

## **Article V. Elections, Registrations and Nominations.**

### **Sec. 1. Eligibility to vote.**

Every resident of the town of Easton who:

- (a) is eighteen (18) years of age or older;
- (b) is a citizen of the United States;
- (c) has been a resident of the State of Maryland for the thirty (30)-day period immediately preceding the day of the election in which he seeks to vote;
- (d) is otherwise qualified under the laws of the State of Maryland to cast a ballot in a general election in the State of Maryland; and
- (e) is a registered voter of the Town of Easton;

is entitled to vote at a town election. (Res. 53, passed 12/15/86)

### **Sec. 2. Supervisor of elections.**

The mayor, by and with the consent of the council, shall appoint for a four-year term a person who is a registered voter of the town to act as supervisor of elections. The supervisor of elections shall not otherwise be employed by the Town of Easton, and shall receive such compensation as the mayor and the council from time to time deem appropriate. The supervisor of elections shall have the duties and responsibilities set forth in this article and in the ordinances of the Town of Easton relating to the conduct of elections and the registration of voters. (Res. 53, passed 12/15/86)

### **Sec. 3. Assistant supervisors of elections.**

The supervisor of elections shall have the authority to appoint no less than three (3) not more than seven (7) assistant supervisors of elections to assist him in the carrying out of his duties for an election of the Town of Easton. The assistant supervisors of elections shall be chosen not less than thirty (30) days prior to the date of an election, and shall be compensated for their services in such amount as the mayor and town council deem appropriate. (Res. 53, passed 12/15/86)

### **Sec. 4. Method of registration of voters.**

(a) The supervisor of elections, or an assistant supervisor of elections, shall sit in the council room during the hours of 2:00 P.M. to 5:00 P.M. and from 7:00 P.M. to 9:00 P.M. on the third and fourth Wednesdays and Thursdays in March in those years in which general elections are to be held, for the purpose of registering voters in the town and revising the voter registration list. In addition, the registration list shall be kept open during normal business hours for the purpose of registering voters commencing the day following each election and continuing until the fifth Monday preceding the date of any special election and the fifth Monday preceding the date of any general election shall be held. A person may register to vote in the period between the fifth Monday prior to an election; however, he shall not be eligible to cast a ballot in that election. The supervisor of elections, or an assistant supervisor, shall register the names on a card or loose-leaf sheet provided therefor, and shall record the name, street address, date of application, and ward designation of each applicant.

(b) The supervisor of election shall establish and administer a voter registration by mail program. This program shall be administered in accordance with the provisions of this article, the laws of the State of Maryland applicable to registration by mail programs, and the regulations of the State Administrative Board of Election Laws applicable to registration by mail programs.

(c) Prior to January 31, 1987, the supervisor of elections shall cause to be made an examination of the registry of voters registered to vote in general elections for Talbot County and the registry of voters of persons registered to vote in the Town of Easton, in order to determine the names and addresses of persons registered to vote for general election in Talbot County who are not registered to vote for elections in the Town of Easton. The supervisor of elections shall cause a form for registration by mail to be delivered by first class mail, postage prepaid, to each such person. The registration by mail form shall be accompanied by a notice informing each person that he or she is not registered to vote in an election conducted by the Town of Easton, and the steps necessary to accomplish registration.

(d) The supervisor of elections is authorized to make registration by mail forms available to the Board of Supervisors of Elections for Talbot County, and such other persons or organizations which meet the criteria set forth by the State Administrative Board of Election Laws for distribution of voter registration applications.

(e) Any person having reached his seventeenth birthday who will be eighteen years of age on or before the next succeeding general or special election shall be entitled to register to vote prior to said election according to the provisions of this article.

(f) The supervisor of elections, or an assistant supervisor of elections, shall administer to any person who personally applies 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 conviction, your qualifications, as a voter, and your right as such to register and vote under the laws of this State." Any registration by mail form shall contain a similar oath or affirmation thereon. (Res. 53, passed 12/15/86)

#### **Sec. 5. Cancellation of registration for failure to vote.**

If a registered voter has been registered but has not voted at least once in a general or special election of the Town of Easton within the ten (10) preceding calendar years, it shall be the duty of the supervisor of elections, unless cause to the contrary be shown, to cause the registration of that voter to be canceled by removing the name of the voter from the voter registration list. A notice of this action and the reason therefor shall be sent to the last known address of the voter. This notification shall inform the voter of his right to challenge his removal from the voter registration list as set forth in section 6 of this article. The notice shall also state that the voter may vote in a future election only if he registers again, and shall set forth the procedures for registration. The supervisor of elections shall not cancel the registration of a person within ninety (90) days of the date of an election. (Res. 53, passed 12/15/86)

#### **Sec. 6. Challenges of voters and correction of lists; appeal.**

(a) Any voter may file with the supervisor of elections an objection in writing to the registration of any person who 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 from the registration list, or erroneously assigned to an incorrect ward. Such a challenge, application for addition or correction, must be made no later than five (5) working days after the registration list is delivered by the supervisor of elections to the town office prior to an election.

(b) Any application for the correction of the voting lists or a challenge of the right of a person named on such list to vote, shall be made in writing, under oath, and of the own personal knowledge of the voter signing such application. The application shall state the reason for the 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 division (d) of this section.

(c) Persons whose right to register have been challenged, and persons whose names are alleged to have been erroneously omitted or erroneously assigned to a ward other than their place of residence, shall be given written notice sent by mail addressed to the voter at the last address given on his registration form. The voter so notified may appear in person or by counsel at the hearing held on the application or challenge.

(d) The supervisor of elections shall conduct a hearing for the purpose of ruling on the application or challenge. The hearing shall be open to the public and scheduled as soon as is practicable after receipt of the application or challenge. All persons who testify at such hearings shall testify under oath and be subject to cross-examination by either party thereto. All cases shall be decided immediately after the hearing, and the decision of the supervisor of elections shall be in writing.

(e) Any person who feels aggrieved by the supervisor of elections in ruling upon an application or challenge may file an appeal to the Circuit Court for Talbot County in the same manner as is provided for appeals from the Boards of Registry in election laws of the State of Maryland. Such an appeal must be filed no later than fifteen (15) days before a special or general election. (Res. 53, passed 12/15/86)

#### **Sec. 7. Delivery and inspection of registration list.**

Not later than thirty (30) days prior to an election, the supervisor of elections shall deliver to the town office a complete list of registered voters eligible to cast ballots. The voters shall be listed by ward. This list shall be maintained at the town office during normal business hours, during which said list shall be made available to any person for inspection. The town clerk shall provide copies of said list to any person, provided that any person receiving said list shall compensate the town for the reasonable expenses of copying said list. (Res. 53, passed 12/15/86)

#### **Sec. 8. Election of mayor, president of the council, and members of the council.**

The voters of the town shall, on the first Monday in May in the year 1987 and on the first Monday in May in each fourth year thereafter, elect a mayor whose term of office shall be for four (4) years and until his successor is elected and qualified. The mayor shall be elected at large from the entirety of the town. On the first Monday of May in the year 1987 and on the first Monday in May in each fourth year thereafter, the voters of the first ward and the third ward, respectively, shall elect a council member from each ward, whose term of office shall be for four (4) years and until his successor is elected and qualified. On the first Monday in May of the year 1989, the voters of the town shall elect a president of the town council, and council members from the second and fourth wards. The town council president shall be elected at large from the Town of Easton, and his term shall be for four (4) years and until his successor is elected and qualified. On the first Monday in May in the year 1989 and every four (4) years thereafter, the voters of the town who are residents of the second and fourth wards, respectively, shall each elect a council member to represent their ward, whose terms shall be for four (4) years and until their respective successors are elected and qualified. (Res. 53, passed 12/15/86)

#### **Sec. 9. Nominations.**

Only the names of persons nominated in accordance with the provisions of this article shall be placed on the ballots as candidates for public elective offices of the Town of Easton. No person shall accept nomination to more than one elective public office or hold more than one elective public office at any one time. (Res. 53, passed 12/15/86)

#### **Sec. 10. Method of nomination.**

All nominations for public office must be filed with the supervisor of elections on or before the first Monday of April in the year of an election. The manner of nominating candidates shall be as follows: every aspirant for the office of mayor or president of the council, or someone acting on his behalf, shall on or before the last day of receiving nominations file with the supervisor of elections a nomination petition for said office signed by a least thirty of the qualified voters of the town; and, in like manner, every aspirant for the office of councilman, who shall be a representative of a ward, or someone on his behalf, shall on or before the last day in which nominations may be filed as aforesaid, file with the supervisor of elections his nominating petition for the said office signed by at least fifteen of the qualified voters of the ward from which he is nominated. If it appears that a name appears more than once on a petition, it shall be counted but once; however, no name shall be disqualified or stricken from nominating petition because it appears on a petition for more than one candidate for the same office. No name shall be counted if it is demonstrated to the satisfaction of the supervisor of elections that the signature was not signed by the person designated, or that the person designated did not actually live in the ward designated at the time of the filing of the petition. (Res. 53, passed 12/15/86)

#### **Sec. 11. Vacancies among candidates.**

If a candidate dies or withdraws after the deadline for filing petitions but prior to an election, the resulting vacancy may be filled by a petition containing at least one-half of the signatures necessary for filing an original petition, and said petition or petitions may be filed with the supervisor of elections at any time prior to the printing of the ballots. In the

case of death or resignation of all candidates to an office, the supervisor of elections shall so advise the council, who shall by ordinance order a special election. (Res. 53, passed 12/15/86)

#### **Sec. 12. Districting and apportionment.**

It shall be the duty of the council by ordinance to divide the town into four wards in such a manner as to reflect population equality. (Res. 53, passed 12/15/86)

#### **Sec. 13. Poll watchers - Selection.**

Each candidate for elective office may select two (2) persons, both of whom shall be qualified voters of the town, to serve as poll watchers, and each candidate shall submit to the supervisor of elections a list of poll watchers at least three (3) days prior to the election. The poll watchers shall not be employees of the Town of Easton, and shall serve without compensation. (Res. 53, passed 12/15/86)

#### **Sec. 14. Duties of poll watchers.**

Each poll watcher shall have the right to observe every aspect of the conduct of an election. Each poll watcher shall be assigned a position at the polling place near the supervisor of elections or assistant supervisors of elections, inside the registration or polling area so as to enable them to see each person as he offers to register or vote. The poll watchers shall witness the canvass, including absentee ballots, or the ascertainment and transcription of voters recorded on voting machines. Poll watchers shall have the right to enter the polling place one-half hour before the opening of the polls. It shall be unlawful for any poll watcher to inquire or attempt to 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 a ballot or in the operation of the voting machine. Any poll watcher who violates the restrictions set forth herein may be lawfully ejected by the supervisor of elections, and is subject to penalties provided for in this article. (Res. 53, passed 12/15/86)

#### **Sec. 15. Poll watchers - referenda.**

Each poll watcher shall serve at any and all referenda which may be held within two years of his selection. (Res. 53, passed 12/15/86)

#### **Sec. 16. Voting places.**

It shall be the duty of the supervisor of elections to provide for each town election a suitable place or places for voting. The supervisor shall supply suitable ballot boxes and suitable ballots or voting machines and all necessary equipment for use in the regular or special town elections, and the expenses thereof shall be paid for by the town. (Res. 53, passed 12/15/86)

#### **Sec. 17. Notice of elections.**

The supervisor of elections shall, at least 25 days before any regular or special election, unless otherwise provided, give notice to the voters of the town, in one or more newspapers published in the Town of Easton, of the day and hours and the place or places of holding such election, and such other information as may be necessary or advisable to enable the voters to intelligently cast their ballots. (Res. 53, passed 12/15/86)

#### **Sec. 18. Ballots - Requirements generally.**

After the time has expired for presenting nomination petitions, the supervisor of elections shall prepare the official ballots and shall cause to be printed thereon the names in alphabetical order of the nominees for the respective offices to be filled and he shall cause the names of the candidates for the same office to be grouped together. No party or designation of any candidate shall be printed or otherwise indicated upon the ballot. Whenever there is any question

submitted to the voters for their decision, the question shall be placed upon the ballot if full, and immediately below the question there shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote. (Res. 53, passed 12/15/86)

**Sec. 19. Posting of sample ballot.**

At least four days before any election, the supervisor of elections shall conspicuously and securely post accurate sample copies of the ballots to be used in the approaching election in one or more public places. One sample ballot shall be placed upon the exterior of the building or buildings in which polls will be held, so that the same can be readily seen and examined by pedestrians passing on the street on which the polling place is located. (Res. 53, passed 12/15/86)

**Sec. 20. Official ballot.**

Ballots other than those printed by the supervisor of elections shall not be cast or counted in any election. (Res. 53, passed 12/15/86)

**Sec. 22. Posting of sample ballots - mistakes and challenges.**

A correct list of the names of the candidates as they are to appear on the ballot shall be furnished on demand by the supervisor of elections to the candidates or their authorized agents. If any mistakes be discovered, it shall be the duty of the supervisor of elections to correct the same without delay, and if the supervisor of elections shall decline or refuse to make the correction, then upon the sworn petition of any qualified voter who would have the right to vote for such candidate at the approaching election, the Circuit Court for Talbot County may, by order, require said supervisor of elections to correct such error or to show cause why such error should not be corrected. (Res. 53, passed 12/15/86)

**Sec. 23. Opening and closing hours of polls.**

For all town elections, the polls shall remain open from 7:00 A.M. to 8:00 P.M. on the same day. (Res. 53, passed 12/15/86)

**Sec. 24. Voting procedure.**

All voting in the Town of Easton, other than by absentee ballot, shall be performed on voting machines, and the applicable Maryland State law shall govern the voting procedure with regard to the use of these machines in all elections in the Town of Easton. (Res. 53, passed 12/15/86)

**Sec. 25. Electioneering and loitering new polls prohibited.**

There shall be no canvassing or electioneering in said polling place or places or within one hundred feet of the same, nor shall anyone linger, be, or remain within said distance of one hundred feet of the polls except election officials and peace officers, unless it be in approaching the polls to vote, or in passing along the streets in the usual and orderly manner of travel. (Res. 53, passed 12/15/86)

**Sec. 26. Board of canvassers - Appointment; term; vacancy.**

The mayor, upon advise and consent of the council, shall select three registered voters of the town, who shall act as a board of canvassers, to serve for two years from the date of their selection; and the board of canvassers shall serve without pay. In the case of death, resignation, or failure to qualify of any candidate to said board, the mayor and council shall select others to fill the vacancies thus occasioned by the same manner as hereinabove provided. If it becomes necessary for the board of canvassers to perform any of its duties between regular meetings of the council and there is a vacancy on said board, the town clerk shall call a meeting of the town council by giving 24 hours' notice, to fill such vacancy or vacancies. (Res. 53, passed 12/15/86)

**Sec. 27. Board of canvassers - Organization; powers; duties; appeal.**

The board of canvassers shall organize by electing one of their members as president and one as clerk, and shall have such powers and duties as boards of canvassers are granted under the general laws of the State of Maryland, so far as receiving returns and canvassing votes is concerned; and the same right of appeal from the board of canvassers to the Circuit Court for Talbot County shall be had as is provided under the election laws of the State of Maryland from the board of canvassers therein provided. All cases of contested election of any of the offices shall be decided by the Circuit Court for Talbot County as is provided in cases of contested elections under the general powers set forth above, the board of canvassers shall have the particular powers, duties, and responsibilities set forth in this article. (Res. 53, passed 12/15/86)

**Sec. 28. Election results - Counting of votes and certification.**

As soon as the polls have closed following any town election, the supervisor of elections, in the presence of poll watchers, if any, and of the board of canvassers, shall proceed to ascertain and transcribe the votes recorded on each voting machine, and shall certify the same to the board of canvassers before 12:00 noon on the Tuesday next following the election. Not earlier than 4:00 P.M. on that same day, the board of canvassers, in the presence of poll watchers, if any, shall proceed to count, certify, and canvass the absentee ballots cast in the election. (Res. 53, passed 12/15/86)

**Sec. 29. Election results - Issuance of election certificates.**

The board of canvassers shall issue a certificate of election to each official elected, and issue two certificates, one to the mayor and one to the council, whenever any proposition is submitted to the vote of the people, showing the vote for and against, which certificate shall be on blanks prepared by the town clerk, and shall contain a plain statement of the facts and be signed by a majority of said board of canvassers. (Res. 53, passed 12/15/86)

**Sec. 30. Bribery of voters prohibited.**

Any person who shall bribe or attempt to bribe, coerce, or intimidate any voter to vote or not to vote for or against any person or proposition, or to vote or not to vote at any election, shall be guilty of a misdemeanor. (Res. 53, passed 12/15/86)

**Sec. 31. Absentee ballot provisions.**

A person who is otherwise qualified to vote in the Town of Easton and who may be absent for any reason from the town on any election day, or is unable to vote due to illness, disability, or emergency reason, may vote by absentee ballot. The procedure for absentee balloting in the Town of Easton shall be that procedure described for absentee voting in the state election code, except as follows:

- (a) Any reference to Tuesday in the State Election Code shall be Monday for the purpose of the town election.
- (b) Any reference to Wednesday shall be Tuesday for the purpose of the town election.
- (c) The instructions for the casting of absentee ballots shall be prescribed by the supervisor of elections.
- (d) The supervisor of elections shall prescribe the size, form, and content of the absentee ballot, material envelopes, providing for a covering envelope, a ballot envelope, and a return envelope.
- (e) Absentee ballots shall be counted, certified, and canvassed in accordance with the provisions of this article. (Res. 53, passed 12/15/86)

**Sec. 32. Preservation of ballots after election.**

All ballots used in any town election shall be preserved by the supervisor of elections for at least six months after the election. (Res. 53, passed 12/15/86)

**Sec. 33. Violations.**

Any person who is convicted of violating a provision of this article shall be guilty of a misdemeanor and subject to a fine of one thousand dollars (\$1,000.00) and/or imprisonment for six (6) months. (Res. 53, passed 12/15/86)

**Sec. 34. Interpretation - Further authority of town council.**

The provisions of this article shall be interpreted to encourage the registration of voters in the town, and the participation by the citizens of the town in the electoral processes of the town. The town council is hereby authorized to enact such ordinances to provide for registration at times and places in addition to those times and places specified for registration of voters in this article; to provide for additional public notice regarding the times and places of registration, method of registration, dates of election, and the like; or to make such further provisions as the town council deems appropriate in order to fulfill the purposes of this article. (Res. 53, passed 12/15/86)

