

## Chapter 6

### ABSENTEE BALLOTING

#### § 6-1. Absentee voter qualification.

A qualified voter who, on the occurrence of any town election, whether regular or special, will be absent from the Town of Thurmont or unable to vote in person on the day of election, may vote as an absentee voter as provided in this chapter.

#### § 6-2. Application for ballot; form and distribution.

A. A qualified voter desiring to vote at any such election as an absentee voter shall make application, in writing, to the Board of Supervisors of Elections or their designated representative for an absentee ballot not later than seven days before such election. Such application shall be made under penalty of perjury and shall set forth:

(1) His or her name and residence address, including the street and number, if any.

(2) That he or she is a qualified voter at the residence given.

(3) In case he or she voted at the preceding election, the residence from which he or she so voted.

(4) That he or she expects in good faith to be absent or unable to vote in person on the day of the next regular or special election.

B. Form and distribution. Printed or electronic forms of applications for absentee ballots in accordance with the requirements of this ordinance shall be provided by the Board of Supervisors of Elections or their designated representative. The availability of the application forms shall be publicized in a paper of general circulation in the Town thirty (30) days in advance of the election and may be made available electronically, by mail, by facsimile, or in person. They shall be distributed only in the following manner.

(1) The Board of Supervisors of Elections or their designated representative shall retain an appropriate number for the purpose of furnishing an application form to each qualified voter who desires to apply in person.

(2) The Board of Supervisors of Elections or their designated representative shall mail, FAX, or transmit by other electronic means, an application form to each qualified voter who requests the same by mail, phone, or other electronic means pursuant to the provisions of this chapter.

(3) The Board of Supervisors of Elections or their designated representative may elect to provide the form on an official Town of Thurmont web-site for downloading by qualified voters.

(4) Such application forms shall not be furnished by any person except as authorized in this chapter.

§ 6-3. Determination upon application; delivery of ballots; records.

A. Determination upon application. Upon receipt of such application, the Board of Supervisors of Elections shall determine upon such inquiry as they deem necessary whether the applicant is a voter legally qualified to vote at such election; and if they finds that he or she is not so qualified, they shall reject the application.

B. Delivery of ballots. If the Board of Supervisors of Elections finds that the applicant is a qualified voter as stated in his or her application, they shall, as soon as is practicable after it shall have determined his or her right thereto, deliver to him or her, at Town or by mail to him or her at an address designated by him or her, an absentee voter's ballot and an envelope therefore. Postage for transmitting ballot material to the voters shall be paid by the town and postage for the return of ballots shall be paid by the voters. If the ballots are to be sent by mail, such determination shall be made at a time which will afford an opportunity for the transmission and return of the ballots in the usual course of mail, depending upon the location of the mailing address, and which will allow at least one business day for marking the ballots and mailing; but the investigation shall be concluded and determinations made as to all applicants not later than the last Wednesday before election day. Applications for ballots to be sent outside the continental United States, should be received at least 21 days prior to the election to allow time for the transmission and mailing of the ballots.

C. Record of applications received and ballots delivered. The Board of Supervisors of Elections shall keep a record of applications for absentee ballots as they are received showing the names and residences of the applicants; and a complete list of all applicants to whom absentee voters' ballots have been delivered or mailed shall be made available for

inspection by any candidate on the ballot or his or her duly designated agent.

§ 6-4. Form of ballot; return envelopes.

A. The Board of Supervisors of Elections or their designated representative shall cause to be printed an adequate number of absentee ballots, the three kinds of envelopes hereinafter described and instructions. The words "absentee ballot" shall be printed in large letters in a clear space at the top of each of said ballots. The designation of the polling place shall be left blank on the back and outside of said ballots and shall be filled in by the Board of Supervisors of Elections or their designated representative before being sent to any registered absentee resident. One envelope shall be known as the "return envelope" and shall be sufficiently larger than the other envelope, which shall be known as the "ballot envelope" and which is hereinafter described, to conveniently enclose and contain the ballot envelope. There shall be printed or written across the left-hand face of the return envelope the words "Return Envelope for the Election of \_\_\_\_\_," the blank space being filled in with the date of the election, after which there shall be added the words " Board of Supervisors of Elections\_for the Town of Thurmont" and the address of Town Hall; and below this last phrase shall be printed in bold type the phrase "Official Absentee Ballot, Town of Thurmont, State of Maryland." The third envelope shall be a covering envelope in which all the balloting material shall be sent to the absentee resident; and there shall be printed on the covering envelopes the return address of the Town Office from which they are sent and in boldface type the phrase, "Official Absentee Ballot, Town of Thurmont, State of Maryland."

B. Size and contents of ballot envelope. The ballot envelope shall be of sufficient size to contain the town absentee ballot. Printed on the face of the ballot envelope shall be the following oath:

Oath of Absentee Resident
I . . . . . , do hereby affirm under penalty of perjury that I am a voter legally qualified to vote in the (regular or special) election to be held on . . . . . (date); that I am legally registered in the Town of Thurmont, Frederick County, Maryland, as stated in my application for said ballot; that I will be absent or will be unable to vote in person on election day
_____
_____
_____
That I have not qualified nor do I intend to vote elsewhere than as set forth herein; that the within ballot was by me marked secretly, folded and enclosed and sealed in this ballot envelope; and that I am not now disfranchised from voting under the laws of Maryland.

(Absentee voter must sign his or her name)

§ 6-5. Instructions to voters.

The following printed instructions to be forwarded with the town absentee ballot, the ballot envelope and a return envelope for use in returning the ballot shall be as follows:

Instructions to Voters	
Enclosed herewith are a Town of Thurmont absentee ballot, a ballot envelope and a return envelope for use in returning the ballot. You are entitled to vote if you will be unable to vote personally at the poll.	
a	Examine the ballot before marking. When once marked, do not erase, as an erasure will invalidate the ballot. Mark the ballot with either pencil or ink by placing an (x) in the block after each candidate for whom you wish to vote and in the appropriate block for any other question (if any appear on the ballot) for or against which you wish to vote. Be sure not to vote for any number of candidates for any office greater than the number specified over the names of candidates for that office. The ballot must be marked secretly. Do not sign your name or put on the ballot any mark of identification or any other mark except the (x) mark or the name of a written-in candidate.
b	Then enclose the ballot in the ballot envelope and seal the same.
c	After sealing the ballot envelope, you must fill in the blanks in the "Oath of Absentee Resident" on the ballot envelope and sign (do not print) your name on the line indicated.
d	It is absolutely necessary that the ballot envelope contain nothing but one ballot marked by you.
e	Enclose the ballot envelope in the return envelope, seal the return envelope and mail at once.
f	The ballot may be marked and mailed at any time after you receive it but it must be received by the Town Office of the Town of Thurmont by 4:00 p.m. on Election Day. If it is not received prior to such closing, it will not be counted.
g	If in any election you desire not to vote for any of the candidates named for any office on the ballot, you may write in, in the appropriate blank on the ballot, the name of the person of your choice for such office.
h	If any qualified voter desiring to vote by absentee ballot pursuant to the Absentee Voting Ordinance is unable, by

	<p>reason of blindness or physical disability, without assistance, to mark a ballot and sign the oath on the ballot envelope, any person may, at the request and in accordance with the direction of the voter, mark the ballot, sign the name of the voter on the line provided for the voter's signature and complete the oath on the face of the ballot envelope. The person assisting the voter shall execute the Oath of Person Assisting Absentee Voter. (See bottom of this page.) Then tear off and return such oath in the return envelope, not in the ballot envelope; . . . Such person, in assisting the voter, shall not make any effort whatever to influence the vote of the voter he is assisting.</p>
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<b>Oath of Person Assisting Absentee Voter</b>	
<p>I hereby declare, under the penalty of perjury, that on this . . . . . day of . . . . . 20. . . . ., a qualified voter entitled to vote pursuant to Section 3-102 of the Election Law Article of the Annotated Code of Maryland, who is unable by reason of blindness or physical disability, without assistance, to mark a ballot and sign the oath on the ballot envelope, authorized me to mark the ballot, sign his or her name on the line provided for the voter's signature and complete the oath on the face of the ballot envelope. I have marked the enclosed ballot in accordance with his or her instructions and have not attempted to influence him or her to vote for or against any political party, any candidate or any question appearing on the ballot.</p>	
Name of person assisting voter . . . . .	
Address . . . . .	
Enclose in return envelope, not ballot envelope, and send along with ballot to Town Office, Thurmont, Maryland 21788.	
(If the above form is used, detach it, fill in the blanks and enclose it in the return envelope.)	

§ 6-6. Registration of ballots.

Upon receipt of an application for an absentee ballot and the mailing to the qualified voter of an absentee ballot, the Board of Supervisors of Elections or their designated representative shall cause to be noted opposite the voter's name the fact that the person is voting by absentee ballot.

§ 6-7. Canvassing and disposition of ballots.

At any time after the closing of the polls and not later than the canvass of the voters cast at the regular voting places in the Town of Thurmont at any election, the Board of Supervisors of Elections shall proceed to count, certify and canvass the ballots contained in the ballot envelopes received

by them prior to the closing of the polls on election day. If there is more than one absentee ballot in the envelope, all ballots in the envelope shall be rejected. All voters' applications, ballot envelopes, oaths and ballots shall be kept separate and apart from ballots cast or the permanent record from electronic or mechanical voting devices used for regular voting. These shall be retained for one year after the date of election at which they were cast, unless prior to that time the Board of Supervisors of Elections shall be ordered by a court of competent jurisdiction to keep the same for any longer period.

§ 6-8. Unlawful application of ballots.

It shall be unlawful for anyone to apply for or seek an absentee ballot in any name other than his or her own or to attempt in any manner to obtain more than one absentee ballot. Violation of this section shall be a misdemeanor.