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Registration and Election Codes

of

Town of North Beach

1986

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Registration and Election Codes

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Definitions

Section 1-1

(a) **Words and phrases defined.** As used in this Article, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

(1) "Ballot" or "Ballots" means paper ballots, ballots consisting of one or more punchcards, absentee ballots, or the labels which appear on the face of voting machines, whichever in context would be appropriate.

(2) "Board" means the Board of Supervisors of Elections in and for the Town of North Beach, Maryland, and the members thereof.

(3) "Board of Registry" means two or more persons duly appointed by the Board to act as registrars.

(3A) "Campaign manager" means any person appointed or designated by any candidate or his representative to exercise general overall responsibility for the conduct of a political campaign.

(4) "Candidate" means any person who files a certificate of candidacy for any elected public office.

(5) "Contributions" means the gift, transfer, or promise of gift or transfer of money or other thing of value to any candidate or his representative to promote or assist in the promotion of the success or defeat of any candidate, principle, or proposition submitted to a vote at any election.

(6) "Council" means the six duly elected members of the Town Council of the Town of North Beach.

(7) "Election" means the process by which voters of the Town of North Beach vote for any public officer pursuant to the laws of the Town of North Beach or the State of Maryland and the United States where applicable, public law, public act or proposition, and, unless otherwise indicated, shall include all elections, general or special.

(8) "Expenditure" means any gift, transfer, disbursement, or promise of money or valuable thing by any candidate, treasurer, or other agent of such candidate to promote or assist in the promotion of the success or defeat of any candidate, principle, or proposition submitted to a vote at any election.

NOTE: Yellow highlights indicate that paragraph is in conflict with Article 18 of the North Beach Municipal Charter.

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(9) "General Election" means that election held on the first Tuesday after the first Monday in the month of November, at which the voters of the Town of North Beach vote for candidate for Mayor and Council persons.

(10) "Infamous Crime" means any felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption.

(11) "Judge" means any person designated as a judge of election and shall include book judges and machine attendants.

(12) "Partisan Organization" means any combination of two or more persons formed for the purpose of assisting the promotion of the success or defeat of any candidate, principle, or proposition to be submitted to a vote at any election.

(13) "Political Agent" means any person appointed by any candidate, his representative, or partisan organization to promote or assist in the promotion of the success or defeat of any candidate, principle, or proposition submitted to a vote at any election.

(14) "Political Committee" means any combination of two or more persons appointed by a candidate or any other person or formed in any other manner which assists or attempts to assist in any manner the promotion of the success or defeat of any candidate, candidates, principle, or proposition submitted to a vote at any election.

(15) "Punchcard" means a standard computer tabulating card on which the voter may record his vote by punching a hole opposite his choices.

(16) "Registration" means the act by which a person becomes qualified to vote in any election in the Town of North Beach.

(17) "Town" means the Town of North Beach, Maryland.

(18) "Treasurer" means any person appointed by a candidate, political agent, political committee, or [partisan] organization to receive or disburse money or thing of value to promote or assist in the promotion of the success or defeat of any candidate, principle, or proposition submitted to a vote at any election.

(19) "Voting System" means a method of casting and tabulating ballots or votes.

(20) "Write-in Candidate" means a person whose name will not appear on the ballot but who files a certificate of candidacy.

(b) **Gender.** Whenever the masculine gender has been used as to any registering, voting, or holding Town office, it shall be construed to include the feminine gender.

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(c) **Computation of Time.** In computing the times for notice to be given or for the performing of any other act under this Article, Saturday, Sunday, or a legal holiday shall be included, except when the day on which notice should be given or an act should be performed occurs on a Saturday, Sunday, or legal holiday, in which case the notice shall be given or the act performed on the next regular business day following such Saturday, Sunday, or legal holiday. In such computation the day of giving notice or performing any act and the day of registration or election shall be excluded.

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Election Board and Employees

Section 2-1. Appointment of Boards of Supervisors of Elections; vacancies.

(a) **Appointment; qualifications.** The Mayor shall appoint, with the approval of the Council, on or before the first day of April preceding the next general election, three persons who shall constitute the Board of Supervisors of Elections. The appointed members shall be residents and registered voters in the Town for two years preceding their appointment. (Refer to Article ~~14~~, Section ~~1402~~, Municipal Charter.)

(b) **Substitute members.** The Mayor at the same time and in a like manner shall appoint to the Board two substitute members.

(c) **Death, resignation, or disqualification of member:**

(1) If a member of the Board dies, resigns, or is disqualified, one of the substitute members shall be appointed by the Mayor to become the member of the Board and shall be bound by all applicable provisions of this Article as they pertain to a member of the Board.

(2) If the circumstances discussed in paragraph (1) of this Section occur, the Mayor shall appoint, with approval of Council, a person to be the new substitute member.

(d) **Member or substitute member prohibited from holding public or party office.** A member or substitute member of the Board may not hold any public or party office or be a candidate for any such office; nor shall he use his official authority or influence for the purpose of interfering with or affecting the result of an election, or take an active part in political management or in political campaigns.

(e) **Duties and privileges of substitute members.** Substitute Board members shall attend all meetings of the Board and have all rights and privileges of a Board member, except the right to vote.

(f) **Incapacitation of member.** If a member of the Board is incapacitated for any reason, one of the substitute members shall serve in the incapacitated member's place until the incapacity has ceased and shall have all the powers and authority, including the right to vote, and be subject to the duties imposed on an appointed member of the Board by law.

Section 2-2. Oath, organization; tenure.

Before entering upon the duties of their office, members and substitute members of the Board shall each take and subscribe to the oath prescribed in Article 1, Subsection 9 of the Constitution, which oath shall be taken before the Mayor and duly recorded by the Town Clerk. Within ten days after their

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appointments become effective, the members shall organize as a Board by electing one of their members as President. They shall each hold office until their successors are appointed and qualified, unless sooner removed for good cause shown. The Mayor and Council shall have power to remove them at any time upon written charges, after notice and hearing.

* 14.6
4 yr

Section 2-3. Compensation of Board members.

(a) The compensation for the members of the Board shall be in such amount as may be determined by the Council and set forth in the annual budget.

(b) Each substitute member of the Board shall receive compensation for each day he serves as a member, in an amount determined by the Council. A substitute member shall attend all regularly scheduled meetings of the Board and shall be compensated by such amount as may be determined by the Council and set forth in the annual budget.

Section 2-4. Office, supplies, and equipment; payment of expenses.

(a) Each Board shall have an office available and shall provide all supplies and equipment necessary, not inconsistent with the provisions of this Article, including that required by the State Administrative Board of Elections laws, if applicable, for the proper and efficient conduct of voter registration and all elections.

(b) The expenses incurred by the Board in furnishing supplies and equipment as provided in Subsection (a) and all other necessary and reasonable expenses of the Board shall be an expenditure of the Town and shall be payable as other expenses are payable by the Mayor and Council.

Section 2-5. Employment and services of counsel.

The Board may employ the services of the appointed Town attorney to assist in any legal matters and opinions when deemed necessary providing that, during the time of acting as counsel, he does not hold or be a candidate for any public or party office.

Section 2-6. Appointment and removal of employees; disqualification to hold office, etc.

Subject to the provisions of this Article and the rules and regulations of the Council, the Board may appoint and remove clerks, registrars, stenographers, and other employees who shall be residents and registered voters of the Town, and shall maintain such residence while so employed. Voting machine custodians, who may be employed by the Board, may be exempt from the registration and residency requirements as hereto set forth for other employees of the Board. During any part of his tenure

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in office or his employment, an employee may not hold any public or party office or be a candidate for any public or party office, use his official authority or influence for the purpose of interfering with or affecting the result of an election, or take an active part in political management or in political campaigns. Nothing in this Section shall be construed to apply to election judges, whatever their title may be, or to attorneys to the election Board. However, an election judge or an attorney to an election Board may not be a candidate, a campaign manager for a candidate, or a treasurer for a candidate or political committee. ✓

Section 2-7. Judges of election.

(a) **Number; examination.** Once every four years, the Board shall appoint at least two judges. The Board may require the attendance of these persons before it for examination with respect to their qualifications.

(b) **Qualifications.** Each judge so appointed must be a registered voter residing in the Town. He must be able to speak, read, and write the English language, and, during the time of acting as a judge, must not hold or be a candidate for any other public or political party office. Each Board may prescribe such rules and regulations as it may deem necessary for determining the qualifications of persons proposed for appointments as judges.

(c) **Tenure.** The judges shall be appointed no later than the Tuesday which is thirteen weeks prior to the general election; and, unless excused for good cause by the Board, they shall be bound to serve in such position until the Tuesday which is thirteen weeks prior to the next general election.

(d) **Oath.** Each person shall take and subscribe to the oath prescribed in Article 1, Subsection 9 of the Constitution of Maryland. The oath shall be taken and subscribed to before one of the members of the Board, and commissions shall thereupon be issued to the judges.

(e) **Compensation.** Each Board shall have power to fix the compensation of judges within the limits of the amounts authorized for this purpose by the Council and set forth in the annual budget. ✓

(f) **Course of instruction.** Judges shall receive a course of instruction in their duties administered by the Board. -

(g) **Removals.** It shall be the duty of the Board to examine promptly into any complaints which may be made to it with reference to the fitness or qualifications of any person appointed to be a judge; and it shall be the further duty of the Board to remove from such position any judge found by it to be unfit or incompetent for such position.

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(h) **Vacancies.** Any vacancies in the position of judge shall be filled by the Board in the manner herein prescribed for appointments to such positions.

Section 2-8. Substitute election officials.

(a) If any judge shall not be present at the expiration of fifteen minutes after the time for the opening of the polls, the judge or judges present shall fill the place of the absent judge by appointing in his stead a person meeting the qualifications as set forth in Subsection 2-6(b) of this Article. One of the judges shall administer to such substitute the oath required of the judge originally appointed.

(b) (1) After the opening of the polls, a judge may not absent himself until all the ballots cast have been counted and the returns completed. In case of absolute necessity, if any judge in attendance is compelled to absent himself, he shall appoint some fit person as himself to act in his stead until his return, having first administered to the substitute the same oath as he himself has taken.

(2) A judge who is appointed to serve in a district, ward, or precinct other than the one in which he is registered to vote for county, state, and/or National elections and who chooses to vote shall cast his vote by absentee ballot pursuant to Section 13-1.

(c) Blank forms for the appointment of the substitute judges and the oath aforesaid shall be supplied by the Board, and the oath when administered shall be preserved and returned by the judges to the Board.

(d) The appointment and swearing in of all such substitutes and the reason therefor and the time when such substitute began and ceased to serve shall be noted by the judges on loose-leaf pages inserted in the binders containing the precinct cards. Such substitute shall cease to act whenever the judge in whose stead he was appointed shall be present.

Section 2-9. Responsibility of Board of Elections.

(a) **General provisions.** The Board shall have charge of and make provisions for all elections to be held in the Town of North Beach or any part thereof at any time.

(b) **Rules and regulations.** The Board shall have power to make all necessary rules and regulations, not inconsistent with this Article or the Town Charter with reference to the registration of voters and the conduct of elections. Unless otherwise expressly provided in this Article, all questions arising with reference to such rules and regulations as to the registration of voters and the conduct of elections shall be decided by a majority of the Board. Copies of all rules and

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regulations adopted by the Board shall be filed with the Town Clerk's office and submitted to the Mayor and Council within thirty (30) days from their adoption. 7

(c) **Summoning judges and witnesses.** The Board shall have power to summon judges and any witnesses involved and to require their appearance before them, and to administer oaths and take testimony from such judges and witnesses.

(d) **Office to be opened and members available on election day.** The office of the Board shall be open on any election day, and the members of the Board shall be available when needed on such day.

(e) **Office to be opened for voter registration.** The office of the Board shall be open to conduct voter registration five (5) days a week during the normal business hours of the Administrative Branch of the Town government and from 5:00 p.m. to 9:00 p.m. on every Monday beginning on the seventh Monday preceding the last day of registration to provide for voter registration and to receive registration by mail applications. Registrars shall permit all qualified persons who, at the official closing time of 9:00 p.m., are waiting to register to do so. (Refer to Art. 18, Sec. 1806, Municipal Charter.)

Section 2-10. Notice of elections.

The Board shall give public notice of the time and place of all elections to the Town. Such notice shall be given in newspapers of general circulation within the Town. At the discretion of the Board, notices may also be posted in such public places in the Town as the Board may determine. The Election Board at their discretion may mail at least one week before every election a specimen ballot to the household of each registered voter in the Town.

(a) The Board, excepting when a specimen ballot is mailed pursuant to the preceding paragraph and such ballot includes the time and place of election, shall give notice during the calendar week preceding any election of the time and place of election by advertisements if same can be procured at the lowest available local rate for commercial advertising in at least two newspapers of general circulation within the Town, except when there is only one newspaper circulated which is a weekly of general circulation, then in the weekly newspaper. (Refer to Art. 18, Sec. 1805, Municipal Charter.)

Section 2-11. Polling places.

(a) **Location: access to physically handicapped voters:**

(1) It is the duty of the Board to appoint and to provide for furnishing, heating, lighting, and cleaning of a suitable polling place within the Town which shall be as near the center of the voting population of the Town as

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practicable. Whenever all three members of the Board shall file in their office a statement in writing that a suitable place cannot, in their judgment, be secured within the Town, a suitable place in an adjoining precinct may be provided. In no case shall an election be held in any building or part of any building used or occupied as a saloon, billiard hall, or bowling alley, or communicating therewith by doors or hallways except as to a building owned and occupied by a bona fide volunteer fire company, service club, veterans organization, or fraternal organization.

(2) Every polling place, to the extent feasible, shall be structurally barrier free in order to permit reasonable access for the purpose of voting to physically handicapped voters. For the purposes of this Section, "physically handicapped voter" means any voter who has temporarily or permanently lost the use of a leg or both legs, or a foot or both feet, or any combination; who is so severely disabled as to be unable to move without the aid of braces, canes, crutches, or a wheelchair; whose mobility is significantly impaired by reasons of heart or lung disease; who suffers from hemophilia; or who is blind or whose vision is substantially impaired.

(b) **Public buildings.** Whenever possible and practicable, it shall be the duty of the Board to use public buildings, such as town halls, schoolhouses, community centers, and fire-engine houses, for polling places. It is the duty of all public officials having charge of such buildings to place them at the disposal of the Board without charges. Such space as needed therein for the proper conduct of elections shall be provided upon application for their use by the Board; and lights, heat, and custodial and janitorial services for the buildings shall be provided without charge. Nothing in this Subsection shall be construed to mean that volunteer fire companies or rescue squads shall not be paid for the use of their facilities.

Section 2-12. Record of documents transferred by Board to State Archives.

When the Board is required by law to transfer documents to the State Archives, the Board shall make and keep a record indicating the nature of the documents and identifying the documents for retrieval purposes. A copy of this record shall be filed with the Town Clerk's office and submitted to the Mayor and Council.

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Registration of Voters - General Provisions

Section 3-1. Method of registration.

*State Law 199
Universal Registration*

(a) **Continuous Registration.** Continuous registration of voters in the Town shall be conducted continuously under the direction of the Board, except at such times when registration is closed as required under this Article.

(b) **Supplemental registration.** The Board may provide supplemental registration in addition to the continuous registration as provided in (a) above. Public notice of such supplemental registration shall be given as provided in Section 3-2 below. (Refer to Art. 18, Sec. 1806, Municipal Charter.)

(c) **Registration by Mail.** A voter registration-by-mail program shall be established and administered by general rules and regulations promulgated by the Board for all elections, following the general registration requirements of this Article. Registration forms shall be designed to require the applicant to supply information required by this Article for the registration of voters to ascertain the qualifications of the voter applying for registration by mail and to prevent fraudulent registrations. The information required on these forms shall be supplied by the applicant under penalties of perjury. Registration by mail under this Subsection may be made from and after April 1, 1986.

(d) **Voter registration request forms.** The Board shall establish a program to provide for the periodic publication of voter registration request forms. The voter registration request form shall be in the form prescribed by the State Administrative Board of Election Laws and shall be published in daily or weekly newspapers circulated in the Town.

Section 3-2. Hours and places of registration.

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(a) **Registration days and hours.** The Board shall have open a suitable place, complete with adequate facilities and staff, to conduct voter registration five (5) days a week, excluding legal holidays, all which days continuously during the regular business hours for the Administrative Branch of the Town Government or at other times for the equivalent number of hours if the Board shall determine that the greater convenience of the public is served.

(b) **Notice.** It shall be the duty of the Board to give public notice of the hours and places set for registration, of any changes authorized by the Board in such hours and places, and when supplemental registration is authorized, to give at least seven (7) days public notice of the hours and places of such supplemental registration. (Refer to Art. 18, Section 1806, Municipal Charter.)

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(c) **Location of places of registration.** The principle place of registration shall be at the office of the Board at the Town Municipal Building, except that the Board, at its discretion, may

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determine that the selection of other sites is necessary in order to provide greater opportunity to the public to register to vote, provided such places meet the requirements of polling places as provided in Section 2-11 of this Article.

(d) **Registration in County.** Persons residing within the corporate limits of the Town of North Beach who are registered and/or may hereafter register as qualified voters with the Board of Supervisors of Elections for Calvert County on and after April 1, 1986, shall also be qualified to vote in all Town elections without being required to additionally register with the Board of Supervisors of Elections for the Town of North Beach.

(1) It shall be the responsibility of the Board to request and obtain the voter registration list of the Town registrants from the Calvert County Board, and

(2) The Board shall have the authority to compensate to the County Board for such costs or charges as may be affixed thereto for such registration lists, and

(3) The County Board shall submit to the Town Board all lists of registrants residing within the Town no later than ten (10) days after receipt of such request.

Section 3-3. Registration to be permanent.

A person registered on August 7, 1982 or at any time thereafter as a qualified voter in the Town of North Beach shall not be required to register again unless such registration shall be canceled as herein provided.

Section 3-4. Qualifications.

(a) **Qualified voters.** Only persons constitutionally qualified to vote in the Town shall be registered as qualified voters.

(b) **Constitutional qualifications.** The qualifications of voters are the following, each one of which is applicable to every voter:

1. Citizen of the United States.
2. Age of eighteen years or older.
3. Resident of the Town for thirty (30) days preceding general election, or

VOID ~~4. Non-resident property owner within the Town for thirty (30) days preceding general election.~~ VOID

(Refer to Art. 18, Sec. 1601, Municipal Charter.)

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5. Not constitutionally regulated or prohibited by (c) or (d) of this Section.
6. Not convicted of buying or selling votes.

(c) Conviction of crime. No person shall be registered as a qualified voter if he has been convicted of theft or other infamous crime, unless he has been pardoned or, in connection with his first such conviction only, he has completed any sentence imposed pursuant to that conviction, including any period of probation imposed by virtue of parole or otherwise in lieu of a sentence or part of a sentence.

(d) Persons under guardianship. No person shall be registered as a qualified voter if he is under guardianship for mental disability.

Validity of Qualifications. This Section is in compliance with the Registration and Election Laws of Maryland, 1984, and as published by State Administrative Board of Election Laws as they may be applicable to the Town; the following paragraphs of case histories and legal opinions of the Attorney General will substantiate said validity as may be applicable to the registration and election laws of the Town of North Beach.

Section does not unreasonably discriminate. The requirements of this Section are not so unreasonable that they amount to an irrational or unreasonable discrimination. *Drueding v. Devlin*, 234 F. Supp. 721 (D. Md. 1964), *aff'd*, 380 U.S. 125, 85 S.Ct. 807, 13 L.Ed. 2d 792 (1965).

Purposes of this Section are: (1) Identifying the voter, and as a protection against fraud; and (2) to insure that the voter will become in fact a member of the community, and as such, have a common interest in all matters pertaining to its government. *Drueding v. Devlin*, 234 F. Supp. 721 (D. Md. 1964), *aff'd* 380 U.S. 125, 85 S.Ct. 807, 13 L.Ed. 2d 792 (1965).

Privilege to vote in a state is within jurisdiction of state itself, to be exercised as the state may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals, in violation of the federal Constitution. *Drueding v. Devlin*, 234 F. Supp. 721 (D. Md. 1964), *aff'd*, 380 U.S. 125, 85 S.Ct. 807, 13 L.Ed. 2d 792 (1965).

Students and other citizens who are eighteen years of age and older must be considered emancipated for voting purposes. Opinion, Attorney General (Sept. 21, 1971).

Age or occupation status as criterion in granting franchise. Once it has been determined that an applicant for registration meets the age requirement established by the Twenty-Sixth

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Amendment, neither age nor occupation status may be considered as a criterion in granting the franchise. Any such criterion would be just as invalid as one based upon race or economic status. Op. Att'y Gen. (Sept. 21, 1971).

A state may take reasonable steps to see that applicants are in fact bona fide residents of the county where they seek to vote. Op. Att'y Gen. (Sept. 21, 1971).

Disenfranchisement. The penalty of disenfranchisement is one specifically recognized by the Fourteenth Amendment. *Thiess v. State Admin. Bd. of Election Laws*, 387 F. Supp. 1038 (D. Md. 1974).

Defining resident as domiciliary for registration purposes constitutional. "Residence," as contemplated by the framers of the Maryland Constitution, for political or voting purposes, means a place of fixed present domicile. Op. Att'y Gen. (Sept. 21, 1971).

There is no statutory definition of residence under Maryland Law. Therefore, to determine what factors are relevant in passing upon an applicant's declaration of residence, whether that applicant is eighteen or eighty, it is necessary to examine the Maryland case law. Op. Att'y Gen. (Sept. 21, 1971).

No mathematical formula can be set forth to determine whether a residence has in fact been established for voting purposes. It is impossible to say in advance that some factors are more important than others or that if the positive factors outnumber the negative, residence has been established. Each application for registration must be examined individually on its own facts, and the registrars must then make an individual factual determination. Op. Att'y Gen. (Sept. 21, 1971).

A citizen retains his prior residence until it is affirmatively established that he has acquired a new one. Op. Att'y Gen. (Sept. 21, 1971).

Election district in which person is entitled to vote. A person who has acquired a residence entitling him to vote shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county, or city, to which he has removed. Op. Att'y Gen. (Sept. 21, 1971).

Residence is a question depending upon fact and intention. The mere intention to acquire a new domicile without the fact of an actual removal avails nothing, neither does the fact of a removal without the intention. Op. Att'y Gen. (Sept. 21, 1971).

A student or any other person may acquire a residence by choice, but to do so a citizen must possess the requisite intent, which has two facets. First, he must move to a new locale with the bona fide intention of abandoning his former place of

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residence. Second, he must intend to make the new locale his home for a definite or an indefinite period of time. Op. Att'y Gen. (Sept. 21, 1971). ✓

Factors relevant to determining where residence has been established for voting purposes. Listed below are some of the factors which have been considered by the courts as relevant to determining where residence has been established for voting purposes. The list cannot be exhausted of all facts which might be considered as relevant in an individual situation, and it must be kept in mind that the elective franchise is the highest right of the citizen, and the spirit of our institutions requires that every opportunity should be afforded for its fair and free exercise. Close questions should, therefore, be resolved in favor of the applicant for registration: (1) Is the registrant willing to take the oath that he is in fact a resident since the oath is not a meaningless form?; (2) Has the applicant registered or voted elsewhere?; (3) If an applicant is married, the presumption is that his residence is at the home where his wife (or husband) and family reside; (4) At what place is he best known in and to the community?; (5) Where does the applicant pay taxes and what address did he list as his residence on his income tax returns?; (6) Is the applicant employed and, if so, where and does he support himself?; (7) How long has the applicant resided in the electoral district from which he seeks to register?; (8) How frequently does the applicant return to his domicile of origin?; (9) Where does the applicant keep his personal possessions?; (10) If the applicant has an automobile, where is it registered?; (11) Where do the student's parents live and does the student intend to return to his parental home county after completing his studies?; (12) What address is given on the applicant's motor vehicle operator's license?; (13) Where does the applicant keep his bank accounts if he has any?; (14) During the past six months has the applicant claimed any other place of residence for any reason? This list is not exhaustive of the factors which may be considered, and there is no requirement that the answers to all or any particular number of these questions be affirmative for an applicant to establish his residency. In the final analysis, the question of residency is a matter of judgment in applying the above stated judicially approved definitions based on all the individual facts and circumstances. Op. Att'y Gen. (Sept. 21, 1971). ✓

The declarations of voters concerning their intent to reside in the State and in a particular county is often not conclusive; the election officials may look to the actual facts and circumstances. Op. Att'y Gen. (Sept. 21, 1971). ✓

Election officials are not bound to accept as conclusive the declaration of an applicant for registration that he intends to reside in a particular county where the actual facts and circumstances are in conflict with that declaration. Op. Att'y Gen. (Sept. 21, 1971). ✓

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All qualified students resident in Maryland should be able to register, and no qualified student should be prevented from registering somewhere. Op. Att'y Gen. (Sept. 21, 1971).

Students are not "fenced out" for special treatment, but are treated under Maryland law consistently with the generally applied standard that if a person is shown to have acquired a residence in one locality, he retains the same until it is affirmatively shown that he has acquired a residence in another locality. Op. Att'y Gen. (Sept. 21, 1971).

The same standards for determining voting residence must be applied to students as are applied to all other applicants for franchise. A registrar, of course, may question a student to ascertain his true residence. And in so doing he should be mindful of the Maryland law with respect to the abandonment of an established residence and the establishment of a new residence. But a businessman who for reasons of employment moved from Easton to Annapolis must be treated the same for voting purposes as a student who, in order to attend college, moves to College Park from his family home in Bel Air. Neither age nor occupational status are valid reasons for unequal treatment by the registrars. The Maryland law of residency must be applied across the board to all citizens eighteen years of age and older. Op. Att'y Gen. (Sept. 21, 1971).

If more restrictive standards are applied to students or citizens eighteen to twenty years of age than to other citizens, then the former would be denied equal protection of the laws under the Fourteenth Amendment and the right of youthful citizens to vote would be "abridged" by Maryland "on account of age" in violation of the Twenty-Sixth Amendment. Op. Att'y Gen. (Sept. 21, 1971).

The question of what is a student's residence for voting purposes may arise in several different contexts, e.g., students living in dormitories whose parents or guardians live elsewhere in Maryland, students living in dormitories whose parents or guardians live outside the State of Maryland, students living off-campus but not with their parents or guardians and whose parents or guardians may live either in Maryland or in another jurisdiction, and students living with their parents or guardians and commuting to school. Op. Att'y Gen. (Sept. 21, 1971).

Student has burden of showing bona fide intention of becoming resident of State and county. A college student who applies for registration as an elector of the State and county has the same burden as any other citizen to show a bona fide intention to become a resident thereof to the exclusion of any other state or county. However, the fact that he is a student who resides in the State and the county for the purpose of getting an education should place upon him no greater burden than any other person who moves to the community for the purpose of engaging in business or professional activities. Op. Att'y Gen. (Sept. 21 1971).

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Registrar must make judgment as to bona fide intent of Student. Where a student seeks to register in his college community and his domicile of origin is not that community, the registrar must make a judgment that there are affirmative facts which establish the bona fide intent of the student to abandon his domicile or residence of origin and to establish a new one in the college community. If the registrar is satisfied that such affirmative facts exist, he should register the student from his college address. These principles apply equally whether a student came from Maryland or out-of-state and whether he resides in a dormitory or off-campus. Furthermore, it is most important to recognize that these principles apply equally to students and to all other applicants who have a previously established residence in some other community. Op. Att'y Gen. (Sept. 21, 1971).

It is incumbent upon registrars to carefully consider the information supplied to them by applicants and not to lend unwary applicants astray by accepting questionable statements at face value because there are penalties for supplying false information to registrars. Op. Att'y Gen. (Sept. 21, 1971).

Registrars may reasonably ask question. It would appear reasonable for registrars to ask some questions of an applicant for registration, whether student or nonstudent, to elicit some actual facts and circumstances where it appears there may be some special problem involved in determining whether an applicant has actually acquired a new residence in the county where he seeks to register. Op. Att'y Gen. (Sept. 21, 1971).

Presumption as to students. In the absence of other proof, the law would presume a student was in his college community for the purpose of prosecuting his studies, and this purpose being accomplished, he intended to return to his former residence. Op. Att'y Gen. (Sept. 21, 1971).

Mere residence at a college for the purpose of pursuing his studies would not, in itself, be sufficient to prove that a student meant to abandon his original residence, or to prove that he meant to make his actual home in the college community. Op. Att'y Gen. (Sept. 21, 1971).

Registration of student not residing in college community. If a student does not in fact reside in his college community, he is nonetheless able, under proper circumstances, to register and vote in the county or Baltimore City where he does reside without leaving the campus. Op. Att'y Gen. (Sept. 21, 1971).

Student may vote as absentee voter. Once registered, any full-time student who is unavoidably absent from the county or Baltimore City where he is registered on election day may vote as an absentee voter. Op. Att'y Gen. (Sept. 21, 1971).

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Any qualified student, who is unable to register in person because he has been continuously absent from his county of residence for the thirty days immediately prior to the closing of registration before an election, may register simply by casting an absentee ballot, provided that his application for the absentee ballot is received before the close of registration. Op. Att'y Gen. (Sept. 21, 1971).

Servicemen. Special problems may be involved in determining whether individuals such as servicemen have actually acquired a residence within a county. Op. Att'y Gen. (Sept. 21, 1971).

Residence. An unmarried man, a clerk on a steamboat, who sleeps on the boat, is not entitled to register in home port of vessel. Howard v. Skinner, 87 Md. 556, 40 A. 379 (1898).

Person claiming place where he conducted saloon and restaurant, and slept in room above same, as his residence was held to be resident of precinct where saloon was located within meaning of election laws. Hill v. Board of Registry, 171 Md. 653, 187 A. 869 (1937).

A person who once lived in a ward is entitled to register and vote there until he acquires a residence in another place. Jones v. Skinner, 87 Md. 560, 40 A. 381 (1898).

Appellant, as a nonresident of a county, was not entitled to register as a voter for local issues or offices there or otherwise. Reeder v. Board of Supvs. of Elections, 269 Md. 261, 305 A.2d 132 (1973).

United States citizens residing on federal enclaves are not state residents for voting purposes and are not afforded the right to vote for President and Vice-President. Drueding v. Devlin, 234 F. Supp. 721 (D. Md. 1964), aff'd, 380 U.S. 125, 85 S.Ct. 807, 13 L.Ed. 2d 792 (1965).

"Infamous crimes". In view of the currently existing "laundry list" of infamous crimes issued by the Attorney General of Maryland, the phrase "infamous crimes" is not so vague as to offend notions of fair notice, nor does it fail to provide reasonably clear guidelines for law enforcement officials and triers of fact. Thies v. State Admin. Bd. of Election Laws, 387 F. Supp. 1038 (D. Md. 1974).

All felonies are to be considered infamous for purposes of Subsection (c) of this Section. 58 Op. Att'y Gen. 301 (1973).

For discussion of what factors to consider in determining whether an "infamous crime" has been committed, see 60 Op. Att'y Gen. 245 (1975).

Perjury is infamous crime subjecting one to disenfranchisement. Hourie v. State, 53, Md. App. 62, 452 A.2d 440 (1982).

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Suspended sentence pending outcome of appeal. A voter should not be disqualified during a period in which the sentence is suspended pending the outcome of an appeal. 60 Op. Att'y Gen. 245 (1975).

Registration is not one of the qualifications for voting but is a mechanism for evidencing which voters have the requisite qualifications. Board of Supvrs. of Elections v. Goodsell, 284 Md. 279, 396 A.2d 1033 (1979).

Attempt to register by ex-convict. There is no basis in this Section for concluding that any ex-convict who merely attempts to register will put himself in jeopardy of prosecution. Thies v. State Admin. Bd. of Election Laws, 387 F. Supp. 1038 (D. Md. 1974).

Applied in Hayes v. Mandel, 367 F. Supp. 566 (D. Md. 1973); Francis v. Maryland, 459 F. Supp. 163 (D. Md. 1978).

Cited in Stein v. State Admin. Bd. of Election Laws, 432 F.2d 1003 (4th Cir. 1970); Hanrahan v. Alterman, 41, Md. App. 71, 396 A.2d 272 (1979); Pickett v. Prince George's County, 291 Md. 648, 436 A.2d 449 (1981).

Section 3-5. Registration for persons becoming eighteen years of age.

Any person who will be eighteen years of age on or before the day of the next succeeding general or special election shall be entitled to vote at such general or special election if otherwise entitled to be registered to vote at any time provided for registration of voters.

Section 3-5A. Requiring proof of date of birth.

(a) Requiring satisfactory evidence. Any person who seeks to be registered to vote may be required by the Board to submit satisfactory evidence of proof of his date of birth. If the person fails to submit the requisite evidence of proof, he shall not be registered to vote.

Section 3-6. Oath for registrants.

One of the officers of registration shall administer to all persons who shall personally apply to register the following oath or affirmation:

You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, any criminal convictions, your qualifications as a voter, and your right as such to register and vote under the laws of this Town.

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Section 3-7. Registration by absentee voters.

(a) Any qualified voter whose physical disability confines him to a hospital or causes him to be confined to bed and permanently prevents him from being present to register or to re-register at the office of the Board or the Board of Registry shall be allowed to register or re-register by casting his absentee ballot.

(b) Any constitutionally qualified voter in the following categories shall be allowed to register and re-register by casting his absentee ballot. Unless otherwise provided, all applications for absentee ballots must be received within the time proscribed in Subsection (1) of this Article.

(1) A member of any branch of the armed forces of the United States or any component thereof, including those honorably discharged therefrom during the period beginning thirty (30) days prior to the last registration day prior to an election and continuing up to and including the date of the election, and including his spouse and dependents, and his application for absentee ballot may be received by the Board no later than 8:00 p.m. on the day of the election.

(2) A person as an officer or member of the crew of any vessel documented under the laws of the United States or enrolled for such employment with the federal government, and his spouse and dependents.

(3) A civilian employee of the United States in all categories serving outside the United States, whether or not subject to the civil service laws, and whether or not paid from funds appropriated by Congress, and his spouse and dependents.

(4) Any person serving with the American Red Cross, the Society of Friends, and Women's Auxiliary Service Pilots, and the United Service Organization who is attached to or serving with the armed forces of the United States outside the United States, and his spouse and dependents.

(5) Any citizen and resident who is continuously absent from the Town for thirty (30) days prior to the closing of registration before any election may apply for registration and voting during those thirty (30) days, providing his application is received by the Board no later than the fifth Monday which is four weeks before the election for which he applies for voting.

(6) Any otherwise qualified voter whose confinement in or restriction to an institution prevents him from being present to register or re-register at the office of the Board or with the Board of Registry.

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(c) For purposes of this Section, a voter shall be deemed and held to have resided continuously and/or to own property in the Town at the time he first left to become absent or engaged in such service for the entire period he has been so absent or engaged.

(d) When properly registered under this Section, a person shall continue as a registered voter to the same extent and for the same period that he would be registered had he appeared in person and been registered under the provisions of the election laws of the Town, exclusive of this Section.

Section 3-8. When to register or change registration.

(a) Registering or changing name or address.

(1) No person may register after the fifth Monday preceding or during the fifteen days following a general or special election.

(2) On the fifth Monday preceding any election, the Board shall accept registration by mail applications until the Board office closes.

(3) Any registered voter who moves from the address specified in the voter's registration or changes his name, within thirty (30) days thereafter, shall notify the Board of the voter's former and new addresses or former and new names, as the case may be.

Section 3-9. Procedure for change of address or name.

(a) Notice of request.

(1) Subject to the provisions of Section 3-8 of this Article, notification of a move within or without the Town or of a change of name may be made either by written notice sent by mail, or by making application in person at the office of the Board or other place of registration, or by written notice to the Board signed by the voter requesting that the proper form for providing such written notification be mailed to the voter.

(2) If notification of a change of address or name is received after the fifth Monday preceding a general or special election, the Board may not process the change on the voter's registration records until after the fifteenth day following that election.

(b) Comparison of signature; action of Board where signature appears genuine. Upon receiving such written notice, the Board shall cause the signature to be compared with the original registration records of such applicant; and if the such signature appears to be the same, such change of residence or name shall be

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made on the original and duplicate registration records and the registrant shall be immediately notified by mail of the change so made.

(c) When the Board may direct applicant to appear. If the Board is not satisfied as to the signature on the written notice or that the change should be made, notice shall be sent to the applicant by mail directing him to appear at the office of the Board to answer such questions under oath as may be deemed necessary. If an applicant so notified fails to appear at the office of the Board as directed, no such entry of change of residence or name shall be made.

Section 3-10. Appointment of registrars, powers and duties.

(a) Appointment of registrars and Supplemental Board of Registry. The members of the Board shall appoint at least two registrars, and they are subject to the provisions of this Article as provided for in Section 2-6. The Board at its discretion may also set up Supplemental Boards of Registry as from time to time may be deemed necessary to aid and expedite the work of the Board of Registry; such Supplemental Boards of Registry shall consist of at least two members.

(b) Powers of Boards of Registry and Supplemental Boards of Registry. The Boards of Registry and the Supplemental Boards of Registry shall have, in the performance of their duties, authority to keep the peace and to preserve order and enforce obedience to their lawful command at and around their places of registration; to keep access to such places open and unobstructed; to prevent and suppress riots, tumult, violence, and disorder; and to prevent any improper practices at and around their places of registration. They may compel by summons the presence of witnesses before them for any purposes connected with the duties of their office.

(c) They have the power to issue any summons to any police officer of the Town; and such process shall be served by said officers in the same manner as if issued by a court of record having jurisdiction of the subject matter.

(d) Police authorities. The Chief of Police of the Town shall detail such number of officers as may be required to preserve order at the places of registration.

Section 3-11. Form of permanent registration.

(a) Cards or loose-leaf pages; binders; records open to inspection; removal. The registration of voters shall be conducted as herein provided on cards or loose-leaf pages. When the cards or loose-leaf pages have been duly filled out and both the original and duplicate registration forms have been signed by the applicant for registration and returned by the registrars or other designated persons to the Board, the duplicate forms shall be filed in filing cases or loose-leaf binders arranged for the

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Town in alphabetical order, and shall constitute the permanent office record of the Board. The original forms shall be filed in different filing cases or loose-leaf binders, and shall constitute the Town register for use in polling places on election days. The registration records shall be open to public inspection under reasonable regulations at all times when the office of the Board is open for registration of voters except upon the special order of the Board. The registration records may not be removed from the office of the Board except on the order of a court and except for temporary removal solely for purposes of data processing, provided that in any removal for data processing, one duplicate copy is always retained in the office of the Board.

(b) **Compilation of voters electronically reproduced through data processing.** At the option of the Board, and subject to such procedures and safeguards as may be required by the State Administrative Board of Election Laws, the precinct register for use in polling places on election days may consist of an alphabetical compilation or list of registered voters, electronically reproduced through data processing, containing the same voter registration information as is contained on the original registration forms signed by the voters.

(c) **Sealing or locking registers, binders, and cabinets.** All electronically reproduced registers, and all binders or filing cases containing registers shall be securely sealed or locked and the keys safely kept by the Board. The cabinets containing the duplicate forms shall be securely locked, and neither the binders nor the cabinets may be unsealed or unlocked except by a clerk or other employee of the Board upon its authorization.

Registration records are "public records". Registration records open to public inspection pursuant to Subsection (a) of this Section are clearly "public records," as defined in Maryland's Public Information Act, and not privileged or made confidential by law. 62 Op. Att'y Gen. 396 (1977).

Any member of public entitled to inspect and copy registration records. In the absence of a "special order of the Board" or a reasonable regulation" by the Board so providing, any member of the public is entitled to inspect and copy registration records of the Board pursuant to Subsection (a) of this Section, without any of the restrictions set forth in Section 3-22 of this Article. 62 Op. Att'y Gen. 396 (1977).

Cited in Pickett v. Prince George's County, 291 Md. 648, 436 A.2d 449 (1981).

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Section 3-12. Registration forms and cards.

(a) Style, color, etc. of forms, cards, and records cabinets, binders, and other equipment. The Board shall prescribe the style, color, quality, and dimensions of all forms, cards, and records required for the continuous registration of voters as herein provided and shall prescribe the requirements of the cabinets, binders, or other equipment. These registration forms or cards shall consist of an equal number of original cards or loose-leaf pages of one color, and duplicate cards or loose-leaf pages of another color, of a size adequate to contain the information required. Two separate registration cards shall be utilized at all registrations by the registrars, and carbonized registration forms may be substituted for the two separate registration cards. Except as provided in Subsection (b) of this Section, provisions shall be made on the cards or loose-leaf pages for recording the fact that registered voters have or have not voted at each election. Space shall be provided for such recording for a period of not less than twelve years. The fact of voting shall be indicated by writing the letter "V" in the proper space. Provisions shall be made also on the cards or loose-leaf pages for showing subsequent changes of address. This Subsection does not apply if registration-by-mail forms are used for all voter registrations.

(b) Exception for automated voting systems. Whenever the fact of voting is recorded in an automated or computerized system, recording of the fact of voting on the registration card or loose-leaf pages as provided in Subsection (a) of this Section is not required, provided:

(1) The voting record information maintained in the automated or computerized system is maintained on a current basis for a period covering the five preceding years and can be updated or corrected where appropriate; and

(2) That information, in printed form, can be made readily available for public inspection or informational purposes, and, after each election, can be utilized for purposes of cancellation from the registry in accordance with Section 3-20 of this Article.

(c) Form. The cards or loose-leaf pages shall be in a form as prescribed by the Board.

Section 3-13. Completion of registration forms; comparison of record.

(a) Section inapplicable to registration by mail. This Section does not apply in cases of registration by mail as provided in Subsection 3-1(c).

(b) Answers. The applicant shall be required to answer in the presence of the registrars all questions required on the registration forms. If it shall be determined that he is not

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qualified to be a voter, the applicant shall be advised of his right of appeal as set forth in this Subtitle and an entry signed by the registrars shall be made on the reverse side of the registration forms stating the reason the applicant is not qualified. If the applicant is qualified and the answers of the applicant to all questions have been properly entered on the forms, the applicant shall sign his full legal name in the place on the forms for his signature, if he can do so. If he shall be unable to do so, the registrars shall make the entry "cannot sign" on the forms in the place of his signature, and shall note on the forms the applicant's height, color of eyes, and any distinguishing physical marks.

(c) Original and duplicate forms compared. At the end of each registration session, the original and duplicate registration forms shall be compared, verified, and conformed. If any person is found to have registered more than once, the additional registration forms shall be canceled.

Section 3-13 A. Address of apartment resident to include apartment number.

Any person residing in an apartment shall give the apartment number as well as the street number of the apartment when registering to vote.

Section 3-14. Old registration forms; canceled registration records.

(a) Transfer of information from old forms to new; voter to sign new binder form. Whenever, in the opinion of the Board, the registration forms have become filled in and can no longer be used, the information contained thereon shall be transcribed on new forms under the supervision and direction of the Board. When new forms are prepared in accordance with this Subsection, the judges of election, after determining that the person offering to vote is in fact the duly registered voter transcribed thereon, shall require the voter to sign the new binder form before issuing a voter authority card.

(b) Retention of old registration books or forms. The Board shall retain all old registration books or forms which have been transcribed onto new forms under this Section for a period of at least five (5) years. At the expiration of the five-year period, the Board shall transfer old registration books or forms to the Mayor and Council for delivery to the State Archives, if and as is required by State law.

Section 3-15. Temporary certificates of registration.

(a) When issued. If at any election, it appears that the original registration form of, or the listed voter registration information for any person presenting himself as a voter is not among the cards or on the electronically reproduced compilation or list, as the case may be, constituting the register for use on

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election day, that person may apply to the Board, or a majority of its members on forms to be provided by the Board, for a certificate entitling him to cast his ballot in spite of the absence of the registration form or listed information. Upon receipt of any application for this certificate accompanied by proof of the identity of the applicant, a majority of the Board shall inspect the duplicate registration forms retained in the office of the Board; and if inspection discloses that the applicant is a duly registered voter, a majority of the Board shall make a reasonable effort to locate the applicant's original registration form or the appropriate listed voter information, as the case may be. If the original form or the listed information is not found and if a majority of the Board is satisfied that its absence is not due to fraud or malfeasance, the Board or a majority of its members shall issue its certification to the judges. The certificate shall be marked "Temporary Certificate of Registration," shall be in the form prescribed in accordance with Subsection (c) of this Section, and shall be sufficient authority to permit the voter to cast his ballot in the Town as though his original registration form or listed information were present. The certificate, when completed by the judges, shall be retained by the judges and returned to the Board at the time prescribed for the return of the register.

(b) **New original registration form.** At the same time a voter receives a temporary certificate, he shall sign a new original registration form containing the same information shown by the voter's duplicate registration form. The new original registration form shall entitle the voter, subject to the provisions of this Article, to vote at any subsequent election.

(c) **Form of temporary certificate.** The form of the temporary certificate of registration shall be as proscribed by the State Administrative Board of Election Laws.

Section 3-16. Challenges of voters and correction of lists; how made; forms.

(a) **Who may file challenge or application for correction of lists; when and where filed.** Any voter may file with the Board or with the Board of Registry objections to the registration of any person whom such voter has reason to believe is not eligible to vote, or a request for the addition of any person whose name has been erroneously omitted or dropped from the registration list. Application for the correction of any such registration list or a challenge of the right to vote of a person named on such list may be made by any qualified voter at the office of the Board on or before the Tuesday, sixteen weeks preceding any election.

(b) **Manner of making application or challenge.** Such applications or challenges shall be made in the form provided by Subsection (e) of this Section and the forms shall be provided by the Board for these purposes. The voter shall state thereon, under oath and of his own personal knowledge, the reason for the

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application or challenge. Thereafter, the voter so applying or challenging shall be required to appear in person at the time of the hearing on the application or challenge as provided for in Subsection (d) of this Section and for willful failure to so appear shall be subject to the penalties provided for in Section 10-15 of this Article.

(c) **Notice; voter may appear in person or by counsel.** Persons whose right to register have been erroneously omitted or dropped from the registration lists shall be given written notice, sent by mail, addressed to the voter at the last address given on his registration form. Any voter so notified may appear in person or by counsel.

(d) **Hearing and action of Board on applications and challenges.** The Board of Registry shall sit for the purpose of hearing applications for changes in such registration lists, or challenges of the right to both on such lists. They shall meet on the Tuesday fourteen weeks before an election at such hours as the Board may designate. If all such applications or challenges are not determined on that day, they shall set during the same hours on succeeding days until all cases are heard and decided. At the request of either party, the Board shall issue subpoenas to witnesses to appear at such hearings, who shall be sworn and examined. All cases shall be decided immediately after hearing. No voter as to whom an application or a challenge has been made shall be removed from the registration lists unless the application or challenge is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the voter as to whom the application or challenge was made is properly registered.

(e) **Form of challenge.** Objections to the registration of any person shall be made on a form prescribed by the State Administrative Board of Election Laws.

Section 3-17. Removal because of change of name or address; forms.

(a)(1) If the Board learns that a registered voter has changed his name or has moved within or without the Town within thirty (30) days from the date of such change and has not applied to the Board to change his registration records, the Board shall notify the voter by first-class mail sent to his address as it appears on the Board's registration records, and to his new address, if it is known, that if he does not advise the Board by a signed writing of his correct address or name within two (2) weeks of the date appearing on the notice, his name will be removed from the registration records, and he will have to re-register before he can vote in future elections.

(2) The Board, upon receipt of a signed authorization from a voter to cancel his registration, shall remove that registration from the registration records.

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(b) Cancellation authorization required by (a)(2) of this Subsection shall be on a form prescribed by the Board.

Section 3-18. Cancellation of registration for failure to vote.

(a)(1) If a registered voter has been registered but has not voted at least once at a general or special election within the five (5) preceding calendar years, it shall be the duty of the Board, unless cause to the contrary be shown, to cause the registration of that voter to be canceled by removing the registration cards or forms of the voter from the original and duplicate files and placing them in a transfer file. A notice of this action and the reason therefor shall be sent to the last known address of the voter, notifying him to appear before the Board at a date specified in the notice not earlier than one week or later than two weeks from the date of mailing of the notice, and to show cause why his name should not be removed from the registry.

(2) Lists containing the names and last known street addresses of those voters whose registration is to be canceled shall be made available on request thirty (30) days prior to the date of removal. Any Board may charge reasonable fees for such lists but the rate may not exceed 1/2 cent per name and address.

(b) A voter whose registration has been canceled under this Section shall not thereafter be eligible to vote except by registering again as in the Article provided.

Section 3-19. Registration appeals.

(a) Petition for appeal. Any person who feels aggrieved at any action of the Board or of the Board of Registry shall have the right of appeal from a refusal to register him as a qualified voter, the removal or misspelling of his or of any other person's name, or the registration or non-registration of any fictitious, deceased, or disqualified person. Such appeal may be brought at any time, except that it may not be later than the third Tuesday preceding the election. The appeal shall be taken by filing a petition, verified by affidavit, in the Circuit Court for Calvert County setting forth the ground of the application and asking to have the registry corrected.

(b) Action of Court on petition. The Court may, upon the presentation of evidence satisfactory to it, in its discretion, dispose of the matter summarily or, in its discretion, otherwise set the matter for hearing and direct summons to be issued. Upon appropriate order of Court, the Board shall make the required corrections indicating that such changes have been made pursuant to order of Court.

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(c) **Presumption of residence.** In determining whether any person is or is not a resident of the Town, it shall be presumed that if a person is shown to have acquired a residence in one locality, he retains the same until it is affirmatively shown that he has acquired a residence elsewhere.

(d) **Appeals to Court of Special Appeals.** An appeal may be taken from any ruling of such Court to the Court of Special Appeals. Any such appeal shall be taken within five (5) days from the date of the decision complained of and the appeal shall be heard and decided by the Court of Special Appeals as soon after the transmission of the record as practicable.

Section 3-20. Copies of registration lists.

(a) **List of all persons registered.**

(1) Within ten (10) days of receipt of written application from any person registered to vote in Maryland the Board shall furnish to such person a certified copy of a registration list of the name and address of each person registered to vote in the Town. The Board shall also furnish supplements to these lists upon written application as provided below.

(2) The method and cost of reproduction of these registration lists and supplements shall be determined by the Board.

(b) **Application for list; certification by Board.**

(1) Any application for a registration list shall be filed at least (30) days prior to any election and shall be accompanied by cash or certified check to cover the cost of the list and, if applied for, the supplement. If an applicant applies for a supplement, that application shall be made at the same time that the applicant applied for a registration list. These supplements shall include the names and addresses of all registrants in the Town who have registered from such date as the Board deems proper through the deadline for registration for the applicable election. The Board shall furnish these supplements within a timely period after the applicable deadline for voter registration.

(2) Each registration list and any supplement to the list shall be certified by the Board as correct.

(c) **Commercial use of list prohibited; sworn statement; penalty.**

(1) Each application for a registration list or a supplement shall be accompanied by a statement, under oath, by the individual filing the application, that the list or supplement is not intended to be used for purposes of commercial solicitation or any other business purpose.

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(2) Any person, who knowingly allows a registration list and any supplemental list or supplement under his control to be used for commercial solicitation or any other business purpose is guilty of a misdemeanor and shall be punished under the provisions of Section 10-27 of this Article.

(d) **List of new registrants.** The Board may also furnish a list of the names and addresses of all new registrants in the Town in any current year. The method and cost of reproduction of these lists shall be determined by the Board.

Section 3-21. Voters' notification or information cards.

(a) **Issuance of cards; duplicates.** The Board of Registry shall issue a card containing the name and address of the voter the date of issue, and the election district and precinct of the voter. The card shall be evidence that the voter has been properly registered on the date appearing on the card. The Board may issue duplicate voters' notification or information cards, to be stamped "Duplicate" when a voter changes his address or name.

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Section 3-22. Town check of registered voters.

(a) **List of voters.** Whenever the Board determines that the Town is in need of a detailed check for the purpose of correcting the registration lists of the Town, it shall deliver to one or more of its clerks a copy of the registration list of all voters registered in the Town. The Board, at the same time, shall furnish to each of the clerks a sufficient number of change of residence cards on which registrants who have changed their residence may apply to the Board for a transfer of registration, and a sufficient number of cards to be handed to non-registered voters indicating when and where to register.

(b) **Duty of clerks.** The clerk or clerks shall visit the place of residence of every registered voter on the list and after diligent inquiry shall check the names on the registration lists, indicating on the margin: (1) by the word "present" after the name of each voter, all such who still reside at the same address; (2) by the word "moved" after the name of each voter who removed from or within the precinct; and (3) by the word "deceased" after the name of each voter who has died. He shall also leave change of residence cards with registered voters who have moved into the Town and cards with all persons over eighteen years of age who have not registered, giving information as to when and where to register.

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(c) **Notifications.** Within thirty (30) days after the completion of such checking, the Board shall cause to be mailed to each person before whose name appears the word "Moved" or "Deceased" a notification to affirm or deny the change of address or report of death by filling in and signing the necessary blank and returning it by mail; or to appear at the office of the Board and fill out such blank affirming or denying the change of address or report of death and stating the address to which such

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person shall have moved. Upon the return of such blanks duly filled in with the required information, the Board shall proceed as in other cases of change of address in accordance with the provisions of Section 3-17 of this Article. Failure to return such blanks or make affirmation or denial within two (2) weeks from the time when such notifications shall have been mailed, shall be sufficient cause for the cancellation of the registration of such person, and his original and duplicate registration card and entry of his name in the registry book shall be dealt with as in other cases of cancellation.

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Method of Nomination

Section 4-1. In General.

(a) Nominations for offices which are filled by elections under the provisions of this Article may be made by filing a certificate of candidacy for nomination in the manner provided in this Article. (Refer to Art. 18, Sec. 1808, Municipal Charter.)

(b) No certificate of nomination shall contain the name of more than one nominee for each office to be filled.

(c) No person shall be a candidate for election to more than one public office at any special or general election.

(d) No person shall file as a candidate for more than one public office at any special or general election.

(e) Each candidate for public office under this Article shall attest by oath in writing on the certificate of candidacy that he is not a candidate for any other public office.

Section 4A-1. Requirements for persons seeking nomination; listing and use of names, nicknames, titles, etc.

(a) Each person seeking nomination to any public office at a general or special election shall file a certificate of candidacy for nomination in the manner and at the time provided in this Subtitle. Such person who is a candidate for the office of Council must be a registered voter and a full-time resident, residing within the incorporated limits of the Town for a period of not less than ~~one year~~ ^{6 months} preceding the election for which he is a candidate. Such candidate filing for office of Council shall have reached his twenty-first birthday before the election day for the filling of the office which said candidate is seeking.

A person who is a candidate for the Office of Mayor must be a registered voter and a full-time resident residing within the incorporated limits of the Town for a period of not less than ~~two~~ ^{6 months} years preceding the election for which he is a candidate. Such candidate filing for office of Mayor shall have reached his twenty-fifth birthday on or before the election day for the filling of the office which said candidate is seeking.

Before finally placing the name of such a candidate on the ballot at the succeeding election, the Board shall determine that the candidate meets the registration requirements of this Section.

(b) The use of nicknames, titles, degrees, or other professional designations on the certificate of candidacy is prohibited.

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(c) Certificates of candidacy shall include a space in which candidates are to designate the listing of their name as they wish it to appear on the ballot by designation of any given name or names, plus the initial letter of other given name or names, if any, and surname.

(d) Write-in candidates shall file certificates of candidacy as provided in Section 4B-1 of this Article.

Section 4A-2. Where filed.

(a) Candidates for the Town of North Beach public office. Certificates of candidacy shall be filed under oath with the Board of Supervisors of Elections for the Town, wherein the offices are to be filled by the voters. (Refer to Art. 18, Sec. 1808, Municipal Charter.)

(b) Manner of filing. All persons except write-in candidates shall file their certificates of candidacy in person within the time specified by Section 4A-3 of this Article and at the place specified in this Section. In the event that any person wishing to file a certificate of candidacy is unable to do so in person by reason of illness, military service, or temporary absence from the Town of North Beach, such person shall file an affidavit setting out fully such facts as prevent him from personally filing his certificate of candidacy and such affidavit must be filed with the certificate of candidacy.

Section 4A-3. When filed.

(a) In general.

(1) Except for certificates of candidacy filed by write-in candidates and as otherwise provided herein, certificates of candidacy shall be received and filed in the office of the Board not later than 9:00 p.m. on the Monday which is ten weeks or seventy days before the day on which the general election should be held. (Refer to Art. 18, Sec. 1808, Municipal Charter.)

(2) If the filing date should occur on a legal holiday, the certificates must be received and filed not later than 9:00 p.m. on the next regular business day which is not a legal holiday.

19-608 (see Charter)

(b) Special election.

(1) Certificates of candidacy for an office to be filled by a special election shall be received and filed in the office of the Board not later than 5:00 p.m. on the Monday which is three weeks or twenty-one days prior to the special election.

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(2) If the filing date should occur on a legal holiday, the certificates must be received and filed not later than 9:00 p.m. on the next regular business day which is not a legal holiday. X

Section 4A-4. Filing fees.

(a) **General provisions.** Each candidate for nomination to public office shall pay to the Board a sum in the amount as herebelow set forth upon filing their certificates.

(b) **Mayor.** Candidates for Mayor of the Town, upon filing their respective certificates, shall each pay the sum of twenty-five dollars (\$25.00).

(c) **Council.** Candidates for council members of the Town, upon filing their respective certificates, shall each pay the sum of ten dollars (\$10.00).

(d) **Inability to pay fee.** Each filing fee required by this Section is mandatory unless the candidate establishes his inability to pay the fee. The fee shall be waived if the candidate establishes his inability to pay by attaching to the certificate of candidacy, at the time and place of filing the certificate, a sworn statement of inability to pay which shall set forth the nature, extent and liquidity of the candidate's assets and the disposable net income of the candidate. The Board may conduct an investigation of the candidate's financial status if the circumstances so warrant.

(e) **Write-in candidates.** A write-in candidate, as determined under Section 4B-1 of this Article, is required to pay a filing fee equal to that required of a candidate for nomination to the same office sought by the write-in candidate or to the office to which he is promoted.

Section 4A-5. Disposition of filing fees.

Fees received by Board. The Board shall pay all amounts received from filing fees to the Treasurer's Office of the Town of North Beach.

Section 4B-1. Write-in campaigns.

(a) Any person or combination of two or more persons who expends \$51.00 or more to organize, promote, or assist in any manner the write-in candidacy of any person or persons for any public office to be filled at a general election is a political committee for the purposes of this Article.

(b) A write-in candidate is required to file a certificate of candidacy for election. The certificate shall be filed with the same agency as if the write-in candidate were filing for office under Section 4A-2 of this Article.

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(c) The certificate of candidacy for election of a write-in candidate shall be filed no later than seven days after a total expenditure of \$51.00 is made by him or in his behalf by a committee authorized by him to promote his candidacy, but shall not be filed later than 5:00 p.m. on the day preceding the day of the election for which the certificate is filed.

4:30 PM
close of business

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Certificates of Nomination

Section 5-1. Required; how attested.

All nominations shall be attested to by a certificate of nomination. The certificate shall be signed and acknowledged by the persons whose duty it may be to declare the result of such election in the manner prescribed.

Section 5-2. Preservation; inspection; certified copies.

The Board shall receive, file, and preserve all certificates of candidacy and of nomination which are filed with them under the provisions of this Article. These certificates of candidacy and of nomination shall be kept as part of the records of the Board for a period not to exceed five years or for at least one year beyond the length of the term of the public office for which every candidate to whom these certificates of candidacy and of nomination apply has offered himself for nomination or election, regardless if the candidate is successful, unsuccessful, or resigns, or for a longer period if ordered by a court of competent jurisdiction. These certificates of candidacy and of nomination shall be subject and open to inspection by any citizen of the Town during the hours in which the office in which the certificates of candidacy and of nomination are kept is open. Thereafter, the certificates of candidacy and nomination shall be transferred to the Mayor and Council for transfer to the State Archives if applicable. Copies of these certificates of candidacy and of nomination certified by the principle administrative officer in whose office they are kept under the seal of his office shall be evidence in any court to the same extent as the original certificate of candidacy and of nomination should be if produced and proved.

Section 5-3. Publication of nominations.

(a) **General provisions; exceptions.** At the time of giving the notice of election required by Section 2-10 of this Article, the Board shall cause to be published by one insertion in at least two newspapers published or circulated within the Town which will publish the same at the lowest available local rate of commercial advertising, the nominations to office which have been filed with or certified to them under the provisions of this Article. Should there be but one newspaper published or circulated within the Town, publication shall be made in newspapers devoted to the dissemination of general news. The list of nominations published by the Board shall be arranged, so far as practicable, in the order and form in which they are to be printed upon the ballots. This paragraph does not apply if a specimen ballot is mailed pursuant to the provisions of Section 2-10 if such ballot includes the nominations to office which have filed with or certified to the Board.

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Withdrawals of Certificates of Candidacy

Section 6-1. Withdrawals of certificate of candidacy in General.

The times designated in paragraphs (a) and (b) of this Section for withdrawal of certificates of candidacy and for Board offices to be open are mandatory.

(a) **General election.** Whenever any person who has filed a certificate of candidacy for public office in any general election shall, in a writing signed by him, and acknowledged before a notary public, notify the officer or Board with whom the certificate of candidacy is required to be filed by this Article, within ten days after the final filing date established in Section 4A-3 of this Article that he desires to withdraw as a candidate for such office, the certificate of candidacy shall thereupon be and become void, and the name of any person so withdrawing shall not be printed upon the ballots to be used at the general election. The filing of a valid certificate of withdrawal of candidacy is a final act of withdrawal; and a person who files such a certificate of withdrawal may not reinstate his candidacy, unless the time limit for the filing of candidacies has not expired. No filing fees shall be returned to persons who withdraw in accordance with this Section.

(b) **Special election.** Whenever any person who has filed a certificate of candidacy for public office in any special election shall, in a writing signed by him, and acknowledged before a notary public, notify the officer or Board with whom the certificate of candidacy is required to be filed by this Article, within five days after the final filing date established in Section 4A-3 of this Article that he desires to withdraw as a candidate for such office, the certificate of candidacy shall thereupon be and become void; and the name of any person so withdrawing shall not be printed upon the ballots to be used at the special election. The filing of a valid certificate of withdrawal of candidacy is a final act of withdrawal; and a person who files such a certificate of withdrawal may not reinstate his candidacy, unless the time limit for the filing of candidacies has not expired. No filing fees shall be returned to persons who withdraw in accordance with this Section.

(c) **Board office** shall be open and certificates of withdrawal of candidacy shall be accepted until 5:00 p.m. on the last day for withdrawal.

4:30 Close of business

(d) The name of any person who files a certificate of candidacy for public office shall appear on the ballot unless he files a valid certificate of withdrawal of candidacy, dies, or is disqualified.

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Paper Ballots

Section 7-1. When paper ballots authorized; preparation of ballots; procedure for voting and canvassing, etc.

(a) When authorized. In the event the Board does not have sufficient voting machines available or is unable to procure additional voting machines, or in the event that the number of names or questions submitted for vote at any election precludes the practical use of voting machines, the Board shall use paper ballots in such election and the election shall be conducted as provided in this Article for elections held by voting machines except as modified by the provisions of this Section, as hereinafter provided.

(a-1) Form and arrangement. The form and arrangement of all paper ballots shall be prescribed by the Board in accordance with the requirements of this Section.

(b) Paper; type. Ballots shall be printed in black ink in uniform type upon plain white paper of ordinary book weight. The names of the candidates shall be printed in plain, clear, bold, and legible roman capitals, twelve-point pica type, one eighth of an inch high or in depth. The back and outside of the ballots shall be marked "Official Ballot for...." followed by the designation of the Town of North Beach and the ballots shall contain the date of the election, and a facsimile of the signature of the president of the Board for which the ballots have been prepared. The ballot shall be printed on the same leaf, with a detachable stub or coupon one inch high and three inches wide, above the upper right-hand corner of the ballot, and binding on the upper edge thereof, but separated therefrom by a line running along the entire width of said coupon. Upon the coupon shall be printed the words "Voter's name" with a line drawn thereunder for writing the name, and under the name and under this line the words "Number of voter" followed by a blank space for the insertion of a number. Before distribution the ballot shall be folded in marked creases so that no part of the marks or printing thereon shall be visible excepting that which appears upon the back and outside and the detachable stub or coupon and so that the folded ballot shall be of uniform width and length and proper width to be deposited in the ballot boxes.

All ballots when printed shall be folded as above provided, and fastened together in convenient numbers in packages, books, or blocks so that each ballot may be detached and removed separately.

(b-1) Number to be printed; surplus ballots.

(1) The Board shall cause to be printed and have in its possession at least five (5) days before the election a number of ballots for any general and special election to 110 percent of a total number of voters shown by the

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registry. The Board shall keep a record of the number of ballots printed and shall preserve the same for at least six months after the election for which it was made.

(2) It shall be the duty of the Board to have any surplus ballots on the day of election in its charge or that of an officer designated by it, and to supply such ballots to any judge who shall then make requisition therefor in writing stating that the first supply of ballots has been exhausted or that for any cause the additional ballots are needed. The judges shall give a receipt for all surplus ballots delivered to them and a record of all such surplus ballots delivered to the judge shall be kept by the Board. Any ballots not used shall be returned to the Board.

(3) All surplus ballots shall be destroyed within ten days after the election unless the destruction thereof is stayed by an order of Court pending a contest. The Board shall certify the number of ballots so destroyed to the Clerk of the Town as soon as the ballots are destroyed.

(c) **Ballot boxes.** All ballot boxes provided by the Board for the deposit of ballots shall be numbered and of sufficient capacity to hold the ballots to be deposited therein, shall have an opening in the top large enough to allow a single folded ballot to be passed easily through the opening, but no larger, and shall be supplied with a seal or sufficient lock and key.

(d) **Delivery of ballots and boxes.** The Board shall deliver, not more than three days and not less than one day preceding the election, ballot boxes and other equipment and supplies required for the election, together with a sealed package of ballots, containing at least as many ballots as there are voters shown by the last preceding registration. If the Board fails or neglects to make the delivery by the time prescribed by this Section, it shall be the duty of a judge designated beforehand by the Board to take charge of the ballot box, immediately to send to the Board therefor, and to obtain the same as soon as practicable in order that the election may be duly held.

(e) **Voting booths.** The Board shall provide a sufficient number of voting booths, equipped with tables or shelves on which voters may conveniently mark their ballots. Each voting booth shall be at least three feet square and six feet high, shall contain three sides with a door or curtain on the fourth side, which door or curtain shall extend within two feet of the floor and shall be so arranged that it shall be impossible for anyone outside the voting booth to observe a voter in the act of marking his ballot. The number of voting booths shall be not less than one for each one hundred voters qualified to vote at each voting place. Each voting booth shall be kept properly lighted and provided with all supplies and conveniences necessary for marking ballots. The ballot boxes and voting booths shall be arranged in plain view of the judges, and the voting area shall be roped off

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in such a way as to permit no more than three feet for the entrance or exit of voters, and no person shall be permitted to enter the voting area by any other route.

(f) **Inspection and sealing of ballot boxes.** As soon as the polls are open and immediately before any ballots are received by the judges, they shall inspect all ballot boxes to be used so that they may be satisfied as to the structure thereof, and that such ballot boxes are empty and verify the number thereof. The ballot boxes shall then be locked and sealed. They shall not again be opened until the closing of the polls; and until such closing each ballot box shall be kept constantly in the sight of all persons entitled to be present. They shall be placed so that the voter offering his ballot, the judges, and all persons entitled to be present may conveniently see every ballot deposited therein. The sealed package of ballots shall not be opened until after the ballot boxes shall have been so examined, and locked or sealed by the judges.

(g) **Procedure for casting ballots.** The procedure for casting ballots shall be as follows:

(1) At every election each qualified voter shall be entitled to receive one official ballot. In applying therefor to the judge holding the ballots, he shall give his name and residence, and the said judge shall repeat the same in a loud and distinct voice.

If such name is found upon the registry by the judges having custody thereof, they shall repeat the said name, and the voter shall be allowed to enter the space enclosed by the booth or compartment. The judge holding the ballots, having first written in ink the voter's name and voting authority card number upon the coupon attached to one of them, shall deliver said ballot to the voter after having likewise written in ink his own name or initials upon the back thereof; and one judge shall at the same time record the voter's act of voting in the registry.

(2) Upon receipt of his ballot, the voter shall forthwith retire alone to one of the booths or compartments and prepare his ballot. He shall mark with an indelible pencil after the name of every person or persons for whom he intends to vote, and to the right thereof, in the blank space provided therefor, a cross (X) mark, and in the case of a question submitted to a vote of the people, he shall likewise mark in the appropriate space after the question a cross (X) mark. Not more than one voter shall be permitted to occupy any one booth or compartment at any time. No voter shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than three minutes in case all such booths or compartments are in use and other voters are waiting to occupy the same, except that an additional two minutes shall be allowed if there are referenda to be voted upon.

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(3) Before leaving the voting booth or compartment, the voter shall fold his ballot without displaying the marks thereon, and in the same way it was folded when received by him. He shall keep the same so folded until he has cast his ballot, so that the signature or initials of the judge from whom he received it, and the name and number written on the coupon thereof but nothing else thereon may be seen. He shall forthwith hand his ballot to the judge at the ballot boxes, and the judge shall deposit his ballot in one of the boxes having first detached therefrom its coupon which he shall then string upon a cord or wire to be provided for the purpose. The said voter shall forthwith leave the enclosed space.

(4) No ballot without the endorsement of the name or initials of the judge thereon, as hereinbefore provided, shall be deposited in said ballot boxes. If any such ballot is deposited, it shall be counted for the purpose of ascertaining the number of people voting and for no other purpose, and the judges shall in ink mark on the back thereof the word "Counted" and endorse their names.

(h) **Spoiled, rejected, and unvoted ballots.** Any voter who, by accident or mistake, shall spoil his ballot so that he cannot conveniently vote the same, may on returning said spoiled ballot to the judge holding the ballots, receive another in place of it, with his name and the same number written on the coupon thereof, as on the ballot so returned. No voter shall receive more than three ballots from said judge for the reason aforesaid. The ballots thus returned shall be immediately canceled by endorsing thereon the word "Spoiled" and the judge's initials. The spoiled ballots, together with those not distributed to the voters shall be preserved and returned to the Board as hereinafter provided. Every voter who does not vote any ballot delivered to him, before leaving the polling place, shall return such ballot to the judge from whom he received it. Said returned ballot shall be retained as if it had been spoiled. If for any other reason a person who has received a ballot shall leave the polling place without voting, he shall return the ballot to the judge. All ballots returned to the judge holding the ballots shall be immediately strung by him upon a cord or wire provided for that purpose still folded and with the coupon still attached and each endorsed upon the back thereof with the words "Spoiled" or "Rejected" or "Not Voted" as the case may be, and all such ballots shall be returned to the a Board as hereinafter provided.

(i) **Other ballots; write-ins.** Ballots other than those printed by the Board according to the provisions of this Section shall not be cast or counted in any election. This Subsection shall not prevent any voter in any general election from writing on his ballot and marking in the proper place the name of any person other than those already printed for whom he may desire to vote for any office. Such votes shall be counted the same as if the name of such person had been printed upon the ballot and marked by the voter.

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(j) **Procedure for canvass generally.** As soon as the election polls have been closed, the judges shall immediately, and at the place of polling, proceed to canvass the votes cast as follows:

(1) The judges shall first seal up the unused ballots remaining of the package last broken by them and endorse the same with their signatures as unused ballots.

(2) All the coupons taken from the ballots cast shall be destroyed.

(3) The canvass shall not be adjourned or postponed until it shall have been fully completed or until the several statements and tally sheets hereinafter required to be made by the judges shall have been made out, signed and sealed by them. The judges shall have the right to station police officers or officers of the peace within the room wherein such canvass is made in order to keep the peace. ~~The challengers and watchers shall be allowed to be present sufficiently near so that they can see that the judges are faithfully performing their duties.~~

(k) **Rejection of defective ballots.** The judges shall open the ballot boxes and count and announce the whole number of ballots in the boxes. They shall reject any ballots which are intentionally folded together and any ballots which do not have endorsed thereon the name or initial of the judge who held the ballots. If there shall be any mark on the ballot other than the cross-mark in a square opposite the name of a candidate as provided in Subsection (g) of this Section, or other than the name or names of any candidate written by the voter on the ballot, such ballot shall not be counted. Ballots not counted for such defects shall be marked "Defective" on the back thereof and shall be wrapped in a separate package and returned in the ballot box as hereinafter directed.

(l) ~~Tallying votes.~~ The judges shall open the ballots, and all of them shall be canvassed separately by one of the judges sitting between two other judges, which judge shall call out each name and the office for which it is designated with the other judges looking at the ballot at the same time and making tally of the same. When all the ballots have been canvassed in this manner, the election judges shall compare their tallies together and ascertain the total number of votes received by each candidate. When they agree upon the numbers, one of them shall announce in a loud voice to the judges the aggregate number of votes received by each candidate. If requested by any watcher or challenger present at any canvass, it shall be the duty of the judges, and each of them, to exhibit to such watcher or challenger any ballot cast, fully opened or in such condition and manner that he may fully read and examine the same; but the judges shall not allow any ballot to be taken from their hands. As the ballots are counted they shall be strung upon a strong twine.

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(m) **Packing voting materials for return.** The procedure for packing voting materials for return shall be as follows:

(1) The "spoiled" and "not voted" ballots, as defined in Subsection (h) shall be enclosed in a package to themselves and endorsed "Spoiled and Not Voted," and "rejected" and "defective" ballots, as defined in said Subsection and Subsection (k), shall be enclosed in a package to themselves and endorsed "Rejected and Defective." The ballots cast and counted, as well as the two before-mentioned packages of "spoiled," "not voted," "rejected," and "defective" ballots shall be placed in the ballot box.

(2) The ballot boxes shall then be sealed or locked and the key removed. whereupon the judges of election shall all write their names upon a strip of paper of sufficient length for the purposes specified in this Section. Said strip of paper shall then be pasted over the keyhole of said ballot boxes and over the slit in the lid, in such manner that the signatures shall extend across the place of the opening of the lid, and so that when any box is opened it will tear the paper and destroy the signatures, and so that if a key is inserted in the keyhole it will tear the paper so pasted over the keyhole. Such paper shall be securely fastened on the boxes with sealing wax or some other adhesive material.

(n) **Delivery of voting materials to Board.** After the voting materials have been packed for return, as set forth in Subsection (m) of this Section, one of the judges, who shall have been designated by the Board, shall take charge of the ballot boxes and their contents. The other judge, who shall also be an officer of registration shall receive and hold the key thereof, if used, and the package of unused ballots sealed by the judges. One of the judges shall then take into his possession the registry. Each of the judges shall also take into his possession one of the statements of the vote (votes) cast, sealed up in its envelope as aforesaid, and also one of the tally sheets, sealed up in an envelope as aforesaid. The meeting of the judges shall then be dissolved. The judge having possession of the ballot boxes shall immediately deliver the same with the contents to the Board with the seal unbroken and shall take a receipt therefor. At the same time the judges having possession of the key, the package of unused ballots and the registers or the binder containing the registration cards, and one copy of the statement of votes cast and tally sheet shall deliver them to the Board and take a receipt therefor. The judges having possession of the other statements and tallies shall deliver them before 12 o'clock noon of the day following the election to the respective officers to whom they are addressed as aforesaid; and when delivered, each of the said judges shall take a receipt therefor. No judge shall receive pay for his services unless he produces the receipt herein provided for. The members of each Board shall be present at their respective offices on the days named for the purpose of carrying out the provisions of this Section.

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(o) Custody of voting materials. The Board, upon receiving ballot boxes and the ~~keys~~ thereof, shall note the condition of the seal or stamp on each box, the number thereof, and make an entry of the facts touching the same in a book to be kept by them, together with the name of the officer who delivered the box. They shall be put by the Board in a secure place to which the public in no case shall have access. Said boxes and their contents ~~shall be safely kept for the space~~ of four months from the date of such delivery at which time, unless previously notified to produce the same to be used in evidence in some contested election or judicial or legislative investigation then pending, the Board shall destroy, or cause to be destroyed, said ballots, and all of the said tallies and statements of returns; and the Board shall record in the same book a certificate of the fact of destruction.

(p) Production of voting materials in contests. The Board shall produce any such ballots in regard to which testimony may be proposed to be taken before a judge taking examination in a contested election. The Board shall furnish copies of the same only on the order of a judge thereof and then a pursuance of the terms and conditions of said order and subject to its restrictions. The Board shall retain such ballots in possession and custody until such ballots are required by the order of the court having jurisdiction in the case to be delivered to the court.

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General Provisions for Voting

Section 8-1. Policing.

Each of the judges has the authority to keep the peace and to cause any person to be arrested for any breach of the peace, or for any breach of the election laws, or any interference with the progress of an election, the canvass of the ballots or the ascertainment and transcription of the votes recorded on the voting machines. It shall be the duty of all officers of the law present to obey the order of any judge, and an officer making an arrest by the direction of any judge shall be protected in so doing fully as if a warrant had been issued to him to make such arrest.

Section 8-2. Hours for voting.

The polling places within the Town shall be opened by the judges at 7:00 o'clock a.m. on the day of election, and the polling places shall remain open until 8:00 o'clock p.m. on the same day, when the polling places shall be closed. (Refer to Art.18, Sec. 1811, Municipal Charter.)

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Section 8-3. Challengers and watchers.

(a) Authorized. Each candidate, political party or other body of voters having a candidate, candidates, principle, or proposition appearing on the ballot, shall have the right to designate a registered voter as a challenger and watcher at each place of registration and election. Said persons shall be assigned to such position near the judges, inside the registration or polling room, as to enable them to see each person as he offers to register or vote. They shall be protected in the discharge of their duty by the judges and the police.

(b) Certificate as evidence of right to be present. A certificate signed by any candidate shall be sufficient evidence of the right of such challenger and watcher to be present in the registration or polling room.

(c) Rights; unlawful acts.

(1) A challenger or watcher has the right to enter the polling place one-half hour before the opening of the polls. However, if a majority of the election judges present find that the presence of the watchers or challengers in a polling place before it opens will prevent the timely opening of the polling place, the judges may direct all challengers or watchers to leave the polling place. Election judges are not required to admit to a polling place before the opening of the polls any challenger or watcher who was not present at the polling place at least one-half hour before its opening. A challenger or watcher has the right to enter or be present at the polling place until the returns are completed.

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(2) It is unlawful for any challenger to inquire or ascertain for which candidate any voter intends to vote, or has voted, or to converse in the polling place with any voter or to assist any voter in the preparation of his ballot or in the operation of the voting machine. Any challenger who violates the restrictions of this paragraph may lawfully be ejected by the judges and is subject to the punishment provided for in this Article.

(d) Removal. A challenger or watcher may be removed at any time by the same person who appointed him.

(e) Other persons allowed in polling place. Persons other than accredited challengers or watchers who desire to challenge the vote of any person shall be permitted to enter the polling place for that purpose, but a majority of the judges may limit the number of persons to be allowed in the polling place at any one time for such purpose; and all such persons shall leave the polling place as soon as the right to vote of the person challenged by them has been decided.

(f) Form of certificate. The form for the certificate of a challenger and watcher shall be supplied by the Board, candidate, or other organization and shall be on a form prescribed by the State Administrative Board of Election Laws.

Section 8-4. Record of persons voting.

(a) Identification of voters by voting authority cards. A registered voter offering to vote at any election, before being permitted to vote, shall identify himself by signing a voting authority card and giving any change of address or name in the presence of the judges which shall be entered on the voting authority card or on a change of address or name form by the voter. When electronically reproduced voter authority cards are used, the voter shall enter his date of birth in the spaces provided if such information is not preprinted. Unless an electronically reproduced register is used, the judge in charge of the register shall compare the signature upon that card with the signature upon the registration card, and if they are not identical, the applicant may not be permitted to vote unless the majority of judges are of the opinion that he is the same person whose name appears upon the registration card. If the entry "Cannot sign" appears upon the registration card, or if an electronically produced register is used, then the applicant shall state his age, which shall be compared with the age stated upon the registration card or the listed voter registration information, as the case may be, or the applicant shall identify himself by such other means as are referred to upon the registration card or listed information. If, upon comparison of the signature or other identification, it is found that the applicant is entitled to vote, then the judge having charge of the register shall approve the voting authority card and write his initials thereon. The number of voting authority cards furnished to the judges shall exceed by ten percent the number of

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registered voters in the precinct. Each voting authority card shall be numbered and dated, and they shall be handed to the applicants in numerical order, as these applicants appear and offer to vote.

(b) **Disposition of voting authority cards at close of polls.** At the close of the polls the judges shall account for all voting authority cards surrendered to them, to be returned to the Board wrapped and sealed in a package marked "Surrendered Voting Authority Cards" bearing the signature of the judges. The unused and spoiled voters' voting authority cards shall be wrapped and sealed in a separate package, marked "Unused and Spoiled Voting Authority Cards" bearing the signature of the judges, and likewise returned to the said Board with other election equipment.

Section 8-5. Errors in registration.

A person who is not registered as a qualified voter of the Town may not vote or receive a ballot, but a vote may not be rejected because of an error in the voter's name or because of the wrongful omission or addition of one or more initials of his middle name or names, or because the voter gives the initials of one or more of his given name or names, instead of his full name, or one or more of his given names or names, instead of the initial or initials thereof, or because of an error in the number of his residence on the register, provided a majority of the judges are satisfied that the person offering to vote is the identical person who is registered, and that he intended to register his true name and residence.

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Voting Machine

Section 9-1. Use Authorized.

(a) **General Provisions.** The Board shall use a certified voting system in all elections conducted in accordance with the provisions of this Article and under such rules and regulations as the Mayor and Council may deem advisable or necessary, except as otherwise provided by law. The Board may use only one voting system in any election unless authorized in writing by the Mayor and Council. The Board may purchase, rent, lease, or otherwise acquire certified voting systems and related equipment as may be required to implement the provisions of this Subsection. In the event of the leasing, rental, or other acquisition of a voting system and related equipment, it shall be exempt from State, County, or municipal taxation.

(b) **Number of machines.** At least one voting machine shall be furnished for each unit of four hundred voters, and an additional machine for every fractional part of such unit; in the case of special elections, however, the Board, at its discretion, may determine the number of machines to be furnished to each polling place.

(c) **Acquisition of machines.** The Board shall use the powers conferred upon it for the acquisition of voting machines, and shall acquire or have available the necessary number of voting machines for use at all elections. The Mayor and Council shall provide for the payment of such machines.

Section 9-2. Mechanical Requirements of Machines.

(a) **Machines furnishing printed or photographic record of setting of counters and the numbers registered thereon by voting** are hereby specifically authorized, provided that the machines are constructed to furnish at least as many printed or photographic copies as the number of return sheets required by Subsection 9-9 (d) of this Article.

(b) **Other mechanical requirements.** Every voting machine acquired or used in accordance with this Article shall:

(1) Provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted;

(2) Permit each voter to vote a ticket selected from the nominees of any and all parties and from independent nomination, and to write in the name of a candidate not included on the official ballot;

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- (3) Permit each voter to vote at any election, for any person, and for any office for whom and for which he is entitled to vote, and to vote for as many persons for an office as he is entitled to vote for, and to vote for or against any question which appears upon a ballot label;
- (4) Preclude each voter from voting for more persons for any office than he is entitled to vote for, and from voting for any candidate for the same office or upon any question more than once;
- (5) Permit each voter to change his vote for any candidate, or upon any question appearing upon the ballot labels, up to the time he begins the final operation to register his vote;
- (6) Permit and require voting in absolute secrecy, and shall be so constructed that no person can see or know for whom any other voter has voted or is voting, save a voter whom he has assisted or is assisting in voting as prescribed by law.
- (7) Have voting devices for separate candidates and questions, which shall be arranged in separate parallel rows or columns.
- (8) Have a counter or other device, to be known as a "public counter," the register of which is visible from the outside of the machine, which shall show during any period of voting the total number of voters who have operated the machine during said period of voting;
- (9) Have a protective counter or other device, the register of which cannot be reset, which shall record the cumulative total number of movements of the operating mechanism;
- (10) Be provided with a lock or locks by means of which, immediately after the polls are closed or the operation of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented while the machine is locked.
- (11) Be provided with a screen, hood, or curtain, which shall conceal the actions of the voter while voting;
- (12) Be constructed of material of good quality, in a neat and workmanlike manner;
- (13) When properly operated, register or record correctly and accurately every vote cast;
- (14) Be so constructed that a voter may readily learn the method of operating it;
- (15) Be safely transportable.

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(16) Be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes registered for any candidate, and from tampering with any of the registering mechanisms.

Section 9-3. Ballots and ballot labels--in general.

(a) Names of candidates and description of constitutional amendments, etc. The Board shall provide ballots for every election in which any voter in the Town shall participate, which shall contain:

(1) The name of every candidate who has filed in accordance with the provisions of this Article shall be printed thereon; and, when applicable;

(2) A description of every question which is to be submitted to the vote of the people.

(a-1) Form and arrangement of machine ballots. The form and arrangement of that part of machine ballots involving candidates who have filed certificates of candidacy with the Board and questions shall be prescribed by the Board in accordance with the requirements of this Section.

(b) Samples; suit challenging form or arrangement. Not less than twenty-five days before any election, the form and arrangement of the machine and paper ballots to be used in the election, showing the offices, names of candidates, and questions thereon, shall be prepared by the Board and made available for inspection by any registered voter. Following five days of public display, a court may not entertain a suit or grant injunctive relief to any party seeking to challenge the form or arrangement of the ballots or the wording of a question on a ballot. If the ballot titles of question are certified prior to twenty-five days before the election, they shall be made available for inspection by any registered voter.

(c) Correction of errors. If any mistake is discovered, the Board shall correct the same without delay. If the Board declines or refuses to make the correction, then, upon the sworn petition of any qualified voter who would have the right to vote for a candidate or question at the approaching election, the Circuit Court of the County, by order, may require the Board to correct the error or to show cause why the error should not be corrected.

(d) List of candidates to be furnished on demand. A correct list of the names of the candidates for the designated offices shall be furnished on demand by the Board to the candidates or their authorized agents.

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(e) **Color and type.** The ballots shall be printed in plain, clear type in black ink and upon clear white materials of such size and arrangement as to fit the construction of the machine.

Section 9-4. Same--Candidates.

(a) **Alphabetical arrangement.** In all elections, the names of candidates for every office shall be arranged alphabetically on the ballots according to their surnames, under the designation of the office. The use of nicknames, titles, degrees, or other professional designations on the ballot is absolutely prohibited.

(b) **Columns, rows, or punchcard sides.** All candidates for the same office shall, as far as possible, be placed in one column or in one row on the ballots. However, another column, row, or punchcard side, as appropriate, may be used for the printing of names if: (1) on paper ballots, the names to be printed are over thirty-six; (2) on voting machines, the required number of spaces assigned to each office is exhausted; or (3) on punchcard ballots, the number of candidates for an office exceeds the number of spaces available on one side of a punchcard. If two or more columns, rows, or punchcard sides are used for the names of candidates for the same office, the same number of names, so far as possible, shall be printed in each column, in each row, or on each punchcard side. The initial letters of the given names of the several candidates shall be printed, if columns are used directly beneath each other in a vertical line, and, if rows are used, directly across from each other on the same horizontal line.

(c) **Titles of offices.** The titles of offices may be arranged horizontally or vertically on the ballots with the names of candidates for an office arranged longitudinally under or transversely opposite the title of his office. The titles of offices shall be so arranged that: (1) there shall first appear the title of office for which the voters of the Town may vote as follows: Mayor; (2) there shall next appear the title of office for Treasurer; (3) there shall next appear the title of offices for Town Council.

(d) **Instructions as to number of candidates to vote for.** Above the group of names of the candidates for each office, and upon a separate line immediately underneath the designation of the office, there shall be printed in bold, plain roman capitals of twelve-point pica type, an appropriate direction or instruction to the voter informing him of the number of persons for whom he may lawfully vote for the particular office mentioned immediately above each such direction, as "Vote for One," "Vote for Two," or "Vote for Six," as the case may be.

Section 9-5. Same--Questions.

(a) **Condensed statement and description title.** The ballots shall contain a condensed statement in understandable language of every question to be submitted to the vote of the people at any

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election. It is sufficient in any case to print the legislative title, a brief summary of the contents or purpose of the proposed amendment or referendum, unless the act proposing the amendment or referendum or other question specifically provides the title to be used. A referendum, amendment, or any question to be submitted to the popular vote shall be printed on the ballots following the names of the candidates for office, and, in the absence of some other provisions, shall be accompanied by the words "For" and "Against." The Town Council shall prepare and certify to the Board the form in which local questions shall appear on the ballots. In the event the title of the bill, ordinance, or resolution, as the case may be, is one hundred words or less, the title shall be sufficient. In the event the title exceeds one hundred words, a summary of the title containing not in excess of one hundred words shall be prepared and certified to the Board.

(b) **Order.** The Board, in the preparation of ballots, shall follow the order designated by the Town Council. Local questions or referenda shall be designated by successive letters of the alphabet, rather than numerically. The Town Council shall designate the alphabetical order of local questions or referenda.

Section 9-6. Instructions for voters and specimen ballots.

(a) **Duty of Council.** At least thirty days before every election, the Council shall prepare or have prepared full instructions for the guidance of voters at election.

(b) **Cards of instruction.** The sets of instructions prepared by the Council shall be furnished to the Board, who shall respectively cause the same to be printed in large, clear type, on separate cards, to be called "cards of instruction." The Board shall furnish three of the proper sets of instructions for use in the polling place for the Town.

(c) **Specimen ballots.** The Board shall also cause to be printed two or more copies of the form of the ballot to be used for the polling place at each election therein, to be in type of suitable size and designated as "specimen ballots." ✓

(d) **Posting at polling places.** On the morning of each election, before the voting begins, the Board shall cause to be conspicuously posted in the polling place the cards of instruction and specimen ballots. Cards of instruction and specimen ballots shall also be conspicuously displayed on the outside of the building wherein the voting shall take place.

Section 9-7. Voting machine custodians.

(a) **Appointment of custodians and deputies.** The Board shall appoint a custodian of voting machines and a deputy custodian, if a deputy custodian is required in the opinion of the Board, whose duty it shall be to prepare the machines for use. Each custodian, after assuming his office, shall take a

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training course in the operation and repair of voting machines at the factory of the manufacturer of the machines used; and each deputy shall take a training course in making minor repairs to such machines as soon as possible after assuming his duties. Additional custodians may be employed as may from time to time be necessary.

(b) **Duties.** The custodian and deputy custodian of voting machines shall have the voting machines prepared for election purposes as hereinafter provided and perform such other duties as may be prescribed by the Board.

Section-9-8. Preparation of machines by custodians.

(a) **When machines to be made ready for use.** The custodians and deputy custodians shall prepare all machines for use at any election and shall have the machines ready by not later than seven days prior to the date of the election.

(b) **Notice to candidates.** On or before the fifteenth day preceding an election, the Board shall mail to the candidates a written notice stating the times when and the place or places where the machines for use in the polling place in the Town will be prepared for use as above provided. At such times and places, each candidate or one representative of each candidate shall be entitled to be present and be entitled to see that the machines are in proper condition and order for use. ✓

(c) **Certificate of Board members and custodians.** Each member of the Board, the custodian, and deputy custodians thereof shall make and sign a certificate in writing, and request each candidate or candidate representative present at the preparation of the machine to attest to the same, which shall be filed with the Board stating: (1) the identifying number or other designation of the voting machines; (2) that each registering counter of the machine was set of zero (000); (3) the number appearing on the exposed counter which registers every consecutive operation of the machine; (4) the number on the seal with which the machine has been sealed; (5) that the keys for each machine have been sealed in separate envelopes identified by the serial number of the voting machine; (6) the date and place of the inspection and preparation of the machine and that the proper ballot labels have been installed thereon. Each machine sealed as in the Section provided shall remain locked and sealed until the time of examination immediately preceding the opening of the polls, as hereinafter provided. The certificates shall be filed as a permanent record with the Board and copies furnished to the Mayor and Council.

Section 9-9. Delivery of machines and equipment; preparation for use by Board.

(a) **Required.** The Board shall cause to be delivered the proper voting machine or voting machines furnished with ballots, all electronically reproduced precinct registers or binders

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containing the precinct cards, and equipment boxes containing all equipment and supplies for the conduct of the election to the polling place at least one hour before the time set for opening the polls at each election, and shall cause each machine to be set up in the proper manner for use in voting. Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this Subtitle.

(b) **Protection.** The Board shall provide ample protection against tampering with and damage to the voting machine, and for such purpose, the Board or any of the judges or custodians of the polling place shall and may call upon any police officer to furnish such assistance as may be necessary. It shall be the duty of police officers to furnish such assistance when so requested by the Board or by any judge or custodian.

(c) **Other equipment.** The Board shall furnish and deliver with each voting machine:

(1) Diagrams of sample ballots of suitable size representing such part of the face of the voting machine as will be in use in the election and accompanied by illustrated directions for voting on the machine. Such diagram shall be posted in a prominent position within the polling place;

(2) A mechanically operated model of a portion of the face of a voting machine for instruction of the voters. Such model shall be placed in a prominent position within the polling place;

(3) A seal for sealing the machine after the polls are closed unless the construction of the machine is such that the machine is automatically locked and sealed when the results are exposed; an envelope for the return of the keys if the construction of the voting machine shall permit their separate return; and such other election materials and supplies as may be necessary or as may be required by law.

(d) **General return or tally sheets; duplicate return sheets or statements of votes cast.** The Board shall also deliver sufficient general return or tally sheets and duplicate return sheets or statements of votes cast. The general return or tally sheet, and duplicate return sheet, or statement of votes cast shall be printed to conform with the type of voting machine used. The designated number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name.

Section 9-10. Operation of machines.

(a) **Keys.** The Board shall deliver the keys which unlock the operating mechanism and the registering counters or counter compartment of the voting machine to one of the judges not earlier than noon of the Saturday preceding an election, nor later than three quarters of an hour before the time set for the

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opening of the polls, and shall take his receipt therefor. The keys shall be enclosed in a sealed envelope on which shall be written or preprinted: (1) the number of the voting machines; (2) the name or designation of the precinct; (3) the number of the seal; and (4) the number registered on the protective counter or device as reported by the custodian.

(b) **Inspection of machines.** The judges shall meet at their respective polls on election day at least one-half hour before the opening of the polls, and shall one-half hour before the polls inspect the equipment furnished. If at least two judges are present:

(1) They shall open the envelope containing the keys to each voting machine, and shall, except in the case of machines so constructed as to furnish a printed or photographic record of the setting of the counters and the numbers registered thereon by voting, unlock the counter compartment to ascertain whether the number thereon is identical with the number certified on the envelope containing the keys;

(2) They shall also compare the number appearing on the dials of the exposed counter designated to register every consecutive operation of the machine with the reading thereof noted on the envelope containing keys. If the machine is so constructed as to furnish a printed or photographic record of the setting of the vote-registering counters as they appear prior to the opening of the polls, the counter compartment shall not be opened nor shall the counters be exposed to view, and the printed or photographic record shall be examined in the same manner as provided in this Subsection for the examination of counters to ascertain that all are set at zero (000). The judges shall also inspect the face of every machine to make sure the proper ballot labels are in proper places and that the machine is otherwise ready for use;

(3) They shall inspect the paper roll for a label or line that has been signed by the voting machine custodian and indicates the date of the election. If a label or line is not visible, one of the judges shall draw a line from side to side upon the paper roll and date it with the election date. All judges inspecting the machine shall place their initials on the line.

(c) **Certification of judges; removal of seal on operating lever.** If after such an inspection the judges shall find the machine to be in proper order, they shall sign a certificate to that effect, which shall be returned to the Board with other equipment; and ~~after signing such certificate they shall remove the metal seal on the operating lever at the time set for the opening of the polls; and said lever shall then be operated only by duly qualified voters for the purpose of registering their respective votes.~~

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(d) Machine to remain locked until polls open; test vote after repair or adjustment. The machine shall remain locked against voting until the polls are opened and shall not be operated except by voters in voting. Should it be necessary in the opinion of a custodian making a repair or adjustment to a machine in use while the polls are open, he shall be authorized to test vote the same, provided such is accomplished in the presence of two election judges. A written record of such test vote shall be made as set forth in Subsection (e) hererof and otherwise in accordance with such regulation as the Board may prescribe.

(e) Counters to be adjusted. If any counter is found not to register zero (000), the judges shall immediately notify the custodian or the Board who shall, if practicable, adjust or cause the counters to be adjusted to zero (000); but, if it shall be found impracticable for the custodian or other person authorized by the Board to arrive in time so as to adjust such counter before the time set for opening the polls, the judges shall immediately make a written record of the designation or designating letter or number of each counter together with the numbers registered thereon, hereinbelow called the initial numbers, and shall sign and post the same upon the wall of the polling place, where it shall remain until the polls are closed. If the machine is so constructed as to furnish a printed or photographic record of the setting of the counters and the numbers registered thereon by voting, and if it shall be found impracticable for the custodian or other person authorized by the Board to arrive in time so as to adjust such counter before the time set for opening the polls, there shall be posted as above provided, in lieu of the written record of the judges, the printed or photographic record of the counter setting furnished by the machine. In filling out the return of the election, if the final number of such counter is greater than the initial number, the election officers shall subtract the initial number from the final number and enter the difference on the returns as the vote for the candidate or on the question represented by such counter. If the final number of such counter is less than the initial number, the judges shall add one thousand to the final number and shall subtract the initial number from the sum so ascertained and shall enter upon the returns, as the vote for the candidate or on the question represented by such counter, the final number plus one thousand less the initial number.

(f) Location of machine. The exterior of the voting machine and every part of the polling place shall be in plain view of the judges and watchers. Every polling machine shall be located in the polling place in such a position that, unless its construction shall require otherwise, the ballot can be seen plainly by the judges and watchers when the machine is not occupied by a voter. The judges shall not themselves be nor allow any other person to be in any position that will permit one to see or ascertain how a voter votes or how he has voted. The said judges, or one of them, shall inspect the face of the

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machine at frequent intervals to see that the ballot labels are in their proper places and that the machine has not been damaged or tampered with.

(g) **Counters not to be exposed; repairs and adjustments.** During an election, the door or other covering of the compartment containing the counters of the machine shall not be unlocked or opened, or the counters exposed except by the action of the proper custodian of voting machines for good and sufficient reason, statement of which shall be made in writing and signed by him and attested by the signatures of the judges, or except upon the written order of the Board for good and sufficient reason which shall be stated in the order. No repairs or adjustments shall be made to any voting machine during an election unless made by a custodian or deputy custodian for good and sufficient reason, and a complete statement shall be prepared for each repair or adjustment made. Such statement shall contain information as to the repairs made, the reason for the malfunction of the machine, the duration of the period of time that the machine is out of order, and shall be filed as a permanent record, the original in the custody of the Board, one copy to the custodian, and one copy to one of the attesting judges.

Section 9-11. Instruction and assistance in voting.

(a) **Instruction.** With the aid of the diagrams authorized in Subsection 9-9(c)(1) of this Article and the mechanically operated model, the judges, if requested by the voter, shall instruct each such voter before he enters the voting machine booth regarding the operation of the machine, and shall give the voter opportunity personally to operate the model.

(b) **Assistance to certain persons.** Any voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write 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 officer or agent of the voter's union.

(c) **Manner of giving assistance; further instructions.**

(1) Assistance in marking their ballots or operating a voting machine shall be given to voters who shall declare under oath to the judges that by reason of blindness, disability, or inability to read the English language or write they are unable without assistance to mark their ballots or operate the voting machine. No ballot shall be marked under this Section or voting machine operated until a majority of the judges shall be satisfied of the truth of the fact stated in such affidavit. Upon making and filing with the judges such affidavit, the voter shall retire to one of said booths or voting machines with any person of the voter's choice, not to include the voters' employer or agent of that employer, or officer or agent of the voters' union,

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or with one of the judges. Then and there the person whom the voter has selected, or, in case the voter has selected no one, one of said judges shall mark the ballot or operate the voting machine as such voter shall direct. The only assistance which it shall be lawful for said person or for the said judge to give the voter is to mark the ballot or operate the voting machine, as the voter shall direct, without prompting or suggestion from said person or from said judge.

(2) If, however, any voter, after entering the voting machine booth, shall ask for further instructions concerning the manner of voting, then one of the judges shall give him such instructions, but no such judge shall in any manner request or suggest or seek to persuade or induce any such voter to vote any particular ticket or for any particular candidate or for or against any particular question. After giving such instructions, the judge shall retire, and the voter shall forthwith vote.

(d) **Person accompanying voter into booth or machine.** A voter may not be accompanied into a voting booth or voting machine by any person over the age of five years unless the affidavit required by Subsection (c) has been accepted by the election judges.

Section 9-12. Time allowed for voting.

No voter shall remain within the voting machine booth longer than four minutes if there are other voters awaiting an opportunity to register their vote, except that an additional three minutes shall be allowed if there are amendments or referenda to be voted upon.

Total 7 min -

Section 9-13. Challenge of right to vote.

(a) **Ground for challenge.** No person's right to vote shall be challenged at the poll on any ground but identity.

(b) **Procedure.** When the right of any person to vote shall be challenged, the challenge shall be made and its validity determined immediately before or after such person received a voting authority certificate or card and before the challenged voter enters the voting booth to cast his ballot. The person challenging shall be put under oath by a judge and assign his reason for the challenge, and one of the judges shall administer to the challenged voter an oath to make true answers to questions. The judges shall question the challenged voter touching the cause of the challenge; and, if a majority of the judges, after the questioning is concluded, is of the opinion that he is the person so registered, his vote shall be received accordingly. Unless a majority of the judges is of the opinion

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that the challenged voter is entitled to vote, his vote shall not be received and the word "Rejected" shall be written on this voting authority certificate or card.

Section 9-14. Closing of polls.

(a) **Time of closing.** The polls shall be officially closed at 8 p.m. except that all qualified voters who are then waiting in line to vote shall be permitted to do so by the judges.

(b) **Locking and sealing of machines.** When the last such voter in the polling place has voted, the judges shall immediately lock and seal the operating lever or mechanism of the machine or of each machine if more than one, so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating:

- (1) That the machine has been locked against voting, and sealed;
- (2) The number of voters as shown on the public counters;
- (3) The number on the seal which they have placed upon the machine;
- (4) The number registered on the protective counter or device;
- (5) The number or other designation of the voting machine.

(c) **Comparison of numbers of voters shown.** The judges shall then compare the number of voters as shown by the counter of the machine with the number of those who have voted as shown by the voting authority cards.

Section 9-15. Tabulation of votes.

(a) **Manner of tabulating.** The judges, in the presence of any candidate, the duly accredited watchers, and all other persons who may be lawfully within the polling place shall then proceed as follows to tabulate the votes cast:

- (1) (i) On machines that do not furnish a printed or photographic record of the setting of the counters and the numbers registered thereon by voting, the judges shall make visible the registering counters, and for that purpose shall unlock and open the doors or other covering concealing the same, giving full view of all of the counted numbers. The judges, under the scrutiny of the watchers and in the order of the offices as their titles are arranged on the machine, shall read and announce in distinct tones the designation or designating number and letter of each counter for each candidate's name, the result as shown by the counter

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numbers, and/or the designation or designating numbers or letters on each counter, and the results as shown by the counter numbers for and against each question voted on.

(ii) The counters shall always be read along the office columns or rows, completing the canvass on each machine for each office or question before proceeding to the next.

(iii) The vote as registered shall be entered by the judges in ink on duplicate statement of votes cast, or return sheets, which, after the canvass is completed, shall be signed by the judges.

(iv) If more than one voting machine is used in the Town, the votes registered on each machine shall be ascertained in like manner and separately entered in appropriate spaces on the duplicate statements of votes cast or return sheets.

(v) The total vote cast for each candidate and for and against each question shall then be computed and entered on the duplicate statements of votes cast or return sheets.

(2) (i) In the case of all machines so constructed as to furnish a printed or photographic record of the total vote registered on the various counters, it shall not be required that the counter department be opened and the counters exposed to view, but the printed or photographic record shall be considered as the official return sheets for that machine. In the case of such machines, immediately following the closing of the polls and after the last voter has voted, the judges shall immediately lock and seal each machine as hereinafter provided and shall then cause the machine to produce the printed or photographic records thereon and shall thereupon proceed as in the case of ordinary voting machines, except to the extent to which the furnishing of the printed or photographic record makes such steps unnecessary.

(ii) In the event of a mechanical failure of the printing or photographic mechanism in any machine equipped with such mechanism for recording the setting of the counters and the numbers registered thereon, the procedure to be followed from and after such failure, whenever such failure occurs, shall be the same as in the case of machines not equipped with such mechanism.

(3) If the label or line that was visible before the polls opened is now invisible, one judge shall draw and date a new line on the paper roll, and all judges canvassing the machine shall initial the line. The paper roll shall be left intact in the voting machine.

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(b) Preparation of general return sheets or tally sheets.

(1) When the canvass of all voting machines in the polling place has been completed, the judges shall then prepare in ink a general return sheet, (sometimes called a tally sheet) reporting the vote registered on each machine, the vote cast for each candidate, the vote cast for and against each question, the number of voters who have voted as shown by the list of voters, and the number who have voted on each machine as shown by the public counters, and also the number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof, and the sealing of the machine. The number or other designation of each machine used shall also be entered thereon, whereupon a general return sheet (sometimes called a tally sheet) shall be signed by all of the judges.

(2) The registering counters of the voting machines shall remain exposed to view until the said returns and all other reports have been fully completed.

(c) Proclamation of result of votes cast. The proclamation of the result of the votes cast shall be announced distinctly and audibly by one of the judges, who shall read the names of each candidate, the designation or designating numbers and letters of his counters and the vote registered on each counter, and also the vote cast for and against each question submitted.

During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine or the printed or photographic record thereof, in the case of machines so constructed, as to furnish a printed or photographic record of the setting of the counters, and the numbers registered thereon by voting which have furnished the same, and any necessary corrections shall then and there be made by the judges after which the doors or other cover of the voting machine shall be closed and locked.

(d) Signing and sealing of return sheets; disposition thereof. The return sheets shall be signed by each of the judges. If any judge shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof signed by himself shall be enclosed with such return. Each of the return sheets shall be enclosed in an envelope along with a printed or photographic record of the setting of the counter and the numbers registered thereon from each mechanical voting machine which furnishes printed or photographic records. The envelope shall then be sealed and each of the judges shall write his name across the fold of the envelope.

(1) One of the envelopes shall be directed to the Clerk of the Town.

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(2) One to the Mayor of the Town.

(3) The envelope containing the general return sheet, or tally sheet, shall be directed to the Board.

(e) **Delivery of keys of machines.** The judges shall promptly deliver the keys of the voting machine or of each voting machine, as the case may be, enclosed in a sealed envelope to the official authorized by law to receive the same, if the construction of the voting machine shall permit their separate return. Said envelope shall have endorsed thereon a certification of the election officers stating the number of the machine, the precinct where it has been used, the number on the seal, the number on the protective counter or device at the close of the polls, and a statement that the certificate is correct in all respects.

(f) **Report to Board.** The judges shall, immediately upon completion of the tabulation of the vote, report the unofficial result to the Board, and also the time when the tabulation of the vote was completed.

(g) **Posting statement.** Immediately after the vote has been ascertained, the statement thereof may be posted on the door of the polling place.

(h) **Removal of machines.** As soon as possible after completion of the count, the Board shall have the voting machine properly boxed or securely covered and removed to a place of storage to be designated by the Board.

Section 9-16. Delivery of return sheets and registration records.

After the proceedings set forth in Section 9-15 of this Article, two of the judges shall take into their possession the registers or the binder containing the registration cards for the Town and shall take charge of the statements of the votes cast, sealed up in their envelopes as aforesaid; and the meeting of the judges shall then be dissolved. Thereupon, the judges shall forthwith, or at the discretion of the Board, not later than twelve o'clock noon on the day following the election, deliver the registers or the binder containing the registration cards to the Board, and the statements to the respective officers to whom they are addressed, as aforesaid, or to the duly designated agents of these officers, and shall take receipts therefor.

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Section 9-17. Use of single general return sheet by local Board.

Notwithstanding any other provision of this title or of Section 7-1 pertaining to the use of three return sheets, the Board may adopt a procedure using a single general return sheet under the following conditions:

(1) At least twenty-five days before an election, the Board shall advise the Mayor and Council of its intention to utilize a single general return sheet.

(2) The members of the Board shall sign a certification that every counter used in the election has been canvassed and verified by the Board.