

ORDINANCE 1-2017
Code of the Town of Bladensburg

**An Ordinance Adopting Chapter 44 “Elections”, Article I, “Absentee Voting”,
§44-1 “Absentee ballots”, of the Town of Bladensburg Code
to Establish Procedures for Absentee Voting**

WHEREAS, the Mayor and Council of Bladensburg have adopted Section 310, “Absentee voting” of the Town Charter, to authorize absentee voting; and

WHEREAS, pursuant to authority granted in Section 314 “Regulation and control by Council” of the Town Charter, the Mayor and Council may provide by ordinance for the conduct of registration and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud; and

WHEREAS, the Mayor and Council have determined that it is appropriate to set procedures for the administration of absentee voting by the Town’s Board of Supervisors of Elections.

Section 1. NOW, THEREFORE BE IT RESOLVED AND ORDAINED, by the Mayor and Council of the Town of Bladensburg that Chapter 44, “Elections”, Article I, “Absentee Voting”, §44-1 “Absentee ballots” of the Bladensburg Code be and it is hereby enacted to read as follows:

ARTICLE I ABSENTEE VOTING

§44-1 ABSENTEE BALLOTS

- A. THIS SECTION APPLIES TO ELECTIONS FOR ALL CANDIDATES, CHARTER AMENDMENTS, SPECIAL INQUIRY AND BALLOT QUESTIONS, AT ANY TOWN ELECTION HELD IN ANY YEAR.
- B. PRINTED APPLICATION FORMS FOR ABSENTEE BALLOTS SHALL BE PROVIDED BY THE BOARD OF ELECTIONS AND MAY BE OBTAINED FROM THE OFFICE OF THE TOWN CLERK DURING NORMAL BUSINESS HOURS.
- C. ABSENTEE BALLOTS SHALL BE AVAILABLE FOR MAILING OR

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[Brackets]
Asterisks ***
CAPS
[Brackets]

: Indicate matter added to existing law.
: Indicate matter deleted from law.
: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
: Indicate matter added by amendment
: Indicate matter deleted in amendment

DISTRIBUTION FORTY-FIVE (45) DAYS PRIOR TO THE ELECTION.

ABSENTEE BALLOT MATERIALS SHALL INCLUDE:

(1) INSTRUCTION SHEET

(2) BALLOT

(3) BALLOT ENVELOPE

(4) RETURN ENVELOPE ADDRESSED TO THE TOWN OF BLADENSBURG
SUPERVISORS OF ELECTIONS

(5) FORM APPOINTING DESIGNATED AGENT

(6) DESIGNATED AGENT AFFIDAVIT

D. APPLICATIONS FOR ABSENTEE BALLOTS SHALL BE ACCEPTED BY THE BOARD UNTIL 5:00 P.M. SEVEN DAYS PRIOR TO THE ELECTION. THE BOARD OR ITS DESIGNEE SHALL KEEP A RECORD OF EACH APPLICATION FOR AN ABSENTEE BALLOT INCLUDING THE:

(1) DATE AND TIME OF THE RECEIPT OF THE APPLICATION, AND THE NAME AND ADDRESS OF THE APPLICANT AND ANY DESIGNATED AGENT.

(2) DATE AND TIME OF THE DELIVERY OR MAILING OF THE ABSENTEE BALLOT TO THE APPLICANT OR DESIGNATED AGENT.

(3) DATE AND TIME OF RECEIPT OF THE ABSENTEE BALLOT, AND IDENTIFICATION OF THE PERSON WHO HAS DELIVERED THE BALLOT.

E. BALLOTS MAY BE OBTAINED AND/OR SUBMITTED IN PERSON BY AN INDIVIDUAL DESIGNATED IN WRITING BY THE VOTER UNDER PENALTY OF PERJURY AS AN AGENT FOR A VOTER. A DESIGNATED AGENT MUST BE AT LEAST EIGHTEEN YEARS OF AGE AND MAY NOT

BE A CANDIDATE ON THE BALLOT OR A MEMBER OF THE CANDIDATE'S CAMPAIGN ORGANIZATION. AT TIME OF SUBMISSION OF THE ABSENTEE BALLOT, THE DESIGNATED AGENT MUST EXECUTE AN AFFIDAVIT UNDER PENALTY OF PERJURY THAT THE BALLOT WAS:

(1) DELIVERED TO THE VOTER WHO SUBMITTED THE APPLICATION;

(2) MARKED AND PLACED IN AN ENVELOPE BY THE VOTER, OR WITH AUTHORIZED ASSISTANCE, IN THE AGENT'S PRESENCE; AND

(3) RETURNED TO THE LOCAL BOARD BY THE DESIGNATED AGENT.

A VOTER WHO REQUIRES ASSISTANCE IN CASTING AN ABSENTEE BALLOT BY REASON OF DISABILITY, INABILITY TO WRITE, OR INABILITY TO READ THE BALLOT MAY BE ASSISTED BY ANY INDIVIDUAL OTHER THAN A CANDIDATE WHO IS ON THAT BALLOT OR A MEMBER OF THE CANDIDATE'S CAMPAIGN ORGANIZATION.

F. WHEN AN APPLICATION IS RECEIVED BY MAIL, THE BOARD SHALL ISSUE THE ABSENTEE VOTING BALLOT BY RETURN MAIL. WHEN THE APPLICATION IS PRESENTED IN PERSON BY THE VOTER OR A DESIGNATED AGENT, THE BOARD SHALL ISSUE THE ABSENTEE VOTING BALLOT TO THE VOTER OR DESIGNATED AGENT AT THE TIME OF APPLICATION.

G. ALL ABSENTEE VOTING BALLOTS MUST BE RECEIVED BY THE TIME OF THE CLOSE OF THE POLLS ON ELECTION DAY. THE BALLOTS ARE TO REMAIN IN THE UNOPENED OFFICIAL RETURN ENVELOPE IN

WHICH THEY ARE RECEIVED AND BE PLACED IN A BALLOT BOX WHICH IS DESIGNATED FOR THE PURPOSE OF STORING ABSENTEE BALLOTS UNTIL THEY ARE TO BE COUNTED. BALLOTS RETURNED IN ANY ENVELOPE OTHER THAN THE OFFICIAL RETURN ENVELOPE SHALL BE DESTROYED AND NOT COUNTED.

- H. THE BOARD OF ELECTION SUPERVISORS SHALL OPEN THE OFFICIAL RETURN ENVELOPE FOR THE ABSENTEE BALLOTS ONLY AFTER ALL THE POLLING PLACES HAVE BEEN CLOSED. CHALLENGES WITH RESPECT TO WHETHER AN ABSENTEE BALLOT HAS BEEN VALIDLY OBTAINED OR TIMELY FILED MUST BE MADE PRIOR TO OPENING THE OFFICIAL RETURN ENVELOPE. ONCE REMOVED FROM THE OFFICIAL RETURN ENVELOPE, ABSENTEE BALLOTS WILL BE ASSEMBLED IN SUCH A MANNER AS TO PRESERVE THE SECRECY OF THE BALLOT PROCESS AND OPENED, APPROVED AS TO FORM, AND TOTALED. THE GRAND TOTAL OF THE BALLOTS CAST AT THE POLLING PLACES AND THE ABSENTEE BALLOTS SHALL THEREAFTER BE ADDED TOGETHER AND INCLUDED IN ANY OFFICIAL ELECTION RESULT AS DETERMINED BY THE BOARD.
- I. ABSENTEE BALLOTS ARE TO BE PRESERVED IN THE SAME MANNER AS PRESCRIBED FOR ANY OTHER ELECTION BALLOTS.

Section 2. AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

Section 3. AND BE IT FURTHER ORDAINED that this Ordinance shall take

effect 4/10/17 ..

INTRODUCED by the Mayor and Council of the Town of Bladensburg, at a regular meeting on ~~February~~ ^{MARCH} 20, 2017 and thereafter this Ordinance was prominently posted in the Town Hall available for inspection by the public.

ADOPTED by the Mayor and Council of the Town of Bladensburg, Maryland, at a regular meeting on 4/10/, 2017.

ATTEST:

TOWN OF BLADENSBURG

By: Original signed
Patricia McAuley, Town Clerk

By: Original signed
Walter L. James, Jr., Mayor