

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: