

## Chapter 2.28 - ELECTIONS\*

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### **2.28.010 - Elections—Registration.**

A. Registration with the Frederick County board of elections, by a voter who has been a resident of the town of Emmitsburg for thirty (30) days or more prior to the election in which he/she seeks to vote shall be deemed registered to vote in the town of Emmitsburg. An individual who wishes to vote shall register with the Frederick County board of elections in accordance with the regulations established for registration from time to time by the Frederick County board of elections.

B. Elections will be held on the Tuesday preceding the first Monday in October.

C. Upon the close of county voter registration, the town clerk shall obtain from the Frederick County Board of Elections a certified list of registered voters who reside in the town of Emmitsburg. Only persons who reside in the town of Emmitsburg and whose name appears on the certified list of registered voters may vote in a town election.

D. An individual whose name does not appear on the certified list of registered voters, but who claims to be entitled to vote, shall be issued and be permitted to vote with a provisional ballot. Thereafter, the election judges shall determine whether the omission of that individual's name from the certified list was the result of an inadvertent mistake made in the registration process. That individual's vote shall be counted only if it is determined by the election judges that such an inadvertent mistake was made in the registration process and that, absent that mistake, the individual would have been authorized to vote. Otherwise, the vote will not be counted. Any person aggrieved by this determination may request judicial review of that determination pursuant to Title 7, Chapter 200 of the Maryland Rules of Procedure.

(Ord. 04-20 (part))

(Ord. No. 11-04, 2-7-11)

**2.28.020 - Elections—Judges of elections.**

A. The town clerk shall advertise for three election judges and one alternate election judge not less than sixty (60) calendar days prior to a town election. Such advertisement shall be in a newspaper of general circulation in the town and in an announcement posted on the town bulletin board(s). At the first meeting of the mayor and board of commissioners in September, the mayor, with the consent and approval of the commissioners, shall appoint three persons who are registered and qualified voters in Emmitsburg, Maryland, to act as judges of elections, and one person who is a registered and qualified voter in Emmitsburg, Maryland, to act as an alternate election judge. The town clerk shall notify, in writing, the persons appointed as election judges and alternate election judge of their appointment. The town clerk shall post the names of the three appointed election judges and the one appointed alternate election judge on the town bulletin board(s) prior to an election. Election judges shall serve only for the election for which they were appointed. Election judges shall be appointed for each election. During the time of acting as a judge, these persons must not hold or be a candidate for any other Emmitsburg public office. Any vacancy in the list of judges occurring between their appointment and the election shall be filled by the mayor.

B. The judges of elections shall conduct and supervise the election for which they have been appointed and shall receive such compensation as set by the mayor and commissioners.

C. The appointed alternate shall undertake the duties of an election judge only when an election judge is absent or unable to perform the duties as an election judge.

(Ord. 04-20 (part))

(Ord. No. 11-04, 2-7-11)

**2.28.030 - Elections—Filing of candidates.**

All candidates (excluding write-in candidates) for mayor and commissioners shall file written application for candidacy with the town clerk no later than thirty (30) calendar days prior to the date of the election. A write-in candidate must file a certificate of candidacy with the town clerk. Said write-in certificate shall not be filed after twelve noon on the seventh day preceding the day of the election for which it is filed. Upon receipt of any certificates (regardless of the type of candidacy) by the town clerk, the name of the candidates thereof will be posted on the town bulletin board the way in which it appears on the certificate as soon as possible after it is filed. All certificates shall be kept on file in the town office for a period of three months after the election. Each candidate filing shall receive a receipt for his/her application signed by the town clerk. All candidates must meet qualifications as set forth in the Charter.

(Ord. 04-20 (part); Ord. 03-06; Ord. 02-13 (part); Ord. 01-11; Ord. 95-13 § 1; prior code Art. II, § 15)

(Ord. No. 11-04, 2-7-11)

**2.28.040 - Elections—Write-in ballots.**

For all elections, there shall be one blank space on each ballot for every position to be filled by that election reserved for a write-in candidate. The voter who desires to cast his/her vote for a write-in candidate must print on his/her ballot the name of that write-in candidate who has filed a certificate of candidacy with the town in the proper place provided. Such votes shall then be counted the same as if the name of such person had been printed upon the ballot and marked by the voter. A voter may only write in one candidate for each vacancy.

(Ord. 04-20 (part))

(Ord. 11-04, 2-7-11)

**2.28.050 - Elections—Public notice and facilities.**

A. The town clerk shall give public notice of the day, time and place of all elections. Such notice shall be given in a newspaper of general circulation in the town of Emmitsburg and in an announcement posted on the town bulletin board(s) not less than forty-five (45) days prior to any election.

B. The town clerk shall arrange facilities to conduct any election, and facilities shall be located as near to the voting population as practicable. Whenever possible, it shall be the duty of the town clerk to use public buildings for polling places.

(Ord. 04-20 (part))

**2.28.060 - Electioneering boundary.**

At each polling place, the election judges shall post a sign or signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs. The line shall be as near as practicable to one hundred (100) feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and exit and the effect of placement on public safety and the flow of pedestrian and vehicular traffic. The signs shall contain the words "No electioneering beyond this point." At no time may any person canvass, electioneer, campaign or post any campaign material in the polling place or within the boundary line established by the posted signs.

(Ord. 04-20 (part))

**2.28.070 - Absentee ballots.**

The mayor and board of commissioners shall arrange for voting by absentee ballot for any qualified voter who is unable to cast a ballot during regularly scheduled hours on election day. Such ballots shall be printed and sequentially prenumbered and shall be provided to the voter with an envelope bearing the words "Absentee ballot—Election date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_", capable of holding the ballot and being sealed by the voter. An absentee ballot may not be photocopied or duplicated in any way. Ballots shall be tallied prior to distribution. The ballot shall be placed in an envelope which shall be sealed by the voter after voting and before returning the ballot. Upon the return and receipt of the ballot, the sealed envelope containing the absentee ballot shall be date-stamped and remain sealed until all regular ballots have been counted. Once the regular ballots have been counted, the absentee ballots shall be opened and counted by the election judges.

(Ord. 04-20 (part))

(Ord. 11-04, 3-7-11)

**2.28.080 - Vote count.**

A. Immediately following the closing of the polls, the judges of the election shall canvass the ballot boxes, voting machines or other voting system, and count any paper ballots, regular and absentee, to determine the vote cast for each candidate or any question(s) on the ballot.

B. The judges of the election shall declare which persons have been elected or which ballot

questions have been approved or rejected, and shall certify the results of the election to the public in public view on the exterior of the polling place in a manner and method to be determined by the judges of election.

C. If the election for the offices of either mayor or commissioner results in a tie vote, a special runoff election shall be held on the fourteenth calendar day after the election. Only those registered voters eligible to vote in the regular election shall be permitted to vote in the runoff election.

(Ord. 04-20 (part))

(Ord. 11-04, 2-7-11)

### **2.28.090 - Regulation and control by commission.**

The commission has the power to provide by ordinance, in every respect not covered by the provisions of this chapter, for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud. The commission further has the power to create and appoint an election board and to specify the functions and duties of an election board. The election board's functions may include enforcing the town's elections laws and resolving complaints, disputes, and challenges on election matters. Ordinances heretofore adopted by the commission pertaining to election matters shall remain in force and effect until repealed or amended by the commission, but only as such provisions are not inconsistent with the provisions of this chapter.

(Ord. 04-20 (part))

### **2.28.110 - Required disclosures.**

Candidates for public office shall disclose all contributions, gifts, services, in-kind contributions or other tangible or intangible items of value which are received by them or by some other person or entity on their behalf and which are provided for the purpose of assisting in the campaign of such candidate. Such disclosure shall include an identification of each such item received, the value of each such item, and the source of each such item. Candidates for public office shall also disclose the nature and amount of all expenses incurred by him/her in the conduct of his/her campaign for public office. All disclosures required by this section shall be submitted in writing to the town clerk and shall be signed by the candidate under oath. The information required by this section shall be submitted thirty (30) calendar days prior to the election for which the disclosure is being made, and a final disclosure of such information shall be submitted no later than fifteen (15) calendar days after the election for which the disclosure is being made. All disclosure statements shall be immediately made available for review by the public. Failure to comply with any of the requirements of this section shall be considered and enforced as a municipal infraction punishable by a fine of not more than one thousand dollars (\$1,000.00).

(Ord. 04-20 (part))

(Ord. 11-04, 2-7-11)

### **2.28.120 - Penalties.**

The offenses and penalties established by Title 16, Election Law Article of the Annotated Code of Maryland (as such code may from time to time be hereafter amended), shall be applicable in and to the town of Emmitsburg. In addition, any such offense may be considered and enforced as a municipal

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infraction punishable by a fine of not more than one thousand dollars (\$1,000.00).  
(Ord. 04-20 (part))