

CHAPTER 3
AN ORDINANCE PROVIDING
FOR
ABSENTEE BALLOTING

SECTION 1. ABSENTEE VOTER QUALIFICATION.

A qualified voter, who, on the date of any municipal election, whether regular or special or referendum, may be unavoidably absent from the geographical limits of the Town of Williamsport, Maryland, or unable to vote in person for other reasons set forth in this Ordinance on the day of election, may vote as an absentee voter.

SECTION 2. APPLICATION FOR BALLOT; FORM AND DISTRIBUTION.

A. A qualified voter desiring to vote in any such election as an absentee voter shall make application in writing to the Board of Supervisors of Elections of the Town of Williamsport for an absentee ballot not later than fourteen (14) days prior to the date of the election in question. The application may be made either in person or through the mail. In the event that the application is made by mail, the actual date of receipt by the Board of Supervisors of Elections shall control and be governing as to whether or not said application was received fourteen (14) days prior the election in question.

The application for absentee ballot shall be made at the following address:

Board of Supervisors of Elections
Town Clerk's Office
Town Hall
Williamsport, Maryland 21795

B. Form and Distribution

(1) Such application shall be made under penalty of perjury and shall set forth the following information:

(a) The exact name, date of birth, post office address, including street and number, if any within the Town of Williamsport of the person applying.

(2) A statement that said person is in fact a resident of the Town of Williamsport and has been a legal resident for the period required to make said person a qualified voter under the terms of the terms of the Charter for

the Town of Williamsport, Maryland; and that said person is a qualified voter in the Town of Williamsport as herein set forth.

(3) The exact present post office address including street and number if any, where the applicant is located.

(4) That said person expects and states in good faith that said person is unable to vote in person on the day of the next regular or special election or referendum for the reasons set forth in this Ordinance; and said statement shall specifically state the reasons for being unable to vote in person.

(5) In the event that the applicant for an absentee ballot voted at the preceding municipal election, the residence from which said person voted, and the exact post office address at which said person was physically domiciled at the time of said voting.

C. Distribution.

Printed forms of applications for absentee ballots in accordance with the requirements of this Ordinance shall be provided by the Board of Supervisors of Elections. They shall be distributed only in the following manner:

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

(2) The Board of Supervisors of Elections shall mail an application form to each qualified voter who makes application by mail, pursuant to the provisions of this Ordinance.

(3) Such application forms shall not be furnished by any person except as set forth and authorized in this ordinance.

SECTION 3. VOTING BY DISABLED AND/OR ILL PERSONS

Any person who is qualified to vote pursuant to the provisions of the Charter of the Town of Williamsport who is incapacitated or ill, who has physical disability which confines said person to a hospital or causes said person to be confined to bed or prevents or will prevent said person from being present and personally voting in the polls on an election day in any municipal election for the Town of Williamsport shall be considered an absentee voter. Such person shall make application in accordance with and pursuant to the provisions of §2 and any other applicable provisions of this Ordinance. The Board of Supervisors of Elections shall deliver or mail to the voter entitled thereto an absentee ballot together with all other pertinent forms either in person or by mail in accordance with the provisions of this Ordinance.

Absentee voting, as provided for in this section, shall be the same as and controlled by the applicable procedures provided in this Ordinance for absentee voting of qualified voters who are in actuality located outside of the geographical confines of the Town of Williamsport for any other reasons as set forth in this Ordinance.

SECTION 3. PROCEDURE

A. Determination as to Eligibility

Upon receipt of an application from a person, the Board of Supervisors of Elections shall determine upon such inquiry as they deem advisable under the rules and regulations and in a method to be established within the discretion of the Board of Supervisors of Election whether the applicant is a voter legally qualified to vote as such municipal elections; and if the Board of Supervisors of Elections find that said applicant is not qualified, the applicant shall be rejected. In the event a person determined to be qualified as an absentee voter, then the Board of Supervisors of Elections shall notify said person and deliver ballots in accordance with the applicable provisions of this section and this Ordinance in general.

The Board of Supervisors of Elections shall make its determination of eligibility of absentee voters no later than twelve (12) days before the date of the election in question.

B. Delivery of Ballots

In the event that the Board of Supervisors of Elections ascertains that the applicant is a qualified voter, said Board shall, as soon as is practicable after said determination, deliver to said person, at the office of the Board of Supervisors of Elections or by mail to said person at the address designated by said person, an absentee voters ballot, envelope therefore and any other applicable materials. Postage for transmitting said materials to the voters or persons in question shall be paid by the Town and postage for the return of the absentee ballot shall be paid by the person voting by absentee ballot.

If the ballots are to be sent by mail to the voter same shall be mailed no later than twelve (12) days before the election to the applicant voter.

C. Return of Ballot

Absentee ballots must be marked and mailed by the absentee voter to the Board of Supervisors of Elections in the return envelope furnished and in accordance with the provisions by using the form hereinafter provided for. Same must be received by the Board of Supervisors of Elections no later than the time of the closing of the polls on the day of the election in question. In the event that same is not received prior to said time, then said ballot shall be deemed null and void and not counted.

D. Record

The Board of Supervisors of Elections shall keep a record of the applications for Absentee Voters ballots as received. The records shall show the names, residence, domicile, date of birth, and any other applicable data that the Board may deem advisable or necessary to effectuate the purposes of this Ordinance. A complete list of all applicants to whom absentee voters ballots have been delivered or mailed shall be made available for inspection by any candidate on the ballot or by this duly authorized and designated agent. Said agent shall not have access to said records except upon authority given to said agent or representative in writing by a candidate on the ballot for the election in question.

SECTION 5. REQUIREMENTS FOR FORM OF BALLOT AND ENVELOPES

A. Forms Required

The Board of Supervisors of Elections for the Town as provided for in this Ordinance shall cause to be printed an adequate number of absentee ballots in a form to be designed in accordance with this Ordinance and the election laws for the State of Maryland and three separate types of envelopes, and a set of instructions as hereinafter provided for.

B. Ballot

The following shall be required to be printed upon the absentee ballot in addition to any other information that may be required by any applicable laws or be determined necessary under the procedures established by the Board of Supervisors of Elections.

- (1) The words "absentee ballot" shall be printed in large letters in a clear space at the top of each of said ballots.
- (2) There shall be a place for inserting the designation of the polling place within the town limits printed on the back and outside of said ballot. This space shall be left blank and shall be filled in by the Board of supervisors of Elections before being sent to any registered absentee resident. The ballot shall be of an envelope type that can be sealed.

C. Envelopes

There shall be three types of envelopes utilized. They shall be known and designated as follows:

- (1) *Return envelope.* The return envelope shall be sufficiently larger than the other envelopes to contain the ballot and material to be returned to the Board of Supervisors of Elections. There shall be printed or written across the left hand face of the return envelope the words:

“Return envelope for the election of
The Town of Williamsport, Maryland on
_____ (date).”

Board of Supervisors of Elections,
Town of Williamsport
Town Clerk’s Office
Town Hall
Williamsport, Maryland 21795

OFFICIAL ABSENTEE BALLOT
TOWN OF WILLIAMSPORT, MARYLAND

(2) *Ballot Envelope.* The ballot envelope shall be of sufficient size to contain the absentee ballot of the Town and shall be small enough to fit within the return envelope. The following shall be printed upon the face or outside of the ballot envelope:

Affirmation of absentee voter.

I, _____, do hereby state and affirm under the penalties of perjury that I am a voter legally qualified to vote in the (regular or special) election to be held in The Town of Williamsport, Maryland, on the _____ day of _____, 20___. I further state that I am legally registered to vote in The Town of Williamsport, Maryland, as stated on my application for said ballot; and that I will be unable and am unable to vote in person on the day of the election in question for the specific reasons set forth on said application.

I have not qualified nor do I intend to vote elsewhere. I further state that the ballot contained herein is marked secretly, folded and enclosed and sealed in this ballot envelope; and that I am not now disenfranchised from voting under the laws of the State of Maryland.

(absentee voter must sign name)

Date:

Affirmation of person assisting absentee voter.

I hereby declare, under the penalty of perjury that on this _____ of _____, 20__, _____, a qualified voter in The Town of Williamsport, Maryland, who is unable by reason of blindness or physical disability, without assistance, to mark the ballot envelope and sign the affirmation or declaration on the ballot envelope, has authorized me to mark the ballot, sign the name of said person on the line provided for the voter's signature and complete the oath on the face of the ballot envelope. I have marked the enclosed ballot in accordance with the specific instructions of the voter and I declare under the penalties of perjury that I have not attempted to influence said person in any manner to vote for or against any political party, candidate, or any question appearing on the ballot.

Name
Address

SECTION 6. INSTRUCTIONS TO VOTERS.

The following set of printed instructions shall be forwarded to the absentee voter together with the absentee ballot, the ballot envelope and return envelope:

“Enclosed herewith is an absentee ballot, ballot envelope and return envelope for use in voting as an absentee voter in the Town of Williamsport in the next election.

A. Examine the ballot before marking. When once marked, do not erase, as an erasure will invalidate the ballot. Mark the ballot with either pencil or ink by placing an (X) in the block after each candidate for whom you wish to vote and in the appropriate block for any other question (if any appear on the ballot) for or against which you wish to vote. Be sure not to vote for any number of candidates for any office greater than the number specified over the names of candidates for that office. The ballot must be marked secretly. Do not sign your name or put on the ballot any mark of identification or any other mark except the (X) mark or the name of a written-in candidate.

B. Then enclose the ballot in the ballot envelope and seal the same.

C. After sealing the envelope, you must fill in the blanks in the "Oath of Absentee Resident" on the ballot envelope and sign (do not print) your name on the line indicated.

D. It is absolutely necessary that the ballot envelope contain nothing but one (1) ballot marked by you.

E. Enclose the ballot envelope in the return envelope, seal the return envelope and mail at once.

F. The ballot may be marked and mailed at any time after receipt by you, but it must be mailed by you to the Board of Supervisors of Elections of the Town of Williamsport so that it will be received by them no later than the closing of the polls on election day. If it is not received either by mail or personal delivery prior to such closing, it will not be counted as a valid vote.

G. If in any election you desire not to vote for any of the candidates named for any office on the ballot, you may write in, in the appropriate blank on the ballot, the name of the person of your choice for such office.

H. If any qualified voter desiring to vote by absentee ballot pursuant to the Absentee Voting Ordinance is unable, by reason of blindness or physical disability, without assistance, to mark a ballot and sign the oath on the ballot envelope, any person may, at the request and in accordance with the direction of the voter on the line provided for the voter's signature and complete the oath on the face of the ballot envelope. The person assisting the voter shall execute the Oath of Person Assisting Absentee Voter, then sign such oath on the ballot envelope. Such person, in assisting the voter shall not make any effort whatever to influence the vote of the voter he is assisting."

The above instructions shall be and are considered an integral part of this ordinance and violations of the same shall be considered unlawful acts.

SECTION 7. REGISTRATION OF BALLOTS.

Upon receipt of an application for an absentee ballot and the mailing of same to the qualified voter of an absentee ballot, or the delivery of an absentee ballot, the Board of Supervisors of Election for the Town of Williamsport shall in accordance with this provision and other applicable provisions of this Ordinance cause to be noted opposite the voter's name in the voter's registry the fact that said person is voting by absentee ballot after said person has been determined eligible to do so.

SECTION 8. CANVASSING AND DISPOSITION OF BALLOTS.

At any time after the closing of the polls and not later than the canvass of the voters cast at the regular voting places in the Town of Williamsport, Maryland, at any election, The Board of Supervisors of Elections shall proceed to count, certify and canvass the ballots contained in the ballot envelopes received by him prior to the closing of the polls on election day. All voter's applications, medical certificates, notarial affidavits, ballot envelopes and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of election at which they were cast, unless prior to that time The Board of Supervisors of Elections shall be ordered by a Court of competent jurisdiction to keep the same for any longer period.

SECTION 9. CONTESTS AND APPEALS.

Contests concerning registration, voting or the validity of any ballot under this Ordinance shall be decided by Board of Supervisors of Elections for the Town of Williamsport, Maryland as prescribed and set forth in the provisions of Sections 9-301 et. seq. of the Election Law, Title 9, Subtitle 3, Absentee Voting, of the Annotated Code of the Public General Laws of Maryland as it now exists and/or may be subsequently amended.

Any appeals shall be made in accordance with the said provisions of the Election Law, Title 9, Subtitle 3, Absentee Voting Sections 9-301, et. seq. as it now exists and/or may be subsequently amended.

Said provisions of the Election Law, Title 9, Subtitle 3, Absentee Voting Sections 9-301, et. seq. as it now exists and/or may be subsequently amended, are incorporated herein and made a part hereof.

SECTION 10. PENALTIES.

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction, be sentenced to a fine of One Hundred (\$100.00) Dollars or imprisonment for not exceeding thirty (30) days or both such fine and imprisonment.

SECTION 11. HEADINGS – MISCELLANEOUS.

The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provisions of this Ordinance.

The provisions of this Ordinance are in addition to and not in derogation of any other applicable Federal, State or County laws.

All referenced made, and all nouns and pronouns used in this Ordinance shall be construed in the singular or plural, and in such gender, as the sense and circumstances require.

SECTION 12. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of the remaining provisions shall remain in full force and effect.

INTRODUCED: April 30, 1976
EFFECTIVE DATE: May 4, 1976
REENACTED: September 11, 1989