



The Mayor and Commissioners  
of the Town of Elkton

Resolution R 10 - 2017

A **RESOLUTION** of the Mayor and Commissioners of the Town of Elkton amending the Charter of the Town of Elkton, specifically Article VII., Registration, Nomination, and Elections.

**WHEREAS**, the Mayor and Commissioners are empowered and authorized to amend the Charter of the Town of Elkton, as provided under Article XI-E., Constitution of the State of Maryland, and Section 4 – 301., et seq., Subtitle 3., Title 4., Division II., Local Government Article; and

**WHEREAS**, the Mayor and Commissioners have determined that the provisions in the Town’s Charter shall be amended with respect to the registration of voters, the nomination of candidates, and the election of the Mayor and Commissioners, as set forth hereinafter.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Commissioners as follows:

Section 1. The Charter of the Town of Elkton. Article VII., Registration, Nomination, and Elections, shall be repealed; and

Section 2. The Charter of the Town of Elkton, Article VII., Registration, Nomination, and Elections, shall be re-enacted as amended and shall read as follows:

Article VII. Registration, Nomination and Elections

§C7-1. Board of Supervisors of Elections

A. Board of Supervisors of Elections – in general.

1. There shall be a Board of Supervisors of Elections consisting of not less than six (6), but may be more than six (6) members who shall be appointed by the Board of Commissioners on or before the first Monday in March in 2018 and in every even-numbered year thereafter, and the Board of Supervisors of Elections holding office at the time this Charter becomes effective shall continue in office and shall perform their duties until the next Board of Supervisors of Elections is appointed and qualifies under this section. The terms of members of the Board of Supervisors of Elections begin 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.

2. 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 the 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/her and shall have a public hearing on them before the Board of Commissioners if he/she so requests within ten (10) days after receiving the written copy of the charges.

3. The Board of Supervisors of Elections shall be in charge of the record of 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 Town employees to assist it in any of its duties.

4. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m.

**B. 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 Supervisors of Elections 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 voter 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.

**C. Additional powers of the Board; Regulations.**

The Board may:

1. Take any additional measures it deems necessary to ensure the integrity and accuracy of voter registration applications; and
2. Adopt any regulations necessary to administer the voter registration.

§C7-2. Contests and Appeals.

Contests concerning registration, voting or the validity of any ballot shall be decided by the Board having jurisdiction in the matter. No registration shall be denied and no ballot rejected unless 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 decisions or action, and jurisdiction to hear and determine such appeals is hereby conferred upon said Court. Such appeals shall be taken by way of petition filed with the appropriate Court within five (5) days from the date of the completion of the official canvasses 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.

§C7-3. Election dates; filing as candidates; terms of office.

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

B. On the second Tuesday in May, each and every two (2) years, the duly registered voters shall elect by ballot two (2) Commissioners, who shall serve for 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 Commissioner who shall not have filed with the Board of Supervisors of Elections sixty (60) days prior to 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 therefore 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.

§C7-4. 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.

§C7-5. 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 unexpired term. In case of a vacancy in the office of Mayor for any reason, the vacancy shall be filled by a member of the Board of Commissioners, 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.

§C7-6. 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.

§C7-7. Failure to hold election; effect.

If the inhabitants of the town shall at any time 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 held; and the Mayor and Commissioners for the time being shall remain in office until such bi-annual election shall be held.

§C7-8. Penalties.

A. Any person who fails to perform any duty required of him/her 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 shall not be construed as a bar to the imposition of a fine or imprisonment, or both, for the commission of the misdemeanor.

B. Any person who shall violate any of the provisions herein shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) or be sentenced to imprisonment for not more than ninety (90) days, or both, in the discretion of the Court. These penalties shall be in addition to the penalties as provided in the Charter of said Town.

#### §C7-9. Corrupt practices

The provisions, prohibitions and penalties prescribed in Sections 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 Article, 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.

#### §C7-10. Areas not covered in Town Charter.

In the case of any areas not covered in the election laws of the Town Charter, the Election Laws of the State of Maryland shall apply.

#### §C7-11. Voters - Qualifications of Voters

A. Every person who is a citizen of the United States, is at least eighteen (18) years of age, has resided in the Town for sixty (60) days preceding any Town election and is registered in accordance with the provisions of this Article is a qualified voter of the Town. Every qualified voter of the Town is entitled to vote at all Town elections.

B. Exceptions – An individual is not qualified to be a registered voter if the individual:

1. Has been convicted of a felony and is actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction;
2. Is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or
3. Has been convicted of buying or selling votes.

## §C7-12. Voter Registration

A. Registration shall be permanent and no person is entitled to vote in the Town elections unless he/she is registered with the Cecil County Board of Elections.

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.

### D. Registration Procedure

1. To apply to register to vote, an individual shall:

a. Complete the voter registration application with the Cecil County Board of Elections; and

b. Affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter; and

c. Provide one of the following:

i. A Maryland Driver's License number or Maryland identification card number, the last four digits of the individual's Social Security number, and other information identified by the Cecil County Board of Elections that is not generally available to the public but is readily available to the individual; or

ii. If the individual is an absent uniformed services voter or overseas voter as defined in the Federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland Driver's License or Maryland identification card, the individual shall provide the last four digits of the individual's Social Security number, a military identification card of identification as an Overseas Citizen, proof of residency in the Town and other information identified by the Cecil County Board of Elections that is not generally available to the public but is readily available to the individual.

2. To change an individual's name, address, or party affiliation in the individual's existing voter registration record, an individual shall:
  - a. Complete the voter registration application with the Cecil County Board of Elections;
  - b. Affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all the qualifications to be a registered voter;
  - c. Provide one of the following:
    - i. A Maryland Driver's License number or Maryland identification card number, the last four digits of the individual's Social Security number, and other information identified by the Cecil County Board of Elections that is not generally available to the public but is readily available to the individual; or
    - ii. If the individual is an absent uniformed services voter or overseas voter as defined in the Federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland Driver's License or Maryland identification card, the individual shall provide the last four digits of the individual's Social Security number, a military identification card or identification as an Overseas Citizen, proof of residency in the Town and other information identified by the Cecil County Board of Elections that is not generally available to the public but is readily available to the individual.

#### §C7-13. Candidates, Qualification of Mayor and Board of Commissioners

The Mayor and members of the Board of Commissioners shall have resided in the Town for at least one (1) year preceding the election and shall be qualified voters of the Town. A person who has been convicted of a felony or has received a dishonorable discharge from the military service of the United States shall not be eligible for an elected office.

##### A. Application

1. An individual may become a candidate for public office only if:

- a. The individual files a Certificate of Candidacy in accordance with this section; and
  - b. The individual does not file a Certificate of Withdrawal.
2. Determination by the Board of Supervisors of Elections – the Board shall determine whether an individual filing a Certificate of Candidacy meets the requirements of this section, including:
  - a. The voter registration requirements under this section; and
  - b. Completion of Financial Disclosure form.
3. Listing of name on the ballot.
  - a. On the Certificate of Candidacy, a candidate shall designate how the candidate’s name is to appear on the ballot.
  - b. Except as provided in the following paragraph, a candidate shall file a Certificate of Candidacy in which the candidate lists their given name, an initial letter of any other of their given names, and surname.
  - c. A candidate may file a Certificate of Candidacy in a name different than that specified under the above paragraph if the candidate files an affidavit, under penalty of perjury, attesting that the candidate is generally known by that other name in:
    - i. Press accounts concerning the candidate, if any; or
    - ii. If press accounts do not exist, the candidate’s everyday encounters with members of the community.
  - d. Except for the use of quotation marks to enclose a portion of the name, the use of symbols, titles, degrees, or other professional designations on a Certificate of Candidacy is prohibited.
4. On form – A Certificate of Candidacy shall be filed under oath on the prescribed form.
5. Filing with the Board – The Certificate of Candidacy shall be filed with the Board if the candidacy is for:
  - a. The office of Mayor of the Town of Elkton.



b. The office of the Board of Commissioners of the Town of Elkton.

6. When Filed.

a. Except as provided for in special elections, in the year in which the Mayor and/or Commissioners are elected a Certificate of Candidacy shall be filed not later than sixty (60) days prior to the first Tuesday in May.

b. Special Elections – A Certificate of Candidacy for an office to be filled by a special election under this section shall be received and filed in the office of the appropriate board not later than 5:00 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the special election.

7. Manner of filing.

a. A Certificate of Candidacy may be filed in person or if authorized in the section below, by Certified Mail, personal messenger, or other delivery service designated by the filer.

b. A Certificate of Candidacy may not be filed by facsimile service or other electronic transmission.

c. Filing other than in person – A Certificate of Candidacy may be filed as permitted by Certified Mail, personal messenger or other delivery service as designated by the filer if:

i. The individual filing the Certificate is unable to do so in person because of illness, military service, or temporary absence from the State of Maryland; and

ii. The Certificate is accompanied by an affidavit signed by the individual filing the Certificate setting forth fully the facts that prevent that individual from filing the Certificate in person.

d. Content – On the Certificate of Candidacy form prescribed by the Board of Supervisors of Elections, the candidate shall specify:

i. The office, including, if applicable, the party to which the candidacy relates;

ii. The year of the election;

iii. The name of the individual filing the Certificate of Candidacy;

iv. The address on the statewide voter registration list or the current address of the individual;

v. A statement that the individual satisfies the requirements of law for candidacy for the office for which the Certificate of Candidacy is being filed; and

vi. Any information requested by the Board to verify the accuracy of the information provided by the individual under this subsection.

e. Additional requirements – the Certificate of Candidacy shall be accompanied by evidence that the individual has filed:

i. A Financial Disclosure Statement with the Town of Elkton Ethics Commission in accordance with the requirements of Section C7-13 2(b) of this Article; or

ii. Any other financial disclosure report required by law; and

iii. Any additional information required by the Board.

f. Acceptance by appropriate Board – the appropriate Board shall accept the Certificate of Candidacy if it determines that all requirements are satisfied.

#### §C7-14. Ballots in general – Requirements of ballots in voting

A. In any election conducted under this Article:

1. All voting shall be by ballot;

2. Only votes cast on a ballot may be counted;

3. All ballots shall comply with the provisions of this Article

4. Other uses prohibited – A ballot may not be used for any purpose not authorized by this Article.

B. Responsibilities for preparation – The Board of Supervisors of Elections shall place referendum, names of candidates, and other material on the ballot in accordance with the content and arrangement prescribed by this Article.

C. Standards.

Each ballot shall:

1. Be easily understood by voters;
2. Present all candidates and questions in a fair and nondiscriminatory manner;
3. Permit the voter to easily record a vote on referendum and on the voter's choices among candidates;
4. Protect the secrecy of each voter's choice; and
5. Facilitate the accurate tabulation of the choices of the voters.

D. Content.

Each ballot shall contain:

1. A heading;
2. A statement of each question that has met all the qualifications to appear on the ballot;
3. The title of each office to be voted on;
4. The name, as specified in the Certificate of Candidacy, or as otherwise provided in this Article, of each candidate who has been certified by the Board of Supervisors of Elections;
5. A means by which a voter may cast write-in votes, as provided in this Subtitle; and
6. Instructions to voters as provided in this Subtitle.

E. Arrangement of ballots – Questions

1. Order of questions – questions to be voted upon shall be placed on the ballot in the following order:

- a. Those relating to the creation or adoption of a new Town of Elkton Charter or Code;
- b. Those proposing amendments to the Town of Elkton Charter or Code;
- c. Other questions.

F. Absentee and Provisional ballots – Content.

The content of both an Absentee and Provisional ballot issued to a voter shall be identical to the ballot used in the polling place.

G. Requirements for casting Provisional ballots.

In general. If an individual is eligible under the following paragraph, the individual shall be issued and may cast a Provisional Ballot at the polling place on Election Day.

Eligibility. An individual is eligible to cast a Provisional Ballot if:

- 1. The individual declares in a written affirmation submitted with the Provisional Ballot that the individual is a registered voter in the State of Maryland and is eligible to vote in that election; and
- 2. The individual's name does not appear on the Election Register;
- 3. An Election Official asserts that the individual is not eligible to vote; or
- 4. The individual does not have the necessary identification.

H. Completion of a Provisional Ballot. Before an individual casts a Provisional Ballot:

- 1. The individual shall complete and sign the Provisional Ballot application prescribed by the Board; and
- 2. The Election Official issuing the ballot shall advise the individual that the individual will be able to ascertain whether the vote was counted, and if it was not counted, the reason it was not.

§C7-15. Authority to change ballots and material to conform to Congressional Acts.

If any act or 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 Sections C7-11 and C7-12 of

this Article requires the execution of an oath on the ballot envelope, or otherwise, or requires other printing on any of said ballot material, which is different from that required on the ballot envelope or other ballot material as provided in said Sections C7-11 and C7-12, 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 Sections C7-11 and C7-12, provided any such change does not conflict with any provision of the Charter of the Town of Elkton 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 the Town of Elkton.

§C7-16. 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.

§C7-17. Polling places and procedures.

A. Authority and duties of the Board of Supervisors of Elections

In general – Under the supervision of the Chief Judge, a Supervisor shall:

1. Carry out the tasks assigned by the Board of Supervisors of Elections during the period of time that begins before the election through the close of the polls and the return of materials to the Board; and
2. Take measures throughout election day to assure that;
  - a. Each voter’s right to cast a ballot in privacy is maintained;
  - b. The integrity of the voting process is preserved; and
  - c. The accuracy of the counting process is protected; and
  - d. Order in the polling place is maintained; and
  - e. All election laws are observed.

B. Wearing badge on Election Day – While serving as a Supervisor of Elections on election day, a Supervisor shall wear an identification that:

1. Is in plain view
2. Identifies the person as a Supervisor of Elections
3. Identifies the person by name

C. Authority to keep order in the polling place – A Supervisor of Elections shall:

1. Keep the peace and order the arrest of any person who:
2. Breaches the peace;
3. Breaches any provision of this Charter; or
4. Interferes with the work of the Supervisors of Elections in conducting the election and carrying out their assigned tasks.

D. Protection of challengers and watchers

1. Supervisor of Elections shall protect a challenger or watcher in the exercise of the rights of a challenger or watcher as provided in this Charter.
2. Supervisor of Elections is not required to admit a challenger or watcher to a polling place before the polls open if the challenger or watcher was not present at the polling place at least one-half hour before the polling place opens.
3. Supervisor of Elections may require challengers and watchers to leave the polling place before it opens if a majority of the Supervisors present agree that the presence of the challengers and watchers will prevent the timely opening of the polling place.
4. Supervisor shall designate reasonable times for challengers and watchers to examine polling lists.

§C7-18. Access to polling place.

A. Individuals allowed to have access to the polling place – a Supervisor of Elections shall allow the following individuals to have access to the polling place;

1. Voter;
2. An individual who accompanies a voter in need of assistance in accordance with this Article;
3. Polling place staff;
4. A member or other representative of the Board of Supervisors of Elections;
5. An accredited watcher or challenger under this Article;
6. An individual under the age of 18 who accompanies a voter provided that:

- a. The individual is in the care of the voter and does not disrupt or interfere with normal voting procedures; and
- b. The individual is not eligible to vote in that election; and
- c. any other individual authorized by the Board of Supervisors of Elections.

#### §C7-19. Responsibilities of Supervisors of Elections on Election Day

##### A. Prior to Opening of the Polls

1. In general – In accordance with instructions provided by the Chairperson, the Supervisors of Elections shall arrive at the polling place and, under the direction of the Chairperson, shall set up the polling place to assure that the polls will be open and operational at 7:00 a.m.
2. Admission of challengers and watchers – Except as provided elsewhere in this Article, a Supervisor shall admit an accredited challenger or watcher one-half hour before the polling place is open.

##### B. Responsibilities of Supervisors of Elections on Election Day – Voting Hours

1. Qualification of Voters – For each individual who seeks to vote, a Supervisor, in accordance with instructions provided by the Board of Supervisors of Elections, shall:
  - a. Locate the individual's name in the Election Register and provide appropriate documentation (voter authority card) authorizing the individual to vote a regular ballot; or
  - b. If the individual's name is not found in the Election Register, search the Inactive Voter list and if the name is found, authorize the individual to vote a regular ballot; or
  - c. If the individual's name is not on the Inactive list, refer the individual for Provisional Ballot voting.
  - d. Establish the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the Election Register;
  - e. Except if a voter's personal information has been deemed confidential by the Board of Supervisors of Elections, verify the address of the

voter's residence or conduct an alternative verification as established by the Board of Supervisors of Elections.

- f. If any changes to the voter authority card are indicated by a voter, make the appropriate changes in information on the voter authority card or other appropriate form; and
- g. Have the voter sign the voter authority card and either issue the voter a ballot or send the voter to a machine to vote.

2. Right to Vote – Upon completion of the procedures set forth in this section, a voter may vote in accordance with the procedures appropriate to the voting system used in the polling place.

### C. Instruction of and Assistance to Voters

- 1. Before a voter enters a voting booth, at the request of the voter, a Supervisor of Elections shall instruct the voter about the operation of the voting system.
- 2. After a voter enters the voting booth, at the request of the voter, a neutral third party voting assistant designated by the Town of Elkton shall instruct the voter on the operation of the voting device.
- 3. A Supervisor of Elections or voter assistant designee may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.
- 4. After instructing the voter, the voter assistant designee shall exit the voting booth and allow the voter to vote privately.
- 5. A voter may take into the polling place any written or printed material to assist the voter in marking or preparing the ballot.
- 6. A voter who requires assistance in marking or preparing the ballot because of a physical disability or an inability to read the English language may choose an individual to assist the voter.
- 7. A voter may not choose the voter's employer or agent of that employer or an officer or agent of the voter's union to assist the voter in marking the ballot.
- 8. If the voter requires assistance in voting but declines to select an individual to assist, a Supervisors of Elections, in the presence of a neutral third party voter assistant designated by the Town of Elkton shall assist the voter in the manner prescribed by the voter.



9. An individual assisting a voter may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.

10. If a voter requires assistance under this subsection, the Chairperson shall record, on a form prescribed by the Board of Supervisors of Elections, the name of the voter who required assistance and the name of the individual providing assistance to the voter.

11. Except as in paragraphs 4 or 6 of this subsection, an individual over the age of 17 years may not accompany a voter into a voting booth.

#### §C7-20. Challengers and Watchers

A. Designation and removal of Challengers and Watchers – The following persons or entities have the right to designate a registered voter as a Challenger or a Watcher at each place of registration and election:

1. the Board of Supervisors of Elections
2. a candidate
3. a political party
4. any other group of voters supporting or opposing a candidate, principle or proposition on the ballot.

A person who appoints a Challenger or Watcher may remove the Challenger or Watcher at any time.

B. Right of Challengers and Watchers – Except as provided for otherwise in this subtitle, a Challenger or Watcher has the right to:

1. Enter the polling place one-half hour before the polls open;
2. Enter or be present at the polling place when the polls are open;
3. Remain in the polling place until the close of the polls;
4. Maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and
5. Enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

### C. Certificate

1. A certificate signed by any party or candidate shall be sufficient evidence of the right of a Challenger or Watcher to be present in the polling place.
2. A Challenger or Watcher shall be positioned near the Supervisors of Elections and inside the polling place so that the Challenger or Watcher may see and hear each person as the person offers to vote.

### D. Prohibited Activities

1. A Challenger or Watcher may not attempt to:
  - a. ascertain how a voter voted or intends to vote;
  - b. converse in the polling place with any voter;
  - c. assist any voter in voting;
  - d. physically handle an original election document;
  - e. interfere or attempt to interfere with the work of the Supervisors of Elections in conducting the election or carrying out their assigned tasks.
2. A Supervisors of Elections may eject a Challenger or Watcher who violates the prohibitions of this subsection.

### E. Individuals other than accredited Challengers or Watchers

1. Except as provided for otherwise in this subsection, a Supervisor of Elections shall permit an individual other than an accredited Challenger or Watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.
2. A majority of the Board of Supervisors of Elections may limit the number of non-accredited Challengers and Watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.
3. A non-accredited Challenger or Watcher shall leave the polling place as soon as a majority of the Board of Supervisors of Elections decides the right to vote of the individual challenged by the Challenger or Watcher.

4. In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited Challenger or Watcher provided under this Article apply to a non-accredited Challenger or Watcher.

F. Challenge of an individual's right to vote

1. Grounds for challenge proof of identity – The right of an individual to vote may be challenged at the polls only on the grounds of identity. An individual whose right to vote is challenged at the polls may establish the individual's identity by presenting any of the following forms of identification:

- a. the individual's voter registration card;
- b. the individual's Social Security card;
- c. the individual's valid Maryland Driver's License;
- d. any identification card issued to the individual by a political subdivision of the state or federal government;
- e. any employee identification card of the individual that contains a photograph of the individual and is issued by the employer of the individual in the ordinary course of the employer's business;
- f. a copy of a current bill, bank statement, government check, paycheck, or other government document that shows the name and current address of the individual.
- g. If an individual establishes the individual's identity under paragraph (b) of this subsection, a Supervisor of Elections shall authorize the individual to vote a regular ballot.

2. In general – A challenge to an individual's right to vote shall be made before the individual is issued a ballot or a voter authority card.

3. Procedure at time of challenge – If a challenge is made, and the challenged individual does not present any of the forms of identification specified in paragraph F (1) of this subsection, a Supervisor of Elections receiving the challenge shall:

- a. Require the Challenger to provide in writing, under penalty of perjury, the reasons for the challenge;

- b. Offer the challenged individual the opportunity to cast a provisional ballot;
- c. Submit an attestation, witnessed by the Supervisor, of the individual's identity; and
- d. Submit the provisional ballot and other materials related to the challenge to the Board of Supervisors of Elections.

4. Board determination – During the canvass of provisional ballots, the Board of Supervisors of Elections shall determine, based on the information submitted by the Challenger and the challenged individual, whether the challenged individual is the registered voter he or she claims to be and otherwise qualified to vote.

#### G. Write-In Voting

- 1. Write-in voting permitted in certain elections – In any general election or special general election, a voter may write in a name for any office.
- 2. Responsibility of Supervisors of Elections – When requested by a voter, a Supervisor of Elections shall provide information on write-in voting. If a voter requests information on write-in voting, a Supervisor of Elections shall assure that the voter is fully informed of the procedure before voting. If a voter is unable to write, the voter may have assistance as provided in §C7-19(C).

#### H. Closing of the Polls

- 1. Procedures – The Board of Supervisors of Elections shall provide Supervisors with detailed procedures for the closing of the polls, specific to the voting system used. The procedures should include directions on:
  - a. the tabulation, recording and reporting of votes if these activities are undertaken in the polling place;
  - b. the preparation, signing and sealing of documents and other election materials;
  - c. the security of all equipment and materials in the polling place; and
  - d. the return of equipment and materials to the Board of Supervisors of Elections.
- 2. Admission of Candidates to hear election results – If election results are produced in the polling place, the Supervisors of Elections shall admit Candidates to hear the announced results.

3. Release of Supervisors of Elections from duty – A Supervisor of Elections shall be released after the completion of the Supervisor’s assigned tasks.

I. Offenses as to ballots and balloting in general

1. In general – a person may not:

- a. place any distinguishing mark on the person’s own or another person’s ballot for the purpose of identifying the ballot;
- b. misrepresent the person’s ability to mark a ballot or operate voting equipment;
- c. interfere or attempt to interfere with a voter while the voter is inside the polling place, marking a ballot, or operating voting equipment;
- d. induce or attempt to induce a voter to mark the voter’s ballot in a certain way;
- e. except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the Board of Supervisors of Elections Chairperson;
- f. destroy or deface a ballot;
- g. remove a ballot from a building in which voting occurs, except as otherwise provided in this Article;
- h. delay the delivery of a ballot;
- i. possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process; or
- j. canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted.

2. Electioneering boundary – At each polling place, the Board of Supervisors of Elections shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs. Except as provided in this section, the line shall be located as near as practicable to one hundred (100) feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on

public safety and the flow of pedestrian and vehicular traffic. The signs shall contain the words “No Electioneering Beyond This Point”.

3. Penalties – A person who violates this section is guilty of a misdemeanor and is subject to a fine not to exceed \$1,000 or imprisonment for not to exceed ninety (90) days or both.

## J. Canvassing and Vote Counting Definitions

1. In general – In this section, the following words have the meanings indicated.

### a. Canvass

“Canvass” means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results. For absentee ballots, the canvass includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying. For provisional ballots, the canvass includes the review of the provisional ballot applications described in this Article and the assembly and review of provisional ballots in preparation for vote tallying.

### b. Unofficial returns

“Unofficial returns” means a vote tabulation reported on election night after the polls close.

### c. Vote Tabulation or Vote Counting

“Vote Tabulation” or “vote counting” means the aggregation of the votes cast by individual voters to produce vote totals at any level.

### d. Vote Tallying

“Vote Tallying” means the recording of votes cast by individual voters on a certified voting system whether done by:

- i. A mechanical lever voting machine;
- ii. An electronic voting device; or
- iii. Making marks manually on a tally sheet.

## K. Procedures for Vote Counting

### 1. In general

a. Each qualified voter present at the polls at 8:00 p.m. on election day shall be allowed to vote before the Board of Supervisors of Elections commence canvassing under this section.

b. In accordance with the provisions of this Charter and regulations adopted by the Board of Supervisors of Elections, after the last voter has voted in an election, the Supervisors shall follow the instruction issued by the Chairperson for closing the polls and for performing the tasks required in the post-closing period.

### 2. Specific Duties – In accordance with this Section, the Supervisors shall:

a. Secure the voting system to prevent further voting;

b. If appropriate to the voting system, record the vote, produce vote totals for the polling place, and announce results to those present;

c. Complete all documents, records and reports required by law or regulation after the closing of the polls;

d. Perform any other tasks assigned by the Chairperson;

e. Assemble and account for materials to be returned to the Board of Supervisors of Elections, including, if applicable for the voting system used in that election:

i. removable data storage devices from voting equipment, if applicable;

ii. voted ballots;

iii. voter authority cards;

iv. signs and posters;

v. records, reports, logs, affidavits, certificates and other documents;

vi. keys to voting device, if applicable.

## L. Canvassing of absentee ballots

1. In general – Following an election, the Board of Supervisors of Elections shall canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established in this Article and by the State Board of Elections.

2. Time for opening of absentee ballots.

- a. The Board of Supervisors of Elections may not open any envelope of an absentee ballot prior to the close of polls on Election Day.
- b. The Board of Supervisors of Elections may not delay the commencement of the canvass to await the receipt of late-arriving absentee ballots.

3. Timely receipt required

- a. An absentee ballot shall be deemed timely received if it is received in accordance with the regulations and guidelines established by the Board of Supervisors of Elections.
- b. An absentee ballot that is received after the deadline specified by the regulations and guidelines may not be counted.

4. Rejection of absentee ballots

- a. The Board of Supervisors of Elections shall adopt regulations that reflect the policy that the clarity of the intent of the voter is overriding consideration in determining the validity of an absentee ballot or the vote cast in a particular contest.
- b. The Board of Supervisors of Elections may not reject an absentee ballot except by unanimous vote and in accordance with regulations of the State Board of Elections.
- c. The Board of Supervisors of Elections shall reject an absentee ballot if:
  - i. before the ballot was canvassed, the Board of Supervisors of Elections determines that the voter died before Election Day;
  - ii. the voter failed to sign the oath on the ballot envelope;
  - iii. the Board of Supervisors of Elections received more than one ballot from the same individual for the same election in the same ballot envelope; or
  - iv. the Board of Supervisors of Elections determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.



d. If the Board of Supervisors of Elections receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the Board shall:

- i. count only the ballot with the latest properly signed oath; and
- ii. reject any other ballot.

e. If the intent of the voter is not clearly demonstrated, the Board of Supervisors of Elections shall reject only the vote for that office or question.

f. If an absentee voter casts a vote for an individual who has ceased to be a candidate, the vote for that candidate may not be counted, but that vote does not invalidate the remainder of the ballot.

#### M. Canvassing of Provisional Ballots

1. In general – Following an election, the Board of Supervisors of Elections shall canvass the provisional ballots cast in that election in accordance with the regulations and guidelines established by the State Board of Elections.

2. Time for opening provisional ballots – The Board of Supervisors of Elections may not open an envelope of a provisional ballot until the Board of Supervisors of Elections has approved the provisional ballot application.

3. Rejection of a provisional ballot – the Board of Supervisors of Elections may not reject a provisional ballot except by the unanimous vote and in accordance with regulations of the State Board of Elections.

a. The Board of Supervisors of Elections shall reject a provisional ballot if:

i. The Board of Supervisors of Elections determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot in accordance with this Article;

ii. The individual failed to sign the oath on the provisional ballot application;

iii. The individual cast more than one ballot for the same election;  
or

iv. The Board of Supervisors of Elections determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

b. If the intent of the voter with respect to a particular contest is not clearly demonstrated, the Board of Supervisors of Elections shall reject only the vote for that contest.

c. For the purposes of this section, an individual is qualified to vote the provisional ballot cast if the Board of Supervisors of Elections determines that:

i. the individual is registered with the State Board of Elections;

ii. if the provisional ballot was cast because the voter failed to provide the required identification, the individual who cast the provisional ballot has met the identification requirements established by the Board; and

iii. if the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, and the order has not been invalidated by a subsequent court order.

4. Method of counting – the Board of Supervisors of Elections shall count the entire provisional ballot if the address on the provisional ballot application is within the Town of Elkton limits.

#### N. Rejected absentee ballot; appeal

1. Right of appeal – A candidate or absentee voter aggrieved by the decision of the Board of Supervisors of Elections to reject, or not to reject, an absentee ballot shall have the right of appeal to the Circuit Court for Cecil County.

2. Time of filing – The appeal must be filed within five (5) days from the date of the completion of the official canvass by the Board of Supervisors of Elections of all the votes cast at the election.

3. Procedures – The appeal shall be heard de novo, without a jury, as soon as possible.

4. Appeal to the Court of Special Appeals

a. The decision of the Circuit Court may be appealed to the Court of Special Appeals, provided the appeal is taken within forty-eight (48) hours from the entry of the decision of the Circuit Court.

b. The appeal shall be heard and decided on the original papers, including a written transcript of the testimony taken in the case. The original papers and the transcript shall be transmitted to the Court of Special Appeals within five (5) days from the taking of the appeal, and the appeal shall be heard as soon as possible.

5. Administrative Complaints – Any person who asserts that an election official has violated the provisions of this Article relating to provisional ballots may file an administrative complaint under procedures established by the State Board of Elections.

O. Custody and security of documents and records related to the canvass.

The person designated to maintain custody of the documents and records required under this Article shall maintain and secure those items in accordance with the regulations adopted by the State Board of Elections.

P. Errors in canvass documents

1. In general – If the Board of Supervisors of Elections determines that there appears to be an error in the documents or records produced at the polling place following an election, then it immediately shall investigate the matter to ascertain whether the records or documents are correct.

2. Correction of errors – The Board of Supervisors of Elections may correct a document or record only in accordance with the regulations of the State Board of Elections.

Q. Verification of Vote Count

1. After the closing of the polls, the votes shall be tallied and recorded.

2. The number of votes received shall be verified against the number of voters in order to determine accuracy.

3. The Board of Supervisors of Elections shall sign off on the final results and a copy shall be secured at the Elkton Municipal Building.

R. Declaration of Winners and Election Results

1. After the election votes are verified, the candidates shall be notified of the results.
2. After each election, the Board of Supervisors of Elections shall make the election results available to the public at the Elkton Municipal Building.
3. A copy of the election results shall include:
  - a. the name of the individual elected or nominated for office
  - b. whether or not a question is adopted or approved
4. A Copy of the election results shall be maintained by the Administration Office of the Town of Elkton.

#### S. Contested Elections and Recount

##### 1. Petition for Recount

- a. In general – A candidate for public office who has been defeated on the certified results on any election conducted under this Article may petition for a recount of the votes cast for the office sought.
- b. Place of filing – The petition shall be filed with the Board of Supervisors of Elections or the State Board of Elections.
- c. Time of filing – The petition must be filed within three (3) days after the results of the election have been certified.
- d. Notice of Filing of Petition
  - i. The State Board of Elections shall promptly notify the Board of Supervisors of Elections of a petition that is filed with the State Board of Elections.
  - ii. The Board of Supervisors of Elections shall promptly notify the State Board of Elections of a petition that is filed with the Town of Elkton.

##### 2. Recount on Question – Petition

- a. In general – A petition for a recount based on the certified results of a question on the ballot in an election conducted under this Article may be filed by a registered voter eligible to vote for that question.

b. Time of filing – The petition must be filed within two (2) days after the results of the election are certified.

c. Notice of filing petitions

i. The State Board of Elections shall promptly notify the Board of Supervisors of Elections of a petition that is filed with the State Board of Elections.

ii. The Board of Supervisors of Elections shall promptly notify the State Board of Elections of a petition that is filed with the Town of Elkton.

### 3. Bond

a. In general – A petition filed under this section shall be filed with a bond.

b. Determination and setting of bond – If a recount is being conducted, a judge of the Circuit Court of Cecil County shall determine and set the bond to be filed by the petitioner or counter-petitioner sufficient to pay the reasonable costs of the recount.

### 4. Duties of the Board of Supervisors of Elections

a. Duties of the Board of Supervisors of Elections – in accordance with regulations adopted by the State Board of Elections, the Board of Supervisors of Elections shall:

i. conduct the recount and certify the official result of the election or question which is the subject of the recount; and

ii. ensure the public's ability to be present while the recount is conducted.

b. State Board of Elections to monitor conduct of recount – the State Board of Elections shall monitor and support the work of the Board of Supervisors of Elections conducting a recount to ensure compliance with this Section.

c. Termination of a recount – the State Board of Elections shall establish a procedure that will allow petitioners and counter-petitioners to request that a recount be terminated prior to its completion.

d. Correction of returns – when a recount is completed, the Board of Supervisors of Elections, and when appropriate, the State Board of

Elections, shall correct the general or special election returns and certificates that were made by the Board of Supervisors of Elections.

## 5. Costs

### a. In general

i. Except as otherwise provided for in this Section, each petitioner shall pay the cost of a recount requested under this subsection and the petitioner's bond is liable for the cost.

ii. The petitioner is not liable for the cost of the recount if:

(a). the outcome of the election is changed;

(b). the petitioner has gained a number of votes for the petitioner's candidacy or for or against the question that is the subject of the petition equal to 2% or more of the total votes cast for the office or on the question; or

(c). the margin of difference in the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.1% or less of the total votes cast for those candidates; or

(d). in the case of a question, the margin of difference between the number of votes cast for and the number cast against the question is 0.1% or less.

b. Payment – if the petitioner is not liable for the costs of the recount as provided in this subsection, the Town of Elkton shall pay the costs of the recount.

## T. Judicial Challenges

1. In general – If no other timely and adequate remedy is provided by this Article, a registered voter may seek judicial relief from any act or omission relating to an election, whether or not the election has been held, on the grounds that the act or omission:

a. is inconsistent with this Article or other law applicable to the elections process; and

b. may change or has changed the outcome of the election.

2. Place and time of filing – a registered voter may seek judicial relief under this Section in the Circuit Court for Cecil County within ten (10) days after the act or omission or the date the act or omission became known to the petitioner.

#### U. Procedure

1. In general – A proceeding under this Section shall be conducted in accordance with the Maryland Rules, except that:

a. the proceeding shall be heard and decided without a jury and as expeditiously as the circumstances require;

b. on the request of a party or sua sponte, the chief administrative judge of the Circuit Court of Cecil County may assign the case to a three-judge panel of Circuit Court judges; and

c. an appeal shall be taken directly to the Court of Appeals within five (5) days of the date of the decision of the Circuit Court.

2. Expedited appeal – The Court of Appeals shall give priority to hear and decide an appeal brought under subsection U(1)(c) of this Section as expeditiously as the circumstances require.

#### V. Judgment

1. In general – the Court may provide a remedy as provided in this subsection if the court determines that the alleged act or omission materially affected the rights of interested parties or the purity of the election process, and:

a. may have changed the outcome of an election already held; or

b. may change the outcome of a pending election.

2. Act or omission that changed election outcome – If the court makes an affirmative determination that an act or omission was committed that changed the outcome of an election already held, the court shall:

a. declare void the election for the office or question involved and order that the election be held again at a date set by the court; or

b. order any other relief that will provide an adequate remedy.

3. Act or omission that may change the outcome of pending election – if the court makes an affirmative determination that an act or omission has been committed that may change the outcome of a pending election, the court may:

- a. order any relief it considers appropriate under the circumstances; and
- b. if the court determines that it is the only relief that will provide a remedy, direct that the election for the office or question involved be postponed and rescheduled on a date set by the court.

4. Clear and convincing evidence – A determination of the court shall be based on clear and convincing evidence.

§C7-21. Campaign Finance and Campaign Materials

- A. This section applies to each election conducted in accordance with this Article.
- B. In general – Unless otherwise provided in this Article, the laws, rules, regulations and procedures governing campaign finance and campaign materials of the Town of Elkton shall be as provided in Title 13, Md. Election Law Code Annotated Section 13-101 through Section 13-605, and may be amended from time to time as needed.

§C7-22. Offenses and Penalties

- A. This section applies to each election conducted in accordance with this Article.
- B. In general – Unless otherwise provided in this Charter, the election law offenses and penalties of the Town of Elkton shall be as provided in Title 16, Md. Election Law Code Annotated, Sections 16-101 through Section 16-1002, and may be amended from time to time as needed.

**\*\*\* END OF SECTION \*\*\***

- Section 2. That a copy of this Resolution shall be posted at the Elkton Municipal Building, 100 Railroad Avenue, Elkton, Maryland, for a period of not less than forty (40) days following its passage.
- Section 3. That this Resolution be published in the Cecil Whig newspaper for a period of four (4) consecutive weeks following its passage.
- Section 4. That this amendment to the Charter of the Town of Elkton shall be effective upon the fiftieth (50<sup>th</sup>) day following the passage of this Resolution, unless otherwise provided by law.



**PASSED THIS 6<sup>TH</sup> DAY OF September, 2017**

DATE OF EFFECT

THIS RESOLUTION shall be effective on the 26<sup>th</sup> day of October, 2017.

Mayor Robert J. Alt

Commissioner Charles H. Givens, Sr.

Commissioner Mary Jo Jablonski

Commissioner Earl M. Piner, Sr.