

## **Article VII. Registration, Nomination and Elections\***

\***Editor's Note:** Former Charter Sections C7-2 through C7-10 were deleted and subsequent sections in Article 7 were renumbered during 1996 codification.

### **§ C7-1. Qualification of voters.**

Every person who is a citizen of the United States, is at least eighteen (18) years of age, has resided in the town for thirty (30) days next preceding any town election and is registered in accordance with the provisions of this Charter is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections.

### **§ C7-2. Contest and appeals.**

Contests concerning registration, voting or the validity of any ballot under §§ C7-2 through C7-5 shall be decided by the Board having jurisdiction of the matter. No registration shall be denied and no ballot rejected except by the unanimous vote of the entire Board. Any candidate or absentee voter aggrieved by any decision or action of such Board shall have the right to appeal to the Circuit Court for Cecil County to review such decision or action, and jurisdiction to hear and determine such appeals is hereby conferred upon said Court. Such appeal shall be taken by the way of petition filed with the appropriate Court within five (5) days from the date of completion of the official canvases by any Board of all the votes cast at any election and shall be heard de novo and without a jury by said Court as soon as possible. There shall be further right of appeal to the Court of Appeals, provided such appeal shall be taken within forty-eight (48) hours from the entry of the decision of the lower Court complained of, and all such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the Court of Appeals, as soon as possible after the same have been transmitted to said Court. Said original papers, including the testimony, shall be transmitted to the Court of Appeals within five (5) days from the taking of the appeal. (Amended

during 1996 codification)

### **§ C7-3. Board of Supervisors of Elections: general powers.**

The Board of Supervisors of Elections is hereby authorized and empowered to do any and all acts, the carrying out of which is committed to said Board by the Town Charter for voting by persons who are absentee voters, and to accept and expend any funds made available to it by the town for the purpose of defraying the costs and expenses incurred in connection therewith, including its services. The Board of Election Supervisors is hereby authorized and empowered to use any and all facilities that may be furnished by the town for the purpose of transmitting to and from absentee voters applications for absentee ballots, envelopes, instructions and all other printed matter that may be permitted to be transmitted by the Town Charter and generally to cooperate in every way with military and civil officers of the United States and with all such departments, commissions and agencies thereof in order to enable such persons to vote. (Amended during 1996 codification)

### **§ C7-4. Authority to change ballots and material to conform to congressional acts.**

If any acts of Congress now or hereafter in effect providing for voting by mail of all or any of the persons who are absentee residents or voters as defined in §§ C7-2 through C7-5 requires the execution of an oath on the ballot envelop, or otherwise, or requires other printing on any of said ballot material, which is different from that required on the ballot envelop or other ballot material as provided in said §§ C7-2 through C7-5, such ballot, if completed in accordance with such act of Congress, whether or not completed in accordance with said sections, shall be accepted as having complied with the requirements of said §§ C7-2 through C7-5, provided any such changes does not conflict with any provision of the Charter of this town and shall not provide or prescribe any oath which would not furnish the information needed to enable any Board to register the affiant as a qualified voter under the Charter of said town. (Amended during 1996 codification)

**§ C7-5. Penalties.**

Any person who shall violate any of the provisions of §§ C7-2 through C7-5 shall, upon conviction, be sentenced to pay a fine of not more than one thousand (\$1,000.00) or be sentenced to imprisonment for not more than six (6) months, or both, in the discretion of the court. These penalties shall be in addition to the penalties as provided in § C7-14 of the Charter of said town. (Amended during 1996 codification; Ord. 2-81 (part))

**§ C7-6. Board of Supervisors of Elections.**

A. There shall be a Board of Supervisors of Elections consisting of not less than five (5), may be more than five (5) members who shall be appointed by the Board of Commissioners on or before the first Monday in March in 1996 and in every even-numbered year thereafter; and the Registers of voters holding office at the time this Charter becomes effective shall continue in office and shall perform their duties until the Board of Supervisors of Elections is appointed and qualifies under this section. The terms of members of the Board of Supervisors of Elections begins on the first Monday in March in the year in which they are appointed and run for two (2) years. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The Board of Supervisors of Elections shall recommend one of its members as Chairman to the Board of Commissioners. Vacancies on such Board shall be filled by the Board of Commissioners for the remainder of the unexpired term. The compensation of the members of the Board of Supervisors of Elections shall be determined by the Board of Commissioners.

B. Any member of the Board of Supervisors of Elections may be removed for good cause by the Board of Commissioners if in the judgment of that Board of Commissioners the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Board of Commissioners if he so requests

within ten (10) days after receiving the written copy of the charges.

C. The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all town elections, including the making of the count and official canvass of the votes. The Board may appoint election clerks or other employees to assist it in its duties.

D. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m. (Amended during 1996 codification)

**§ C7-7. Registration procedure.**

A. Registration shall be permanent and no person is entitled to vote in the election unless he is registered.

B. The Board of Commissioners, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for the registration when necessary.

C. Registration with the Cecil County Board of Elections by a voter who resides in the Town shall be deemed registered for elections in the Town. A person continues to have the choice to register only with the Town for its elections and not to register with the Cecil County Board of Elections. Persons desiring to register only with the Town may register with the Administration Office during normal working hours. (Amended during 1996 codification)

**§ C7-8. Election dates; filing as candidates; terms of office.**

A. On the fourth Tuesday in May, every four years, the duly registered voters shall elect by ballot a Mayor, who shall serve for a term of four (4) years and until his successor is duly elected and qualified.

B. On the fourth Tuesday in May of each and every two years, the duly registered voters shall elect by ballot two (2) Commissioners, who shall serve a term of four (4) years and until their successors are duly elected and qualified.

C. No person shall be entitled to have his or her name placed on the ballot or be voted for as a candidate for Mayor or Commissioners who shall not have filed with the Board of Commissioners by 4:00 p.m. on the first

Tuesday in May on which is to be held the election at which he or she is a candidate, a certificate under oath, setting forth for which office he or she is a candidate and his or her qualifications therefor under the provisions of this Charter; and the Board of Commissioners shall give ample public notice of any such election at least ten (10) days before the date thereof.

D. Any Commissioner who shall file for election to the office of Mayor shall first resign his or her seat on the Board of Commissioners. (Amended during 1996 codification)

**§ C7-9. Special elections.**

All special town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular town elections. (Amended during 1996 codification)

**§ C7-10. Vote count.**

Within forty-eight (48) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Town, who shall record the results in the minutes of the Board of Commissioners. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The two (2) candidates for Commissioner with highest number of votes in the general election shall be declared elected as Commissioners. (Amended during 1996 codification)

**§ C7-11. Preservation of ballots.**

All ballots used in any town election shall be preserved for at least six (6) months from the date of the election. (Amended during 1996 codification)

**§ C7-12. Filling vacancies.**

In the case of a vacancy on the Board of Commissioners for any reason, that Board shall elect some qualified person to fill the vacancy for the expired term. In case of a vacancy in the office of Mayor for any reason, the Board of Commissioners shall elect some qualified person to fill the vacancy for the remainder of the unexpired term. Any vacancies on the Board of

Commissioners or in the office of Mayor shall be filled by the favorable votes of a majority of the remaining members of the Board of Commissioners. The results of any such vote shall be recorded in the minutes of the Board of Commissioners. (Amended during 1996 codification)

**§ C7-13. Regulation and control by Board of Commissioners.**

The Board of Commissioners has the 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 and for a recount of ballots in case of doubt or fraud. (Amended during 1996 codification)

**§ C7-14. Penalties.**

Any person who fails to perform any duty required of him under the provisions of this Article or any ordinances passed thereunder, or in any manner willfully or corruptly violates any of the provisions of this Article or any ordinances passed thereunder, or willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment, and forfeiture of office or employment, and forfeiture of office or employment shall not be construed as bar to the imposition of a fine or imprisonment, or both, for the commission of the misdemeanor. (Amended during 1996 codification)

**§ C7-15. Corrupt practices.**

The provisions, prohibitions and penalties prescribed in Section 24-1 to 24-31, Article 33, Annotated Code of Maryland (1993 Edition) relating to corrupt practices at general and primary elections, are hereby declared to be applicable to all elections held by virtue of the authority given in this Charter, and to be applicable to the acts of all persons in connection with or relating to such elections or

any of them, so far as they may or can be applicable. (Amended during 1996 codification)

**§ C7-16. Failure to hold election; effect.**

If the inhabitants of the town shall at anytime neglect to hold an election as directed in this Charter, the power of electing the Mayor and other members of the Board of Commissioners shall not thereupon cease, but shall continue as though such election has been made; and the Mayor and Commissioners for the time being shall remain in office until such annual election shall be held. (Amended during 1996 codification)

**§ C7-17. Areas not covered in Town Charter.**

In the case of any areas not covered in the election laws of the Town Charter, the Registration and Election Laws of the State of Maryland shall apply. (Added during 1996 codification).