1. VOTER REGISTRATION:

Registration of eligible voters wishing to vote in Town elections shall be made in accordance with provisions of section 62-24 of the Town Charter.

2. MAINTENANCE OF RECORDS:

The Town Clerk shall maintain the Town supplemental voter registration records of voters not registered with Prince George's County.

The Town Board of Elections shall, before each election, obtain from the County Board of Elections a list of registered voters of Prince George's County who reside in the Town and will check the accuracy of that list with respect to Town residents. The Town Board of Elections shall recommend any corrections required to the County Board of Elections.

3. CONDUCTING ELECTIONEERING ACTIVITIES NEAR POLLING PLACES PROHIBITED:

No person may canvass, electioneer or post any campaign literature or material in a polling place or within a three hundred-foot radius from the entrance and exit of the building closest to that part of the building in which voting occurs: nor shall anyone linger, be or remain within said distance of three-hundred feet of the polls except election officials and peace officers, unless it be in approaching the polls to vote, or in passing along the streets in the usual and orderly manner of travel.

4. POLL WATCHERS - SELECTION:

Each candidate for elective office may select one (1) person, who shall be a qualified voter of the Town, to serve as poll watcher and each candidate shall submit to the Supervisor of Elections the name of the poll watcher at least three (3:) days prior to the election. The poll watcher shall not be an employee of the Town and shall serve without compensation.

5. DUTIES OF POLL WATCHERS:

Each poll watcher shall have the right to observe every aspect of the conduct of an election. Each poll watcher shall be assigned a position at the polling place near the Election Judges, inside the polling area so as to enable them to see each person as he/she offers to vote. The poll watchers shall have the right to enter the polling place one-half hour before the opening of the polls. It shall be unlawful for any poll watcher to inquire or attempt to ascertain for which candidate any voter intends to vote, or has voted, or to converse in the polling place with any voter, or to assist any voter in the preparation of a ballot or in the operation of the voting machine, or follow or impede in anyway a voter in the process of voting. Any poll watcher who violates the restrictions set forth herein may be lawfully ejected by the Election Judges and is subject to penalties provided in this Article

6. POSTING OF SAMPLE BALLOT:

At least four (4) days before any election, the Supervisors of Elections shall conspicuously and securely post an accurate sample copy of the ballot to be used in the approaching election on the bulletin board at Town Hall and on the exterior of the building where the voting takes place. Said ballot shall be clearly marked "sample."

7. POSTING OF SAMPLE BALLOT - MISTAKES AND CHALLENGES:

A correct list of the names of the candidates as they are to appear on the ballot shall be furnished on demand by the Supervisors of Elections to the candidates or their authorized agents. If any mistakes be discovered, it shall be the duty of the Supervisors to correct the same without delay, and if said Supervisors of Elections shall decline or refuse to make the correction, then upon the sworn petition of any qualified voter who would have the right to vote for such candidate at the approaching election, the Circuit Court for Prince George's County may, by order, require said Supervisors of Elections to correct such error or to show

cause why such error should not be corrected.

8. TIE VOTES:

In case of a tie vote, the Board of Commissioners shall order and provide for a run-off election between the tied candidates within twenty-one (21) days thereafter.

Notices for run-off elections need to be published within one week of the election date.

9. VOTE COUNT OBSERVATION AND DECORUM:

After the last voter has voted and the polls have closed, and before the counting begins, candidates and members of the public may be permitted to enter the polling room. Once the counting begins, the door to the polling room will be closed and no one will be allowed to enter until the votes have been tallied. Once inside the room, anyone wishing to leave will not be readmitted until the counting has concluded. The use of cell phones, pagers and beepers will not be permitted in the polling room during the counting of the votes. Anyone who violates the restrictions set forth herein may be, at the discretion of the election judges, ejected from the proceedings.

10. ABSENTEE VOTING:

Any qualified and registered voter who cannot be present at an upcoming Town election, by reason of religious beliefs, physical condition, or absence from the Town on the day of the election, may vote by absentee ballot. The individual shall apply for an absentee ballot on an application form provided by the Town Board of Supervisors of Elections not earlier than thirty (30) days preceding such election. The individual shall state in the application, the reason he or she cannot vote in person at the election, shall sign the application and deliver the application by mail or other means, so that it reaches the Town Clerk not later than ten (10) days immediately preceding the election.

The Board of Supervisors of Elections shall accept applications for absentee ballots after the tenth (10) day immediately preceding the election only in the event that, after the tenth (10) day immediately preceding the election, one of the following emergencies occurred:

(1) The applicant has been notified that, as a condition of employment, he or she will be unable to be present to vote on Election Day.

(2) The applicant is unable to be present at the polls because of a serious illness or accident.

(3) The applicant is unable to be present at the polls because of a death or serious illness in his/her immediate family.

Use of an Agent in Absentee Ballot Process:

A qualified applicant may designate a duly authorized agent to pick up and deliver an absentee ballot who meets the following qualifications:

- (1) Must be at least 18 years;
- (2) May not be a candidate on that ballot;
- (3) Shall execute an affidavit under penalty of perjury that the ballot

was:

Delivered to the voter who submitted the application, marked and placed in an envelope by the voter, or with assistance in the agent's presence; and returned to the local board by the agent.

All such ballots returned shall reach the Supervisors of Election not later than the closing of the polls on Election Day.

The sealed envelope containing the returned ballot shall be so marked as to identify the sender, and his name shall be checked against the list of written applications for absentee ballots. If no written application has been filed, the ballot shall not be counted, but shall be destroyed.

On election day, prior to the closing of the polls, the Town Clerk shall deliver the absentee ballots to the place designated by the Board of Elections and shall make an accounting for the purpose of counting absentee ballots as to the number of absentee ballots issued and the number returned. The Town Clerk shall keep such record of the absentee ballots in a secure place as is kept with other voting records.

Upon receipt of the absentee ballots, the judges of elections, for the purpose of counting absentee ballots shall open the outer signed and sealed envelope and remove the unmarked inner envelope and deposit it in the regular ballot box forthwith. Upon the closing of the polls, but not before, the judges of the election shall open the unmarked envelopes and shall determine that no more than one (1) ballot is contained in each envelope prior to conducting the count. If an envelope should contain more than one (1) ballot, neither ballot shall be included in the count.

Upon the issuance of an absentee ballot, the Town Clerk shall cross that person's name off the voter registration list and mark absentee ballot next to it.

An attempt will be made to supply the voter with an absentee ballot for any runoff election as soon as official copies are available, and the above regulations shall apply to such runoff election.

No voter who has been issued an absentee ballot for an election shall be authorized to cast his ballot in any manner other than by casting the absentee ballot. Should an absentee ballot be lost or destroyed, without being returned to the Town Clerk, a second ballot may be issued, if there is sufficient time. Prior to delivering the ballots to the judges of election, the Town Clerk shall verify that one (1) ballot is being submitted for each absentee voter

applicant. Should an absentee ballot be challenged by the Town Clerk or judge of election as to the ballot being cast by the person to whom it was issued, or as to the ballot being obtained and returned in accordance with the provisions of this section, the Board of Elections shall determine the validity of any challenged absentee ballot.

When the Board of Elections determines from proof or investigation that any person who has marked and transmitted an absentee ballot has died before election day, such ballot of the deceased voter shall not be counted. However, if prior to the time of such counting, the Board of Elections shall not have determined that the absentee resident who marked a ballot had died before election day, such ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

11. ASSISTANCE TO VOTERS:

Any registered voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's union or employer. Any person rendering assistance pursuant to this subsection shall execute a certification to be included in the instructions.

12. VOTING SECRECY:

The Board of Elections shall provide an enclosure to vote that ensures secrecy in the marking of the ballots and shall count the ballots only after the close of the polls as scheduled.

13. CERTIFICATION OF ELECTION RESULTS:

As soon as possible after the count is completed, the election judges shall certify in writing the number of votes cast in the election, the number of votes cast for each candidate, the number of votes cast in favor or opposed to each referendum question placed on the ballot, and the number of invalid ballots, and shall certify as to the names of those candidates elected and those candidates who must participate in a runoff election, if any, and the approval or disapproval of each referendum question.

14. SURPLUS BALLOTS:

All surplus ballots shall be destroyed within ten (10) days after the election unless notified prior to that time of a pending contest to the election.

15. SPOILED, NOT VOTED AND REJECTED BALLOTS:

Spoiled, "not voted" and rejected ballots shall be immediately cancelled by endorsing upon the back thereof, including the judge's initials, the word "Spoiled," or "Not Voted," or "Rejected" as appropriate. The "spoiled" and "not voted" ballots shall be enclosed in

an envelope to themselves, endorsed, "spoiled and not voted," and sealed. The rejected ballots shall be enclosed in an envelope to themselves, endorsed "rejected," and sealed. Both envelopes shall be put in a secure place normally maintained with other voting records, and kept for the space of six months unless previously notified of a pending contest to the election.

16. PENALTIES:

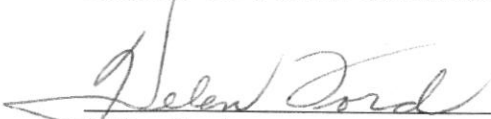
Any person who shall violate any of the provisions of this Article shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or be sentenced to imprisonment for not more than six (6) months, or both, in the discretion of the court."

SECTION III.

BE IT FURTHER ENACTED that this ordinance shall take effect twenty (20) days after its adoption by the Town of Upper Marlboro.

Adopted this 9th day of October, 2001

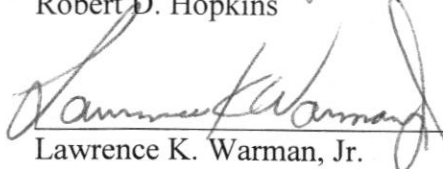
BOARD OF TOWN COMMISSIONERS



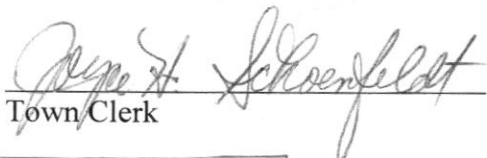
Helen Ford
President



Robert D. Hopkins



Lawrence K. Warman, Jr.



Town Clerk

OFFICIAL NOTICE

The Board of Commissioners for the Town of Upper Marlboro has recently adopted the following ordinance:

Ordinance 2001-2 regulates and provides for the conduct of voter registration, maintenance of registration records, conduct of elections, certification of elections results and penalties related thereto.

Effective: October 29, 2001.

10251 (10-25)