TOWN OF LAYTONSVILLE~~ORDINANCE NO. _____~~

~~AN ORDINANCE TO AMEND THE PROCEDURES AND REQUIREMENTS SET FORTH IN PRESENT ORDINANCE AUTHORIZING VOTING BY ABSENTEE BALLOT.~~ Absentee Ballot Ordinance

~~BE IT ORDAINED, by the Mayor and Council of the Town of Laytonsville, Maryland in public meeting assembled that the existing ordinance authorizing voting by absentee ballot is hereby amended as follows:~~

~~Ordinance to Authorize Voting by Absentee Ballot~~

Sec. 1.   Persons Entitled to Absentee Ballot

Any person qualified to vote in the Town elections and referendums, who will be absent from the town for any reasons on the day of such election or referendum, or who by reasons of physical disability is unable to be present at the polls on election day, shall be entitled to vote by absentee ballot.

Absentee ballots may be cast by a qualified voter in person or by an authorized agent of the absentee voter who is also a qualified voter or by mail provided such ballots are received by the Town Clerk not later than four (4) hours prior to the time of closing of the polls on election day.

Sec. 2.   Supply

The Clerk of the Town shall have on hand, at least fourteen (14) days prior to such election or referendum, an adequate supply of absentee ballots, envelopes, and instructions for casting ballots, for distribution to qualified absentee voters or their authorized agents.

Sec. 3.   Application for Absentee Ballot

An application for an absentee ballot shall be made in writing to the Town Clerk no later than 1:00 p.m. on the fourth day before the election. The application shall be made by the qualified voter in person or by mail, except that when the voter is physically disabled, the application may be made by the voter's authorized agent. (4.4.95)

Sec. 4.   Information Required

All applications for absentee ballots shall contain the signature, printed or typed name, and residence address of the voter within the corporate limits of the Town and any mailing address different than the residential address. If the application is made by an authorized agent, in addition to the information specified above, the application shall also set forth the signature, printed or typed name, and residence address of the agent. In all cases, the application shall set forth the reason the voter will be unable to be present at the polls on election day.

Sec. 5.   Issuance

Upon receipt of a complete and proper application, the Town Clerk shall upon confirming that the applicant is a qualified voter issue to the applicant or his authorized agent, either in person or by mail an absentee ballot, a ballot envelope, on which the voters name shall be written or typed, a return envelope, and instructions for casting the ballot. Any ballot that is not secured in person by the absentee voter or his/her authorized agent making application therefore shall be sent by first class mail to the approved applicant as expeditiously as possible but not later than the close of business on the sixth day before the election.

Sec. 6.   Lost or Destroyed Ballot

If an absentee ballot is lost or destroyed, upon verification under oath that it has been lost or destroyed, a second ballot may be issued if there is sufficient time for it to be returned to the Town Clerk no later than four (4) hours prior to the closing of the polls, Otherwise only one absentee ballot may be issued to each absentee voter applicant.

Sec. 7.   Marking Ballot and Delivery

An absentee voter shall cast his ballot by marking the ballot in accordance with the instructions issued to him, placing the ballot in the ballot envelope, sealing the ballot envelope, placing the ballot envelope in the return envelope, printing or typing his name and residence address on the return envelope, and returning the return envelope to the Town Clerk by mail or hand delivery so that the same is received by the Town Clerk no later than four hours prior to the closing of the polls on election day.

No name, address, or words shall be written on the ballot envelope except the words "ballot envelope" and the instructions shall warn the voter that he is not to sign or place his name or address on that envelope, but that he shall type or print his name and residence address on the return envelope.

Any otherwise qualified voter who is physically disabled and is unable to mark his absentee ballot and sign the required oath, due to his disability, may be assisted in executing the absentee ballot by any person who is also a qualified voter in the Town. Any person rendering assistance pursuant to this subsection shall execute a certification on the absentee ballot which shall include the signature of such person, the person's current address and telephone number and the statement that the person has assisted the voter in the preparation of the absentee ballot according to the voter's stated intention and with his consent.

Sec. 8.   Check of Return Envelopes Against Applications For Absentee Ballot

The Town Clerk shall keep a record of each application for an absentee ballot showing the date and time of the receipt of the application and the name and address of the applicant. Such records shall also show the date and time of the delivery or mailing of the absentee ballot to the applicant or his agent and the date of the return of the ballot to the Town Clerk's office.

On election day, during the [two hours] four hours preceding the closing of the polls, the Town Clerk shall deliver all sealed return envelopes to the Judges of Election, together with an official list of the absentee ballots which have been issued pursuant to written applications therefor. The Judges of Election shall check the sealed return envelopes against the list of written applications for absentee ballots. If there is any return enveloped for which no written application has been filed, the sealed envelope and its contents shall be destroyed, and any ballot contained therein shall not be counted.

Sec. 9.   Checking Return Envelopes Against Voters Voting in Person

After checking the return envelopes against the application filed for absentee ballots as above described, the Judges of Election, upon the closing of the polls but not before, shall check the return envelopes against the list of persons who have voted in person, and shall destroy any sealed envelope from a voter who has voted in person and any ballot contained therein shall not be counted.

Sec. 10.   Counting Ballots

Thereupon, the Judges of Election shall open the return envelopes, remove the ballot envelopes therefrom, and place all ballot envelopes in the ballot box for counting. When the Judges of Election are ready to make their count, they shall open the ballot envelopes

and the absentee ballots taken therefrom shall be counted, except, that if an envelope contains more than one ballot, or if more than one absentee ballot is received from the same voter or if the voter has voted in person none of the ballots taken from that envelope shall be counted.

A vote on an absentee ballot for a person who has ceased to be a candidate shall not be counted, but such vote shall not invalidate the balance of such ballot.

Sec. 11.   <u>**Death**</u>

If the Judges of Election shall determine that the voter whose name is written on the return envelope has died before election day, that envelope shall be destroyed and the ballot contained therein shall not be counted. Nevertheless, the discovery of the death of an absentee voter after his ballot has been placed in the ballot box shall not invalidate the ballot or the election at which the ballot is cast.

Sec. 12. **Referendums Included**

The provision of this Ordinance shall apply to referendums as well as to elections, and the words "election" and "elections" shall be deemed to include "referendum" and "referendums" respectfully.

Sec. 13. **Contests**

Any contest concerning eligibility for an absentee ballot or validity of an absentee ballot shall be decided by the Judges of the Election.

Sec. 14. **Penalties**

Any person who shall cast or attempt to cast an absentee ballot in the name of any person other than him/her self, when they are the [an] authorized agent for the absentee voter shall be guilty of a misdemeanor and shall upon such finding by a court of competent jurisdiction be subject to a fine in the amount of one-thousand dollars ($1,000.00) or six (6) months in jail.

Adopted this 5th____ day of _____August, 2003 by the Town Council of Laytonsville, Maryland.

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_____Charles W. Oland, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the Town Council of Laytonsville in public meeting on the _____ 5th day of _____ August, 2003 and shall become effective on the _____ 5th day of _____August, 2003.

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Cathy Buit, Town Clerk
Adopted: August 5, 2003