

AN ORDINANCE TO INSURE THE ORDERLY ADMINISTRATION OF REGISTRATION AND VOTING IN TOWN ELECTIONS.

VOTING QUALIFICATION

To qualify to vote in a town election, one must be registered. To register one must be a citizen of the United States, a resident of the Town and at least eighteen years of age OR a citizen of the United States, at least eighteen years of age and at the time of registration own real estate located within the municipal limits of Leonardtown. A stockholder, director or officer of a corporation owning real estate in Town does not qualify to register merely because of the corporate ownership of real estate. A corporate entity owning real estate within the Town is not qualified to register.

In order to hold elective or appointive office as a Town Commissioner, one must be a citizen of the United States, and a resident of the Town at the time of the election or appointment, and at least eighteen years of age. Property ownership does not qualify for election or appointment as a Town Commissioner.

The above qualifications are taken from the Town charter as amended and supplemented by Court decisions.

VOTER REGISTRATION

In order to vote in a Town election, one must be registered as a voter with the Town. Registration for county, state and national elections is not a prerequisite. One registered must be otherwise qualified on the date of election. Moving from Town or divesting oneself of Town real estate ownership shall disqualify a registered voter from voting.

Registration shall be in person at the Town office on Monday through Friday between the normal business hours of 8:30 AM to 4:30 PM. There shall be no registration on days that the Town office is closed. The Commissioners of Leonardtown may authorize trained registrars to conduct voter registration at public places other than the Town Office at other locations, dates and times to be publicly announced. Credentials may be required to prove age or residence. With regard to voters seeking to qualify because of real estate ownership, the registrar shall require a copy of the deed or in the case of an heir or devisee claiming title through a decedent dying prior to 1970, written proof of entitlement to the property. This information can ordinarily be obtained from the

EMERGENCY BALLOTS

Emergency ballots for any voter who because of health reasons or as a condition of employment becomes unable to go personally to the Town Office after the close of business on the Tuesday preceding an election may be applied for at the Town Office by an agent that the voter may appoint. The illness or infirmity must have occurred after the close of business on the Tuesday preceding the election.

An emergency ballot may be obtained through 6:30 PM of election day provided a sufficient application has been submitted to the Town Office by that date and hour.

All absentee and emergency ballots must be returned to the Town Office by no later than 7 PM on election day in order to be counted.

Once a voter has applied for and received an absentee or emergency ballot he may not vote at the Town Office but must vote by absentee or emergency ballot.

All absentee ballots are to be returned in sealed envelopes provided by the Town.

REGISTRARS

The Town Commissioners shall from time to time appoint and designate capable employees of the Town to serve as registrars, who shall familiarize themselves with the provisions of this resolution and the election procedures of the Town.

The registrars shall refer all questions they are unable to answer pertaining to registration, qualification and voting to the Town Election Judge.

TOWN ELECTION JUDGE

The Commissioners shall at their first meeting in January of each year appoint an election judge. The election judge shall serve until his successor is appointed. The election judge shall be notified of his appointment in writing.

The election judge shall be responsible for the fair and impartial conduct of the Town election. The election judge shall address inquiries about registration and voting. He shall be the judge of the qualifications of a prospec-

tive voter where issue is raised as to eligibility to register or vote.

To assist in the conduct of the election and the counting of the ballots, the election judge shall have authority to appoint such persons as he may deem appropriate, including door watchers and vote counters.

ELECTION DAY

There shall be no campaign literature left in the polling place. No one shall carry campaign literature into the polling place. There shall be no loitering or hanging around in the polling place. All candidates and voters shall leave the polling place as soon as they have voted unless a designated challenger.

The entrance to the polling place shall remain accessible during the voting hours. There shall be no electioneering within fifteen feet of the front steps of the Town Office during the hours of voting.

CHALLENGERS

A candidate may position a challenger in the polling place in an area designated by the election judge. A challenger shall not converse with a voter or attempt to instruct or ascertain how a voter intends to vote or how he voted.

A challenger may challenge a voter on election day. Upon challenge of a prospective voter, the election judge shall make inquiry of the qualifications of the prospective voter. The election judge may administer an oath to the prospective voter. The decision of the election judge shall be conclusive of the challenge.

By the opening of the polls on election day a candidate, desiring a challenger to be present in the polling room during the conduct of the election, must present the election judge/in writing signed by the candidate with the <sup>notice</sup> name of the challenger. A candidate cannot concurrently serve as a challenger.

WITNESS THE SIGNATURES OF THE COMMISSIONERS OF LEONARDTOWN

APPROVED AS TO FORM:

Joseph R. Densford  
Joseph R. Densford  
Town Attorney

Edward H. Long  
Edward H. Long, President

ATTESTED BY:

Frank A. Hayden  
Frank A. Hayden, Vice President

Marylin G. Enwright  
Marylin G. Enwright  
Town Secretary

(Opposed)  
Penny Beasley-Bell, Commissioner

Fayrene Mattingly  
Fayrene Mattingly, Commissioner

Registrar of Wills. A person registering shall sign the registration book.

A prospective voter may also register in absentia. This shall be done by the applicant completing a registration application and returning it to the Town office. When voting in person an absentee registrant will be requested to sign the Town registration book.

All voting applications shall be signed by the registrant, witnessed by at least one adult and acknowledged under the penalties of perjury as being true and accurate. A sample application form, to be completed by all registrants is affixed hereto.

Voting registration shall cease at the close of business on the third Friday preceding a Town election and remain so closed until the day following the election.

Anyone otherwise eligible to vote who will be eighteen years of age at the time of the next election may register to vote in advance of his eighteenth birthday.

A person may not be disenfranchised from voting because of mental retardation unless he has been declared to be incompetent by a court in accordance with the provisions of the Courts and Judicial Proceedings article of the Annotated Code of Maryland.

Affiliation with a political party is not a prerequisite to registering and voting in a Town election.

#### VOTING

Town elections are held on the first Tuesday of May of each year. The Town Office shall be the polling place. The voting poll shall open at 1 PM and voting shall continue until 7 PM. Anyone in line at 7PM must be allowed to vote. Voting shall be by secret written ballot.

The appointed Election Judge shall be responsible for the fair and impartial conduct of the election and the count of the ballots.

#### ABSENTEE BALLOTS

Any registered voter may vote by absentee ballot. An application for an absentee ballot must be filed by the applicant for each election separately.

An application for an absentee ballot must be received by the Town Office no later than the close of business on the Tuesday preceding an election.

VOTER APPLICATION  
TOWN OF LEONARDTOWN

NAME: \_\_\_\_\_

RESIDENCE ADDRESS: \_\_\_\_\_

LENGTH OF TIME A RESIDENT OF LEONARDTOWN: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

ARE YOU A CITIZEN OF THE UNITED STATES? \_\_\_\_\_

If you seek qualification to vote because of an interest in real estate in town, you are required to provide sufficient written proof of an ownership interest.

This can be in the form of the deed or information from the Register of Wills office. Corporate ownership of real estate does not qualify one to vote.

ARE YOU SEEKING REGISTRATION BECAUSE OF REAL ESTATE OWNERSHIP? \_\_\_\_\_

WHAT IS THE NATURE AND EXTENT OF THAT OWNERSHIP? \_\_\_\_\_

I hereby declare under the penalties of perjury that the information I have provided above is true and accurate to the best of my knowledge and belief. I further understand that I must remain qualified in order to vote in a town election.

\_\_\_\_\_  
Registrant

\_\_\_\_\_  
Date

WITNESS:  
\_\_\_\_\_

**§ 27-3. Elections in which absentee voters may vote.**

This subtitle applies to elections for all candidates, constitutional amendments and other questions at any election held in any year, but, with the exception of Baltimore City, it does not include municipal elections in any municipal corporation. (1957, ch. 739, § 1; 1958, ch. 33; 1962, ch. 120; 1963, ch. 385; 1967, ch. 392, § 1.)

Quoted in *Hanrahan v. Allerman*, 41 Md. App. 71, 396 A.2d 272, cert. denied, 284 Md. 744 (1979).

**§ 27-4. Applications for absentee ballots.**

Except for persons described in §§ 27-1 (a) and 27-2 (a-1), a qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the board for an absentee ballot, which application must be received not later than the Tuesday preceding the election. The application shall contain an affidavit, which need not be under oath but which shall set forth such information, under penalty of perjury, as may be required by the State Administrative Board of Election Laws. (1957, ch. 739, § 1; 1958, ch. 33; 1962, ch. 120; 1963, ch. 385; 1967, ch. 392, § 1; 1969, ch. 245; 1971, ch. 216; 1972, ch. 671; 1976, ch. 37; ch. 174, § 5; ch. 390, § 1; 1977, ch. 533.)

**§ 27-5. Application forms.**

(a) Printed forms of application for absentee ballots in accordance with the requirements of this subtitle shall be provided by the boards and shall be available to any qualified voter upon request.

(b) The State Administrative Board of Election Laws shall prescribe all forms of applications for absentee ballots including "Application for Absentee Registration and Ballot," "Application for Absentee Ballot by Registered Voter," "Application for Emergency Absentee Ballot by Registered Voter," and related affidavits and statements.

(c) Repealed by Acts 1976, ch. 390, § 2, effective July 1, 1976. (1957, ch. 739, § 1; 1958, ch. 33; 1962, chs. 70, 120; 1963, ch. 385; 1967, ch. 392, § 1; 1969, ch. 245; 1971, ch. 216; 1972, chs. 10, 671; 1973, ch. 779; 1976, ch. 390, §§ 1, 2.)

**§ 27-6. Determination of absentee voters' applications; delivery of ballots.**

(a) *Rejection of application.* — Upon receipt of an application containing the affidavit, the board shall reject the application only upon the unanimous vote of the entire board and when rejected shall notify the applicant of the reason therefor if it determines upon inquiry that the applicant is not legally qualified to vote at the election as an absentee voter.

(b) *Delivery of ballot.* — If the applicant is a qualified voter as stated in his affidavit, the board shall, as soon as practicable thereafter, deliver to him at the office of the board, or mail to him at an address designated by him, an

absentee voter's ballot and an envelope therefor. If the applicant is one with respect to whom free postage privileges are provided for by the Federal Voting Assistance Act of 1955, or any other federal law, rule, or regulation, the board shall take full advantage of these privileges; in all other instances, postage for transmitting ballot material to voters shall be paid by the board, and postage for the return of ballots shall be paid by the voters. If the ballots are to be sent by mail, the determinations required in subsection (a) of this section shall be made in such time as will allow for the sending and return of the ballots by regular mail, or airmail, depending on the mailing address and including at least one secular day for marking the ballots and completing the affidavit. All investigations shall be concluded and any determinations made as to all absentee ballot applications not later than five days before election day.

(c) *Record of applications received and ballots delivered.* — (1) The board shall keep a record of applications for absentee voters' ballots as they are received, showing the date and time received, the names and residences of the applicants, and such record shall be available for examination by any registered voter on written application to the board.

(2) After approval of an application for an absentee ballot and the mailing to the applicant of an absentee ballot, then, unless an electronically reproduced precinct register is used, the voter's record card in the precinct binder shall be removed and placed in a separate binder marked "Registered Absentee Voters" and retained in the office of the board. A marker shall be placed in the regular precinct binder with the voter's name and recording the fact that an absentee ballot has been mailed, which shall show the date on which the ballot was sent. If an electronically reproduced precinct register is used, a distinctive line shall be drawn through the voter's name on the list and marked "Absentee Voter." No such voter shall vote or be allowed to vote in person at any polling place.

(d) *One ballot to an applicant.* — Not more than one absentee ballot shall be mailed to any one applicant unless the board has reasonable grounds to believe that the absentee ballot previously mailed has been lost, destroyed or spoiled. (1957, ch. 739, § 1; 1962, ch. 120; 1967, ch. 392, § 1; 1969, ch. 245; 1974, chs. 336, 380; 1976, ch. 820.)

### § 27-7. Ballots for absentee voters.

(a) *Printing of ballots, envelopes and instructions; use of punchcard ballots.* — In sufficient time prior to any election, the boards shall have printed an adequate number of absentee ballots, the three kinds of envelopes described in this section, and the instructions to absentee voters as set out in § 27-8 of this article.

(1) Absentee ballots in the discretion of the board may be in the form either of paper ballots or of one or more punchcards kept together in a covering folder, provided that all absentee ballots in any one county or Baltimore City shall be in the same form. The form and arrangement of all absentee ballots shall be as prescribed by the State Administrative Board of Election Laws.

(2) Notwithstanding any provision in this subsection, before any board may use punchcard ballots, the particular punchcard ballot system, including the form of ballot arrangement, the nature of the punchcard used, the method of



TOWN OF LEONARDTOWN  
LEONARDTOWN, MARYLAND

APPLICATION FOR ABSENTEE BALLOT - - - - - REGISTERED VOTER

IMPORTANT: PLEASE GIVE THE FOLLOWING INFORMATION FOR IDENTIFICATION:

DATE OF BIRTH: \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_

I, \_\_\_\_\_, hereby apply for an absentee ballot for the Leonardtown Election to be held on May \_\_\_\_\_, 19\_\_\_\_\_.

I will not be able to vote in person because:

\_\_\_\_\_  
(Give reason here for absence from Leonardtown)

My residence address in Leonardtown is \_\_\_\_\_  
(Street and House Number)

Send the Ballot to me at the following address. (Note: use the mailing address at which mail reaches you most promptly.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Signature of Witness

WARNING: The Absentee Voting law provides that anyone who willfully signs any false application or oath, or who willfully does any act contrary to the terms and provisions of the Absentee Voting law with intent to cast an illegal vote or to aid another in doing so, or who willfully violates any of the provisions of that law or who applied for a ballot under any other name than his own, shall, upon conviction, be subject to a fine of \$1,000 or to imprisonment for not more than two years, or to both, in the discretion of the Court.