

Chapter 29

REGISTRATION AND ELECTIONS

§ 29-1. Eligibility to vote.

All qualified voters shall be eligible to vote in all regular and special elections conducted by the Town of Thurmont.

§ 29-2. Regulations.

A. A person may register at any time that the town office is open during regular or special office hours until seven days prior to the election, at which time the registration book shall be closed until after the election is held. Each person desiring to register to vote in the town elections shall be required to sign the following statement on a form to be provided by the Chief Administrative Officer:

"I, , do hereby declare that I am a citizen of the United States, at least 18 years of age on or before the _____
(date of general or special election) and I reside within the corporate limits of the Town of Thurmont "

Said statement shall be signed and sworn to in the presence of the Chief Administrative Officer or his or her designated representative. The Chief Administrative Officer or his or her designated representative shall sign the bottom of the statement indicating that it was subscribed and sworn to (or affirmed) before him/her. These statements shall be kept in a permanent file in the town office in alphabetical order. Both the permanent bound volume and the file of statements shall be open to inspection by any resident citizen of Thurmont at all times, during the periods that the town office is regularly open for business. The registration book shall include the voter's name, his or her address and date of registration.

B. Once each year in the month of January, the Board of Supervisors of Elections or their designated representative shall compile a list of those voters who are known or believed to be deceased or to have moved out of the Town of Thurmont, or to not have voted in a Town election within the preceding five (5) calendar years. The Board of Supervisors of Elections or their designated representative shall send a notice to the last known address of the voter advising the voter that his or her name will be struck from the voter registration list. If the Board of Supervisors of Elections is advised by the voter in writing on or before the first day of March that

they are qualified to remain on the list of registered voters, then they shall reinstate that voter's name to the list of registered voters before any person is allowed to vote in a town election, a member of the Board of Supervisors of Elections, as hereinafter provided, shall determine that his or her name appears on the registration book. If said person is unknown to the member of the Board of Supervisors of Elections, he/she shall satisfy himself as to the identity of the voter before giving him a ballot.

§ 29-3. Publication of list of persons nominated.

The Chief Administrative Officer shall cause a list of those persons nominated for each office to be printed in a general circulation newspaper in the area at least one time after the convention and prior to the election to be held on the first Monday of October.

§ 29-4. Compensation of Judge of Elections.

The Board of Commissioners shall determine the amount of compensation to be paid to the Board of Supervisors of Elections and any assistants that they may provide them, for their services on election day.

29-5. Ballots

Promptly following the meeting for nominations for elective office, the Board Supervisors of Elections shall cause to be prepared a ballot which shall list the names of the nominees in alphabetical order for each office, together with a space for voters to vote for candidates not listed thereon. This ballot shall be installed on all voting devices if electronic or mechanical voting machines are to be utilized. If paper ballots are to be utilized, the number of ballots to be printed shall be not less than the then total number of registered voters. All said printed ballots shall be accounted for by the Board Supervisors of Elections or their designated representative until the opening of the polls on the election day, at which time they shall be delivered to the Board of Supervisors of Elections. The Board shall keep a record of the total number of ballots printed for each election and shall preserve said record for at least one (1) year after the election for which it was prepared. All surplus ballots may be destroyed by the Board four (4) months following the election, and the Board shall keep a record of the number of ballots so destroyed and preserve the same for at least one (1) year after the election for which it was made, unless

prior to that time, the Board Supervisors of Elections shall be ordered by a court of competent jurisdiction to keep the same for any longer period.

29-6 Conduct of Election

A. Voting hours: The polls shall be open from 7:00am and close no earlier than 8:00pm.

B. Electioneering: No person shall canvass, electioneer or post any campaign material, or other handouts of any kind, in any polling place or within a radius of 100 feet from any entrance and exit of the building where ballots are cast.

C. Nonpartisan elections: Candidates shall not run for office as the representative of or nominee of any political party.

D. Instructions to voters: Instructions to voters, including a sample copy of the ballot listing the first and last names of all nominated candidates and the offices sought, and a list of registered write-in candidates listing the offices sought and first and last names identified by the write-in candidates, shall be published in a local newspaper of general circulation within the Town of Thurmont at least two weeks before a general town election. Such instructions shall also be posted prominently at the polling place.

E. Voter Assistance:

(1) Instructions: With the aid of diagrams and a voting device, a member of the Board of Supervisors of Elections, if requested by the voter, shall instruct each such voter, before he or she enters the voting booth, regarding the marking of such voter's ballot, and shall give the voter opportunity to personally operate a voting device if requested.

(2) Physical Assistance: A member of the Board of Supervisors of Elections shall provide reasonable assistance to voters who, due to physical infirmity, have difficulty voting, but may not leave the polling place in order to do so.

(3) Assistance to certain persons: Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write the English language may be given assistance by a person of the voter's choice, not to include the voter's employer or agent of that employer or any candidate for office. A voter may not be accompanied into a voting booth or voting machine by any person over the age of eleven (11) years

unless assistance is requested and is required by reason of blindness, disability, or inability to read or write the English language.

(4) Assistance in marking ballots: Assistance in marking ballots shall be given to voters who declared under penalty of perjury that by reason of blindness, disability, or inability to read or write the English language they are unable without assistance to mark their ballots. The only assistance that shall be given is to mark the ballot as the voter shall direct, without any prompting or suggestion.

(5) Ballots shall not be taken from the polling place except by the Board of Supervisors of Elections.

F. Challenge of right to vote

(1) No person's right to vote shall be challenged at the poll on any ground but identity.

(2) When the right of any person to vote shall be challenged, the challenge shall be made and its validity determined immediately before such person enters the voting booth. The person challenging shall assign the reason for the challenge under penalty of perjury. The challenged voter shall respond truthfully under penalty of perjury. Unless all members of the Board of Supervisors of Elections agree to uphold the challenge, the voter shall be permitted to vote and the vote shall be received accordingly.

G. Upon closing the polls, the Board of Supervisors of Elections shall put all unused ballots in a secured package and clearly marked "unused and spoiled ballots" if paper ballots are utilized. Those ballots that are unused or spoiled shall be placed in the town office safe prior to opening the ballot box. Then the Board of Supervisors of Elections shall unlock the ballot box(es) and count the ballots for each candidate for each office. If electronic or mechanical balloting is used, the Board of Supervisors of Elections shall obtain a permanent record from each electronic or mechanical voting machine which provides the results of all votes taken on each machine and shall then compile the results from all these records. These actions shall be completed within 24 hours of the closing of the polls. The yea or nay choice on an issue or question on the ballot receiving the highest number of votes shall prevail. These results will be certified by the Board of Supervisors of Elections to the Mayor who shall record the results in the minutes of the next public meeting of the Board of Commissioners. In the event of a tie vote between candidates if the outcome could affect which candidates are elected to office, a special election shall be held in accordance with Article X Section 1111 of the Charter of the Town of Thurmont. In the event of a tie vote on an issue or

question, the issue or question raised on the ballot will be deemed to be defeated.

H. If the voting equipment provides the capability for a manual recount, a recount shall occur:

(1) Automatically if there is a margin of five percent (5%) or less votes between candidates if the outcome could affect which candidates are elected; or;

(2) Automatically if there is a margin of five percent (5%) or less votes between choices on an issue or question; or;

(3) Upon the written request, accompanied by a non-refundable fee of \$500, to the Board of Supervisors of Elections from any registered voter, received not later than 5:00pm Friday following the election.

The recount shall be conducted by the full Board of Supervisors of Elections, be completed within 72 hours of the request for recount, and the results certified to the Mayor as above.

29-7 Standards for Tabulating Ballots

A. When the Board of Supervisors of Elections finds by a majority vote that it is unable to determine the objective intent of the voter, the vote for that office shall not be counted. Ballots containing votes not counted shall be kept separate from the rest of the ballots.

B. Marking of ballots: Ballots validly marked in favor of a candidate whose name appears on a ballot must be counted as a vote in favor of that candidate. Ballots containing write-in candidates' names which include the first and last name identified by the candidate in the letter of candidacy, and which are validly marked in favor of that candidate, must be counted as a vote in favor of that candidate.

C. Marking of ballots for write-in candidates: Ballots validly marked in favor of a write-in candidate who has not filed a letter of candidacy or who has filed a late letter of candidacy must contain at least the first and last name of the candidate in order to be eligible to be counted as a vote in favor of that candidate, except that the Board of Supervisors of Elections shall attempt to comply with the objective intent of the voter as expressed by the ballot, as provided in Subsection E of this section.

D. Overvotes: Ballots which are marked in favor of more candidates than specific offices available must not be counted as valid ballots for that specific office or offices, if multiple positions are available.

E. Incorrectly marked ballots. Objective intent of the voter.

(1) The Board of Supervisors of Elections shall attempt to comply with the objective intent of the voter as expressed by the ballot, to the extent that objective intent can be reasonably ascertained. If a majority of the Board of Supervisors of Elections is unable to determine the objective intent of the voter from the markings on the ballot, the vote for that office shall not be counted. A majority ruling of the Board of Supervisors of Elections shall constitute the Board of Supervisors of Elections' decision to count the vote in favor of a candidate. Ballots containing votes incorrectly marked shall be kept separate from the rest of the ballots.

(2) Write-in candidates: The objective intent of the voter in incorrectly writing in candidates who have filed a timely letter of candidacy, such as by writing in only the last name, shall be judged with reference to other active candidates, including write-in candidates. The objective intent of the voter in incorrectly writing in candidates who have not filed a timely letter of candidacy shall be judged with reference to the registered voters.