

**WORKING DRAFT  
NOT FINAL**

Ordinance No: 2018-13  
Introduced by Town Council: 10/08/18  
Public Hearing: 11/12/18  
Enacted: xx/xx/18  
Effective: xx/xx/18

ORDINANCE

ADOPTING AMENDMENTS TO THE WASHINGTON GROVE CODE OF ORDINANCES  
ARTICLE X ELECTION PROCEDURES FOR ABSENTEE BALLOTING,  
PROVISIONAL BALLOTING, RESOLUTION OF TIE VOTES, AND  
A BAR TO POLITICAL ACTIVITIES

**WHEREAS**, the Annotated Code of Maryland has been updated to stipulate no-excuse absentee voting and resolution of tie votes for municipal elections; and

**WHEREAS**, provisional balloting procedures have been proposed for Town elections to make sure no one is mistakenly turned away at the polls; and

**WHEREAS**, a public hearing was held on XXXXXXXXXXXX xx, 2018. At this hearing concerned residents testified, and the record was left open for this ordinance until XXXXXXXXXXXX xx, 2018. After consideration of the public record, the Town Council concludes the following amendments should be enacted.

**PART 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Washington Grove, Maryland that Article X, Registration and Voting, is hereby amended so as to read:

Article X – Registration, NOMINATIONS, and [~~Voting~~] ELECTIONS

Section 1. Purpose – This article establishes the qualifications and procedures for voter registration, NOMINATIONS, and [~~voting~~] ELECTIONS not otherwise specified in the Town Charter. Hereinafter, Board signifies the Board of Supervisors of Elections.

Section 2. Registration – To be a qualified voter of the Town of Washington Grove, a resident must be included on a certified copy of a Montgomery County voter registration list furnished to the Town by Montgomery County.

Section 3. Nominations

3.1 Regular Elections – Persons may be nominated for regular election offices by filing, or having filed, a certificate of nomination with the Board on or before the second Monday in April preceding the regular election, in accordance with the Charter. A list of those nominated for Mayor or Councilor prior to March 1 will be POSTED ON THE TOWN WEBSITE AND included in the March Town Bulletin. A final list of those meeting qualifications for office and nominated for Mayor or Council by the April deadline will be included in a notice POSTED ON THE TOWN WEBSITE AND mailed in April to Town residents at least two weeks prior to the elections.

CAPS : Indicate matter added to existing law.  
[Brackets] : Indicate matter deleted from law.  
Asterisks \*\*\* : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

3.2 Special Elections – Nominations for special election offices may be made in the same way as those for a regular election, except that the nominating period will be as specified in a Notice of Election given by the Board.

#### Section 4. Voting

4.1 Regular Elections – As provided in the Charter, polling on a regular election day shall take place between 4:00 p.m. and 7:00 p.m. on the second Saturday in May. Write-in votes are permitted; AND space shall be provided on the ballots and/or voting machines for write-in votes to be recorded.

4.2 Special Elections – As provided for in the Charter, all special Town elections shall be conducted by the Board in the same manner, as far as practical, as regular Town elections. ~~[There shall be no absentee voting in special elections, but emergency and aged and infirm ballots shall be provided as far as practical.]~~

#### ~~[4.11]~~ 4.3 Absentee Balloting

~~[4.111 Qualifications. Voters who are:~~

- ~~(a) hospitalized, or otherwise confined for health reasons,~~
  - ~~(b) on active military assignment elsewhere,~~
  - ~~(c) resident students at an educational institution,~~
  - ~~(d) temporarily assigned elsewhere by an employer, or~~
  - ~~(e) are otherwise scheduled to be out of Town on election day,~~
- ~~may obtain an absentee ballot for any regular Town election.~~

#### ~~4.112 Absentee Balloting Applications]~~

- (a) AN “ABSENTEE BALLOT” IS A BALLOT PROVIDED TO A QUALIFIED VOTER BEFORE ELECTION DAY. ANY QUALIFIED VOTER MAY CHOOSE TO VOTE BY ABSENTEE BALLOT RATHER THAN APPEAR IN PERSON AT THE POLLS ON ELECTION DAY.
- (b) AN APPLICATION FOR AN ABSENTEE BALLOT WILL BE AVAILABLE FROM THE TOWN OFFICE AND FROM THE TOWN WEBSITE. Applications for absentee ballots will be accepted only until 10 days before a regular Town election. Application shall be made to the Board in writing, ~~[shall state the reason for the request, and shall be signed by the applicant. The Board must supply an absentee ballot to any qualified voter of the Town requesting one who certifies in writing that he or she will not be able to be present to vote during the time designated for the polls to be open.]~~ AND MAILED VIA THE U.S. POSTAL SERVICE TO THE TOWN OFFICE, OR HAND DELIVERED IN PERSON TO A DESIGNATED ELECTION CLERK. THE APPLICATION MUST INCLUDE THE VOTER’S NAME, RESIDENCE ADDRESS, SIGNATURE, AND THE ADDRESS TO WHICH THE BALLOT IS TO BE MAILED, IF DIFFERENT FROM THE RESIDENCE ADDRESS.
- (c) AFTER VERIFYING THE APPLICATION FOR AN ABSENTEE BALLOT IS FROM A QUALIFIED VOTER, AN ABSENTEE BALLOT WILL BE MAILED VIA THE U.S. POSTAL SERVICE OR HAND DELIVERED TO THE VOTER.

CAPS

[Brackets]

Asterisks \* \* \*

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- (d) A VOTED ABSENTEE BALLOT MUST BE PLACED IN A SEALED ENVELOPE MARKED ON THE OUTSIDE WITH “ABSENTEE BALLOT” AND WITH THE VOTER’S NAME, RESIDENCE ADDRESS, AND SIGNATURE ON THE OUTSIDE OF THE ENVELOPE. THE SEALED ENVELOPE MAY BE MAILED BY THE VOTER VIA THE U.S. POSTAL SERVICE TO THE TOWN OFFICE, OR HAND DELIVERED IN PERSON TO A DESIGNATED ELECTION CLERK.
- (e) THE BOARD WILL PROVIDE FOR THE SECURE HANDLING AND THE SECRECY OF ABSENTEE BALLOTS. THE BOARD MAY APPOINT ELECTION CLERKS TO ASSIST IN ANY OF ITS DUTIES.
- (f) Such absentee ballots, if delivered to the Board prior to the end of the time designated for the polls to be closed, must be counted as though cast at the polls.

#### 4.4 PROVISIONAL BALLOTING

- (A) AT THE POLLS ON ELECTION DAY, THE BOARD WILL OFFER A PROVISIONAL BALLOT TO A PERSON WHO ASSERTS HE OR SHE IS A QUALIFIED VOTER BUT WHOSE NAME IS NOT INCLUDED ON A CERTIFIED COPY OF A MONTGOMERY COUNTY VOTER REGISTRATION LIST FURNISHED TO THE TOWN BY MONTGOMERY COUNTY.
- (B) PROVISIONAL BALLOTS LIST THE SAME CHOICES AS REGULAR BALLOTS AND LOOK THE SAME AS REGULAR BALLOTS. A PROVISIONAL VOTER WILL BE PROVIDED WITH AN ENVELOPE FOR THE PROVISIONAL BALLOT.
- (C) AFTER A PROVISIONAL BALLOT IS VOTED, IT MUST BE PLACED IN A SEALED ENVELOPE MARKED ON THE OUTSIDE WITH “PROVISIONAL BALLOT” AND WITH THE VOTER’S NAME, RESIDENCE ADDRESS, AND SIGNATURE ON THE OUTSIDE OF THE ENVELOPE. AFTER VOTING, THE SEALED ENVELOPE MUST BE HANDED BY THE VOTER TO A MEMBER OF THE BOARD WHO WILL VERIFY THE OUTSIDE OF THE ENVELOPE IS PROPERLY IDENTIFIED.
- (D) THE BOARD WILL PROVIDE FOR SECURE HANDLING OF THE SEALED ENVELOPES AND THE SECRECY OF PROVISIONAL BALLOTS.
- (E) IF THE BOARD IS ABLE TO VERIFY THE PROVISIONAL VOTER’S NAME SHOULD HAVE BEEN INCLUDED ON THE LIST FURNISHED TO THE TOWN BY MONTGOMERY COUNTY, THEN THE SEALED ENVELOPE WILL BE OPENED AND THE PROVISIONAL BALLOT COUNTED.
- (F) SUCH VERIFIED PROVISIONAL BALLOTS ARE COUNTED EVEN IF THEY WILL NOT CHANGE THE OUTCOME OF AN ELECTION.

#### [4.12—Emergency Balloting]

~~[Emergency ballots may be issued by the Board at its discretion before 4:00 p.m. election day to qualified voters who will otherwise be absent due to unforeseeable circumstances. The Board will provide for the secrecy of emergency ballots.]~~

#### [4.13—Aged and Infirm Balloting]

~~[The Board at its discretion may provide ballots on Election Day to those who, though qualified to vote and in residence, are unable due to age or infirmity to get to the polling place. Such ballots shall be hand-carried by a member of the Board or appointed deputy. The Board shall provide for the secrecy of such ballots.]~~

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4.5 TIE VOTES – IN THE EVENT OF A TIE VOTE AFFECTING THE OUTCOME OF THE ELECTION, THERE SHALL BE A FOLLOW-UP SPECIAL ELECTION WITHIN 14 DAYS BETWEEN OR AMONG THOSE HAVING RECEIVED THE HIGHEST EQUAL NUMBER OF VOTES. ANY SUBSEQUENT TIE VOTE WILL BE RESOLVED IN THE SAME MANNER. IN THE EVENT OF SUCH A TIE VOTE, ONLY THOSE PERSONS WHO WERE QUALIFIED VOTERS IN THE FIRST SUCH ELECTION SHALL BE ENTITLED TO VOTE IN A FOLLOW-UP SPECIAL ELECTION.

[4-3] 4.6 Town Meetings – Only present and qualified voters may vote in Town meetings.

SECTION 5. BAR TO POLITICAL ACTIVITIES

5.1 APPLICABILITY – THIS SECTION APPLIES TO MEMBERS OF THE BOARD AND ELECTION CLERKS APPOINTED TO ASSIST THE BOARD IN ANY OF ITS DUTIES.

5.2 AN INDIVIDUAL SUBJECT TO THIS SECTION MAY NOT, WHILE HOLDING THE POSITION:

- (A) HOLD OR BE A CANDIDATE FOR ANY ELECTIVE TOWN OFFICE; OR
- (B) USE THE INDIVIDUAL’S OFFICIAL AUTHORITY FOR THE PURPOSE OF INFLUENCING OR AFFECTING THE RESULT OF AN ELECTION; OR
- (C) SIGN A CERTIFICATE OF NOMINATION, OR SOLICIT OTHERS TO SIGN A CERTIFICATE OF NOMINATION, FOR AN ELECTION UNDER THIS ARTICLE.

**PART 2. EFFECTIVE DATE:** This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

TOWN OF WASHINGTON GROVE

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
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