

Commissioners of Bel Air
Agenda
September 3, 2019

Ordinance No. 793-19
Amendments to Town Code Chapter 37 Elections

Recommended Motion: "...that Ordinance No. 793-19, amending the Code of the Town of Bel Air, Chapter 37, entitled Elections, be received by the Board of Town Commissioners."

1. Background

- a. The State Board of Elections' contract to lease new voting equipment was finalized in December 2014, and the system was used in the 2016 presidential elections.
- b. Current Town election legislation is outdated with duplicate entries, obsolete language, and many references to procedures and equipment that does not relate to the new voting equipment currently being utilized by the State of Board of Elections.

2. Primary Issues

- a. Staff recommends amendments to:
 - i. Multiple sections of Chapter 37, Elections to remove or update outdated language, provide enhanced clarity, and align definitions, procedures, and equipment references with the new voting equipment being utilized by the State Board of Elections.
 - ii. Section § 37-6 General Elections to require candidates to file a certificate of candidacy to run for the office of Commissioner 15 days sooner or 45 days, instead of 30 days, before the next scheduled election in 2021.
 - iii. Section § 37-24 Contested Elections to adopt language that requires, in the case of a contested election, that the Board of Election Judges and the Harford County Board of Elections perform an audit on the voting equipment used for the election and/or conduct a recount in accordance with Title 12 Contested Election of the Election Law, Annotated Code of Maryland.

3. Discussion

- a. See attached Ordinance and recommended amendments.

4. Recommendation

- a. Staff recommends that Ordinance No. 793-19 be received by the Board of Town Commissioners. A Public Hearing will be held on Monday, September 16, 2019, at 7:30 PM, at Bel Air Town Hall, 39 N. Hickory Ave., Bel Air, MD.

Ordinance No. 793-19

**An Ordinance Amending Bel Air Town Code
Chapter 37 Elections**

WHEREAS, the Board of Town Commissioners recognizes the need to amend the Town's election laws from time to time to meet changing State regulations and technology; and

WHEREAS, Town of Bel Air Town Code, Chapter 37, Elections was last amended by the Board of Town Commissioners on October 5, 2009 by Ordinance No. 725-09; and

WHEREAS, in 2007, the Maryland General Assembly passed Chapter 548 of the 2007 Acts (House Bill 18) requiring a new voter-verifiable paper record voting system to replace the touchscreen voting system. The law required funding to procure the system. Budget concerns delayed funding for the new system until 2014. The State Board of Elections' contract to lease new voting equipment was finalized in December 2014, and the system was used in the 2016 presidential elections; and

WHEREAS, the current election legislation is outdated with duplicate entries, obsolete language, and many references to procedures and equipment that does not relate to the new voting equipment currently being utilized by the State of Board of Elections; and

WHEREAS, Board of Town Commissioners wishes to amend multiple sections of Chapter 37, Elections to remove or update outdated language, provide enhanced clarity, and align definitions, procedures, and equipment references with the new voting equipment being utilized by the State Board of Elections; and

WHEREAS, the Board of Town Commissioners wishes to amend Section § 37-6 General Elections to require candidates to file a certificate of candidacy to run for the office of Commissioner 45 days before the next scheduled election in 2021; and

WHEREAS, the Board of Town Commissioners wishes to amend Section § 37-24 Contested Elections to adopt language that requires, in the case of a contested election, that the Board of Election Judges and the Harford County Board of Elections perform an audit on the voting equipment used for the election and/or conduct a recount in accordance with Title 12 Contested Election of the Election Law, Annotated Code of Maryland; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that the Town of Bel Air Town Code Chapter 37 Elections, shall be amended by Ordinance No. 793-19, attached hereto and incorporated herein as Exhibit A, is hereby adopted.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the ____ day of _____, 2019.

INTRODUCTION: September 3, 2019

PUBLIC HEARING: September 16, 2019

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Susan U. Burdette, Chair
Board of Town Commissioners

Michael Krantz, Town Clerk

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Chapter 37 Elections

EXHIBIT A
Ordinance No. 793-19

[**HISTORY: Adopted by the Board of Town Commissioners of the Town of Bel Air 3-11-1980 by Ord. No. 310 as Ch. 5, Art. 1 of the 1980 Code. Amendments noted where applicable.**]

§ 37-1 Definitions and word usage.

A. Words and phrases defined. As used in this chapter, the following terms shall have the meanings indicated:

ABSENTEE BALLOT

A ballot not used in a polling place **that is completed and mailed in advance of an election day by a voter. Absentee ballots are canvassed with the Provisional Ballots on a designated date after the election.**

BALLOT or OFFICIAL BALLOT

A ballot is the means used to list choices and cast votes in an election. This includes the paper ballot, or ballot activation card for use in the accessible voting unit, as well as, the Provisional Ballot and the Absentee Ballot. ~~Includes an absentee ballot, a voting unit ballot or provisional ballot. "Ballot" or "official ballot" does not include a sample ballot or a specimen ballot.~~

[Amended 3-2-2009 by Ord. No. 719-09]

BALLOT MARKING DEVICE (BMD)

Voters use a touch screen to mark their vote selections, receiving a verifiable paper ballot upon completion. This device does not tabulate the voter's vote. The ballot which is printed is then put into the Ballot Scanning Unit for tabulation.

BALLOT SCANNING UNIT

The station at the polling place where a voter casts their ballot and the device that tabulates a voter's paper ballot or ballot activation card.

BOARD

The Board of Election Judges, as that term is defined in Article V, Section 503 of the Charter of the Town of Bel Air.

CANDIDATE

Any qualified voter who files written notice, in the form of a certificate of candidacy, of his or her intention to run for the **elected** office of Commissioner of Bel Air ~~at least 30 days before a general or special election for Commissioner.~~

CANVASS

Canvass refers to the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official results of the election. For

absentee ballots, the “canvass” includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying. For provisional ballots, the “canvass” includes the review of the provisional ballot applications and the assembly and review of provisional ballots in preparation for vote tallying.

DISABLED-

Having a temporary or permanent disability.

ELECTION

The process by which the voters of the Town vote for any candidate pursuant to the laws of the Town or for or against any Charter provisions of the Town or other public act or question pursuant to procedures provided by state statute or by the Town Charter, and shall include all elections, general or special, conducted by the Town.

ELECTRONIC STORAGE FORMAT

A **memory stick or compact flash card or similar device for** computer disk or other information storage and retrieval **of election data which is** medium approved by the state.

GENERAL ELECTION

The election held on the first Tuesday after the first Monday in November of every odd-numbered year at which the voters of the Town may vote for candidates for the office of Commissioner of Bel Air.

OFFICAL RESULTS GENERAL RETURN SHEET

The report that is generated from the polls and canvasses which shows the total number of eligible voters and percentage of voters who voted at the polls, the number of voters who voted by Absentee Ballot and Provisional Ballot and the number of votes cast for each candidate and/or question. The tally sheet signed by the Board of Election Judges for each election recording the votes registered on each voting machine and by absentee ballot or by all ballots, all votes cast for each candidate and for or against each question, the total number of votes and voters, the number of voters who have voted on each voting unit and the number who have voted by absentee ballot.

MANAGER CARD-

Programmed to allow access to supervisory functions.

POLL BOOK

An electronic book, or printed book, which consists of voter registration record information of all registered voters at the time of election day. An electronic book or printed book with signature capabilities.

PROVISIONAL BALLOT

A ballot that is cast by an individual, but not counted until the individual’s qualifications to vote have been confirmed. These ballots are reviewed and counted by the Election Judges during the Provisional Canvass which takes place on a designated date after the day of the election A ballot that is cast by an individual but not counted until the individual's qualifications to vote have been confirmed by the Town's election board.

[Added 3-2-2009 by Ord. No. 719-09]

REGISTRATION

The act by which a person becomes qualified to vote in any election of the Town.

REGISTRATION APPLICATION FORM

The form to be filled out and signed by each prospective registrant containing the necessary information to establish his/her eligibility as a voter in Town elections.

SAMPLE BALLOT

A facsimile of the ballot that the voter will use to register his/her vote in the election.

SPECIAL ELECTION

Every election called by resolution of the Commissioners, including but not limited to elections to fill vacancies in the offices of Commissioners pursuant to Article III, Section 307 of the Charter of the Town of Bel Air and referendum elections on the question of proposed Charter amendments of the Town as required by state law or as provided in § 37-7 of this chapter. Special elections shall be held in accordance with § 37-7 of this chapter.

TOWN

Town of Bel Air Municipal Government Corporation.

TOWN CLERK

The custodian of the voting records of the Town of Bel Air.

UNOFFICIAL RESULTS

The report of votes tabulated that is generated immediately following the closing of the polls on the day of the election and prior to the canvassing of absentee and provisional ballots.

~~**VOTER IDENTIFICATION CARD**~~

~~The card sent by the Town Clerk or Harford County Board of Elections or designee to each registrant to establish the fact and date of registration.~~

~~**VOTING AUTHORITY CARD OR BOOK**~~

~~The card or book to be signed by each voter at the polls.~~

~~**VOTING MACHINE CUSTODIAN**~~

~~The person, Harford County Board of Elections or company contracted by the Bel Air Board of Town Commissioners who or which shall prepare the voting units for use before each election and shall be responsible for keeping such units in good working order and repair during each election and shall store such units locked and their keys sealed and separate for one month after each such election.~~

~~**VOTING UNIT**~~

~~The station or booth used in casting and tabulating ballots or votes.~~

VOTING UNIT BALLOT

A ballot posted on or in the voting unit.

WRITE-IN VOTE

A vote cast for an individual whose name is not on the ballot.

- ~~B. Gender. Whenever in this chapter words or phrases are used denoting the masculine gender, they should be taken to include the feminine gender.~~
- ~~C. Computation of time. In computing the times for notices to be given or for the performing of any other act under this chapter, Sunday and legal holidays shall be included, except when the day on which the notice should be given or act should be performed occurs on Sunday or on a legal holiday, in which case the notice shall be given or the act performed on the next regular business day following such 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.~~

§ 37-2 Board of Election Judges.

- A. The Board of Town Commissioners shall appoint a ~~three member~~ Board of Election Judges ~~on or before the first Monday of October in every second even numbered year for a term of four years in accordance with Article V, Section 503 of the Charter of the Town of Bel Air. The Board of Town Commissioners shall appoint one Alternate Election Judge to the Board of Election Judges who may be empowered to act in the absence of a regular Judge on Election Day. The Election Judges shall be qualified voters of the Town and shall not hold a Town office or become candidates for any elective office of the Town or otherwise during their term of office. The Board of Election Judges shall appoint one of its members as Chairman. Any vacancy on the Board of Election Judges shall be appointed by the Commissioners for the remainder of an unexpired term. [Amended 11-17-2008 by Ord. No. 715-08; 10-5-2009 by Ord. No. 725-09]~~
- B. **The Board of Election Judges shall decide all questions on eligibility of voters.** ~~As provided in Article V, Section 503 of the Charter of the Town of Bel Air, the Board of Election Judges shall be responsible for the supervision of registration of voters or their designees and shall conduct all Town elections and for each special and general election shall provide a suitable place for voting and shall decide all questions on eligibility of voters. The Board shall give four weeks' notice of every election by advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof at the Town office.~~
- C. Each Election Judge shall receive compensation as determined by the Board of Town Commissioners for the day of election and any other day the Election Judges are called to work by the Town Clerk.
- D. ~~The Board of Elections shall have the same election powers as the Clerk of the Town of Bel Air and shall provide all supplies and equipment necessary and proper for the registration of voters and the conduct of elections. Expenses incurred by the Board of Election Judges in furnishing supplies and equipment and all other necessary and reasonable expenses of the Board of Election Judges shall be an expenditure of the Town payable as other expenses are payable by the Board of Town Commissioners. [Amended 11-17-2008 by Ord. No. 715-08]~~
- ~~E. If the voting units are delivered to the voting place prior to election day, the Town Clerk will serve as voting unit custodian for the purpose of securing the units.~~
- F. Each Election Judge shall take the oath of office as prescribed by Article I, Section 9 of the

Constitution of Maryland.

- G. The Election Judges may appoint poll workers to assist the Election Judges on the day of the election. All poll workers must meet the eligibility requirements of Election Judges and shall receive compensation as determined by the Bel Air Board of Town Commissioners on the day of the election and any other day the poll worker is called to work by the Town Clerk. Poll workers shall take the oath required of the Election Judges.
- H. Substitution of Election Judges. If any Election Judge shall not be present at the expiration of 15 minutes after the time for the opening of the polls during an election, the Election Judge or Judges present shall fill the place of the absent Judge by appointing ~~in his stead~~ one of the qualified poll workers or a qualified voter of the Town of Bel Air who shall not hold a Town office or be a candidate for any elective office in the Town or otherwise to serve as a substitute for the day of the election only.
- (1) After the opening of the polls, no Election Judge shall **leave the polling place** ~~absent himself therefrom~~ until all the ballots cast shall have been counted and the returns completed except in the case of absolute necessity. If ~~in the case of absolute necessity any~~ **an** Election Judge in attendance **must leave the polling place** ~~shall be compelled to absent himself, he shall appoint~~ one of the qualified poll workers or some fit person, a qualified voter of the Town not holding a Town office or being a candidate for any elective office in the Town or otherwise, **shall be appointed as a substitute** ~~to act in his stead until his~~ **the Election Judge** returns, having first administered to such substitute the ~~same~~ **of office** ~~as he, himself, has taken.~~
- (2) ~~Blank forms for the appointment of substitute judges and for administering the oath aforesaid shall be supplied by the Board of Election Judges.~~ The oath, when administered, shall be preserved and the reason for appointment of the substitute and the time when such substitute began and ceased shall be preserved by the Board of Election Judges in writing. Any substitute shall cease to act whenever the Election Judge in whose stead **the substitute was** ~~he was appointed~~ **returns** ~~shall be present.~~

§ 37-3 Polling place; election hours; places of registration.

- A. It shall be the duty of the Board of Election Judges to select a suitable polling place(s) as it deems it necessary. If possible, it shall be the duty of the Board of Election Judges to use the Town Hall or other public buildings for such polling places.
- B. The polling places in Bel Air shall be opened by the Board of Election Judges at 7:00 a.m. on the day of the election and the polling places shall remain open until 8:00 p.m. on the same day when the polling places shall be closed.
- C. Places of registration shall be the office of the Harford County Board of Elections and such other places as shall be authorized by Title 3, Subtitle 2 of the Election Law, Annotated Code of Maryland, and as determined by the Board of Election Judges.

§ 37-4 Notice of election.

The Board of Election Judges shall give four weeks' notice of the time and place of every election by advertisement published in at least one newspaper of general circulation in the Town and by posting notice thereof at the Town office.

§ 37-5 Registration and qualification of voters.

- A. Qualifications. The voters' qualifications shall be as detailed in Article V, Section 501 of the Charter of the Town of Bel Air.

B. Registration.

- (1) Registration of the voters of the Town of Bel Air shall be conducted by the Harford County Board of Elections as provided through an agreement between the Town of Bel Air and Harford County and in accordance with Title 3, Subtitle 2 of the Election Law, Annotated Code of Maryland.
- (2) To be eligible to vote in any general or special election, persons qualified to vote but not previously registered to vote may register at any time with the Harford County Board of Elections on regular business days during regular business hours, and other places as shall be authorized by Title 3, Subtitle 2 of the Election Law, Annotated Code of Maryland, or determined by the Bel Air Board of Town Commissioners. Registration will be closed in accordance with those dates as set by the Harford County Board of Elections as provided in Title 3, Subtitle 3 of the Election Law, Annotated Code of Maryland.
- (3) The Town Clerk shall publish a weekly notice of the expiration date of the time within which qualified voters may register for any election for at least two weeks prior to such expiration date in a newspaper with circulation within the Town. ~~A person registered in the Town of Bel Air on January 1, 1978, or at any time thereafter is a qualified voter in the Town of Bel Air and shall not be required to register again unless such registration shall be cancelled due to his/her not meeting the voter qualifications in Article V, Section 501 of the Town Charter.~~

§ 37-6 General elections.

- A. Nonpartisan elections. Elections in the Town of Bel Air are nonpartisan so that each candidate in any election runs without official party designation or affiliation, and no mention of party affiliation shall be designated on any ballots in the general or special elections in the Town of Bel Air.
- B. Qualifications for candidates for Commissioner of Bel Air. A person shall be eligible for election as a Commissioner of Bel Air provided that he meets the qualifications as set forth in Article III, Section 302 of the Charter of the Town of Bel Air.
- C. Filing of certificate of candidacy.
 - (1) Candidates must file in person and complete a written certificate of candidacy with the Town Clerk of their intention to run for the office of Commissioner at least 30 days before the scheduled election. **Candidates must file a certificate of candidacy at least forty-five (45) days before the scheduled election, beginning with the 2021 Town Election and every election thereafter.** The hours for filing on the final file date are 9:00 a.m. to 7:00 p.m. **If the final filing date falls on a Saturday, Sunday or holiday, the closest regular business day shall be recognized as the final candidate filing date.**
 - (2) A certificate of candidacy may be filed by certified mail, personal messenger, or other delivery service designated by the Town Clerk if the individual filing the certificate is unable to do so in person because of illness or temporary absence from the state and the certificate is accompanied by an affidavit signed by the individual filing the certificate setting forth fully the facts that prevent that individual from filing the certificate in person. A certificate of candidacy may not be filed by facsimile service or other electronic transmission.
 - (3) The use of nicknames, titles, degrees, or other professional designations on the **ballot or** certificate of candidacy is prohibited. The names of candidates shall be arranged alphabetically on the ballots.
 - (4) Candidates may withdraw prior to the filing deadline only. ~~The filing fee is not refundable, except as stated in Subsection C(5)(e) below.~~

- (5) Filing fee.
- (a) In order to help defray the costs of election, each candidate for the office of Commissioner of Bel Air shall pay a nonrefundable fee as set by resolution of the Board of Town Commissioners. Each candidate shall pay such sum to the Town Clerk at the time his written intention to run is filed. Such filing fees shall be used to defray the cost of the election for which **the fees** they are collected, including the moneys paid the Board of Election Judges for administering such election and the costs of **furnishing supplies and equipment** ~~renting voting machines~~ for such election.
- (b) The filing fee shall be waived if the candidate establishes his inability to pay at the time and place of filing the certificate. A sworn statement of inability to pay shall set forth the nature, extent and liquidity of the candidate's assets and the disposable net income of the candidate.
- (c) In the event that any candidate who has paid a filing fee enters into active duty with the armed services of the United States in the period between the last date allowed for withdrawal of **the candidate's** ~~his~~ name as a candidate and the printing **or preparation** of the ballots ~~or the preparation of the voting units~~, **the candidate** he shall be entitled upon withdrawing as such a candidate and upon **the candidate's** ~~his~~ request to receive a return of the filing fee.
- D. Campaigning and electioneering. In no event shall any campaigning be allowed within 100 feet of the entrance door of the Town Hall or any other polling place selected by the Board of Election Judges within the Town on election day.

§ 37-7 Special election or referendum.

Special elections shall be called and carried out in accordance with the following procedures:

- A. Special elections for any purpose shall be called by a resolution passed by a majority of the Board of Town Commissioners of Bel Air then in office. Any resolution calling a special election shall fix the date for the same, which date shall be a sufficient time after the passage of such resolution to enable notice thereof to be given by publishing a copy of such resolution, or a fair summary thereof, in a newspaper of general circulation in the Town of Bel Air not less than once in each of four weeks immediately preceding the election, or for such other length of time as may be required by law other than this chapter for publication of such notice if a longer time is so required. A complete and exact copy of each such resolution shall be retained in the Town Hall and shall be open to public inspection and the notice published in the newspaper shall so state. The election once called shall be conducted by the Board of Election Judges in every respect as is provided in the case of general elections.
- B. When there shall be fewer than three Commissioners in office, the remaining Commissioner or Commissioners shall call a special election for the purpose of filling the vacancies in the office of Commissioner of Bel Air which shall be held no less than 45 days and no more than 60 days from the date when the third vacancy occurred in the office of Commissioner. In the event that there are no remaining Commissioners, the Town Administrator shall be required to hold a special election within such forty-five-day to sixty-day period.
- C. Special tie or runoff election. When there is a tie vote in an election for the office of Commissioner, resulting in a vacancy on the Board, Commissioners duly elected to serve on the Board as newly constituted after the election shall call a special runoff election between the tied candidates to be held as soon as practicable after the election producing the tie.
- D. If newly enacted legislation is subject to referendum in accordance with the provisions of Article V, Section 504 of the Charter of the Town of Bel Air, the referendum shall be conducted in accordance

with the procedures of Article V, Section 504 of the Charter of the Town of Bel Air.

§ 37-8 Emergencies.

- A. In the event of a state of emergency declared by the Governor in accordance with the provisions of law that interferes with the electoral process, an emergency **resolution** ~~proclamation~~ passed by the Bel Air Board of Town Commissioners may:
- (1) Provide for the postponement until a specific date of the election;
 - (2) Specify alternate voting locations; or
 - (3) Specify alternate voting systems.
- B. If emergency circumstances, not constituting a declared state of emergency, interfere with the electoral process, the Board of Election Judges, after conferring with the State **Harford County** Board of Elections, may petition a circuit court to take any action the court considers necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.

§ 37-9 Sample ballots.

Four weeks before an election, the Board of Election Judges shall prepare a sample ballot listing the names of all persons who are qualified as candidates for the office of Commissioner, ~~in accordance with Article III, Section 302 of the Charter of the Town of Bel Air, and who have filed in writing with the Town Clerk their intention to run for said office within 30 days before said election~~ in accordance with this chapter, in alphabetical order according to their surnames. Also upon said ballot shall appear a condensed statement in understandable language of every Charter amendment or other question to be submitted to the vote of the people at said election. The Board of Election Judges, in preparation of ballots, ~~shall follow the titling order for Charter amendments or other questions designated by the Town Administrator and certified by Town Counsel and~~ shall always place the proposed Charter amendments and other questions, if any, in numerical order as indicated.

§ 37-10 General provisions for voting.

- A. Policing. The Board of Election Judges has the authority to keep the peace and to cause any person to be removed from the polling place for any breach of the peace or for any breach of the Election Code or for any interference with the progress of an election or canvass of ballots or the ascertainment and transcription of the votes (~~recorded on voting machines~~).
- B. Identification of voters. To establish the identity of the voter, the voter shall be asked to state the month and day of the voter's birth and verify his/her **the voter's** address of residence, ~~and the Election Judge shall compare the response to the information listed in the poll book or a voting authority card.~~ The voter shall give any change of address in the presence of the Board of Election Judges, which change shall be entered on the **voter update form** ~~voting authority card~~ or on a change of address form by the voter.
- ~~C. When using the State of Maryland's approved electronic voting system, a voter access card will be given to each voter after he/she has applied his/her signature as required. The voter access card permits the voter to vote on the voting unit.~~
- ~~D. Disposition of voting authority cards at close of polls. If voting authority cards are used, at the close of the polls, the Election Judges shall account for all voting authority cards surrendered to them by comparing the number of signed voter authority cards with the number of voters recorded in the poll book and/or precinct register. A form provided by the Harford County Board of Elections will be signed by an Election Judge verifying that the number of signed voting authority cards equals the~~

~~number of names recorded in the poll book and/or precinct register and those two total the number of recorded ballots on the voting unit.~~

~~E. If the Bel Air Board of Town Commissioners approves the use of a poll book in place of the voter authority cards, the number of signed voters entered into the poll book shall be compared to the number of votes cast on the voting unit. A form provided by the Harford County Board of Elections will be signed by an Election Judge verifying that the number of recorded voter signatures equals the number of registered ballots on the voting unit.~~

CF. The Board of Town Commissioners authorizes the election Judges to administer provisional voting and canvass the provisional ballots, pursuant to state laws and regulations, providing the provisional voting does not conflict with the Town Election Code. [Added 3-2-2009 by Ord. No. 719-09]

§ 37-11 Time allowed for voting.

As a general guideline, no voter shall remain within the voting booth or at the ballot scanning unit 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 Charter amendments or referenda to be voted on. Any individual loitering beyond a reasonable amount of time, as determined by the Election Judges, will be considered interfering with the progress of the election and subject to removal from the polling place.

§ 37-12 Instructions and assistance in voting.

A. No such Election Judge shall, in any manner, request or suggest or speak or persuade or induce any voter to vote for any particular candidate or for or against any particular question.

B. ~~Instructions.~~ With the aid of the diagrams or other electronic equipment authorized by the Harford County Board of Elections, the Board of Election Judges, if requested by a voter, shall instruct each voter before **the voter** he enters the voting unit or booth.

C. Assisting disabled persons in voting. No assistance in marking **or casting** ballots or operating the ~~voting unit in use~~ shall be given, except to voters who request assistance because of a legitimate reason, as determined by the Election Judges ~~physical disability or an inability to read or write English.~~ The voter has the option to: [Amended 9-21-2009 by Ord. No. 724-09]

(1) Select anyone to assist the voter, except:

- (a) The voter's employer;
- (b) The voter's union representative;
- (c) An officer or agent of the voter's employer or union; or
- (d) A candidate for office of Bel Air Commissioner.

(2) Select two Election Judges to assist.

D. Those assisting may not attempt to influence the voter or suggest in any way how the voter should vote in any contest or question. ~~Voter assistance record. The Election Judges shall enter the voter's name and address on a voter assistance record, in the form prescribed by the State of Maryland. If the voter has selected someone to assist the voter, the individual selected by the voter shall:~~

- ~~(1) Enter his/her name and address on the voter assistance record.~~
- ~~(2) Sign the record to affirm that she or he has been asked by the voter to assist in marking and/or casting the voter's ballot or in filling out the application for a ballot.~~
- ~~(3) Assist the voter only by reading instructions, reading the content of the ballot or application form to the voter, operating the voting machine, or completing an application form as directed by the voter.~~
- ~~(4) Not attempt to influence the voter or suggest in any way how the voter should vote in any contest or question.~~

~~D. The voter assistant must be over the age of 17.~~

E. Voter requesting assistance after entering the voting booth (unit). Two of the Election Judges shall give him/her **the voter** instructions concerning the manner of voting. No such Election Judge shall, in any manner, request or suggest or speak or persuade or induce any such voter to vote for any particular candidate or for or against any particular question. After such instructions, the Election Judges shall retire and the voter shall forthwith vote.

§ 37-13 Challenging right to vote; Provisional Voting

- A. An individual may not be removed from the voter registry unless the individual's ineligibility is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the individual is properly registered.
- B. The ground for challenge. No person's right to vote shall be challenged at the polls on any ground but identity or failure to meet the minimum age requirement. If the right of any person to vote is challenged, the challenge shall be made by the Election Judge before **the person receives a ballot** or after such person receives a voting authority card or enters his/her name in the voter signature book and before the challenged voter enters the voting booth (unit) to cast his ballot.

~~C. Procedure for a challenge regarding voter registration.~~

- ~~(1) Name of registered voter missing from voter registry on election day: An Election Judge will determine if the name of the registered voter is missing from the Town's voter registry because of a clerical error by contacting the Harford County Board of Elections to verify the voter is registered in the county and meets the minimum residency requirement to vote in the Town of Bel Air. Unless a majority of the Election Judges is of the opinion that the challenged voter is entitled to vote, his vote shall not be received and the word "Rejected" shall be written on his voting authority card or over his signature in the voter signature book.~~

C. A provisional ballot may be used to record a vote when there are questions about a given voter's eligibility that must be resolved before the vote can count. A voter can cast a provisional ballot if the voter states that he or she is entitled to vote. Whether a provisional ballot is counted is contingent upon the verification of that voter's eligibility, which may involve the Election Judges reviewing Harford County Board of Election records or asking the voter for more information. Provisional ballots, therefore, are not counted until after the day of the election.

D. If the individual feels aggrieved because **of** he has been **removal** removed or refused registration from the Town's voter registry because he **due to failure** failed to meet the qualifications of a voter set forth in Article V, Section 501 of the Town Charter, he **the individual** may file a challenge by completing a challenge form (supplied by Harford County Board of Elections) stating under oath the

basis for the challenge. A challenge filed after voter registration has been closed prior to an election may not be heard until after that election. Within five days of a challenge being filed the Election Judges will schedule a hearing that shall be held no sooner than 10 days and no later than 15 days after the receipt of a challenge.

E. A notice shall be sent by certified mail to the challenger of the hearing date and to advise the challenger of the requirement to appear at the hearing to substantiate **the** ~~his/her~~ challenge by affirmative proof.

F. All challenges shall be decided promptly after the hearing.

§ 37-14 Use of electronic voting system.

- A. The Board of Town Commissioners shall not approve, rent or purchase an electronic voting system for use in a Town election without a voter-verified paper audit trail (VVPAT) after November 30, 2005.
- B. In accordance with Title 9 of the Election Law, Annotated Code of Maryland, the State Board of Elections has certified a uniform voting system for use in polling places throughout the state and a uniform voting system for absentee voting.
- C. If the voting system to be used in the scheduled election is not the voting system approved by the State of Maryland, the Bel Air Board of Town Commissioners will indicate to the Board of Election Judges 120 days before any Town election the type of voting system to be used in the election.

§ 37-15 Use of electronically tabulated ballot.

If the Bel Air Board of Town Commissioners elects not to use the State of Maryland's approved electronic election system, the use of another electronically tabulated ballot voting system shall be governed by general rules and regulations authorized by resolution of the Board of Town Commissioners of Bel Air and as stated in this chapter. The rules, regulations and conditions shall include a description of the voting system, specifications for equipment required to implement the system, procedures for the use of the system in the polling places on election day and for the canvass of votes following the election, and provisions to ensure the following:

- A. The secrecy of the ballot, in both the voting and tabulating processes.
- B. A process whereby each voter is permitted to vote at any election for all persons for which ~~he~~ **the voter** is entitled to vote; to vote for as many persons for an office as ~~he~~ **the voter** is entitled to vote for; and to vote for or against any question upon which ~~he~~ **the voter** is entitled to vote.
- C. Rejection of all votes for any office or measure when the number of votes cast by a voter exceeds the number that voter is entitled to cast.
- D. Correct counting of votes on ballots on which the proper number of votes has been indicated.
- E. A process whereby each voter is permitted to vote by one punch or mark for more than one candidate, if this method of election is required by law.
- F. The casting and counting of write-in votes, if this method of voting is permitted by law.
- G. The tabulating and recording of votes for or against any candidate, candidates, or question.

§ 37-16 Use of paper ballot.

If in any extreme emergency the Board of Town Commissioners of Bel Air shall by resolution authorize an election to be conducted **without the assistance of the Harford County Board of Elections** by paper ballot, it shall be conducted in accordance with the provisions of Title 9, Subtitle 2 of the Election Law, Annotated Code of Maryland, or with such other laws of the State of Maryland which may supersede Title 9, Subtitle 2 in the future.

§ 37-17 Write-in ballots.

- A. Any voter in any general election or special election held in the Town of Bel Air may write or mark on a ballot or in an appropriate **place**, blank provided on a voting machine in the proper place the name of any person other than those already printed for whom the **one** he may desire to vote for any office in such election. Such write-in votes shall be counted the same as if the name of such person had been printed upon the ballot and marked by such voter.
- B. The Board of Election Judges shall establish standards for clarity: each name written on a ballot in place of those already printed thereon shall include the first name, middle initial, and surname of the person whose name is written and such other identifying characteristics as may be required by the Board of Election Judges in cases where there are two or more persons with the same first, middle and surname who are qualified voters of the Town of Bel Air, Harford County, Maryland.

§ 37-18 Absentee voting.

Absentee voting shall be permitted in accordance with the provisions of Title 9, Subtitle 3 of the Election Law, Annotated Code of Maryland, or with such other laws of the State of Maryland which may supersede Title 9, Subtitle 3 in the future. Absentee ballots must be received and date stamped prior to the closing of the polls. If an absentee vote is received after the closing of the polls, it shall remain sealed in the envelope and filed with the Town Clerk for a minimum period of one year after the election date.

§ 37-19 Voting **equipment and materials units.**

- A. **The Town of Bel Air, to the extent possible, shall use the equipment and materials provided by and in partnership with Harford County Board of Elections is authorized (such as: paper ballots, ballot scanning units, ballot marking devices, and poll books).** ~~Use authorized.~~ When the Board of Town Commissioners of Bel Air shall authorize by resolution alternate voting **equipment and materials** units, the Board of Election Judges shall provide for the use of voting **equipment and materials** units in accordance with the provisions of this chapter and under such rules and regulations as the Board of Election Judges may deem advisable.
- ~~B. Acquiring voting units. The Bel Air Board of Town Commissioners may purchase, rent, lease, or otherwise acquire such number of voting units as may be required to equip the polling place. At least one unit shall be furnished for each unit of 1,500 registered voters and an additional unit for each fractional part of such unit; however, the Board of Election Judges, in its discretion, may determine the number of units to be furnished. The Board of Election Judges shall use the powers conferred upon it for the acquisition of voting units and shall acquire and have available the necessary number of voting units for use at all elections. The Board of Town Commissioners shall provide for the payment of such units.~~
- ~~C. State required insurance for voting units. When using the state certified voting units, the Town of Bel Air must provide property and casualty insurance with limits sufficient to replace any system components destroyed, damaged, lost, or stolen while the voting units are in the Town's custody. The State of Maryland must be named as an additional insured and the Town must provide to the Harford County Board of Elections, for transmission to the State Board of Elections, certificates evidencing the required coverage.~~

~~D.—Mechanical requirements.~~

- ~~(1) Every voting machine acquired or used in accordance with this chapter shall:
 - ~~(a) Provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted.~~
 - ~~(b) 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 any questions more than once.~~
 - ~~(c) Permit each voter to change his vote for any candidate or upon any question appearing on the ballot labels after the time he begins the final operation to cast his votes.~~
 - ~~(d) 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.~~~~
- ~~(2) Each voting unit shall have a visible public counter. The public counter shall be set at zero at the beginning of each election and register once each time a voter casts a ballot during that election.~~
- ~~(3) Each voting unit shall have a visible system counter. The system counter shall be incapable of being reset and register once each time a voter casts a ballot during any election.~~
- ~~(4) When properly operated, each voting unit shall register or record correctly and accurately every vote cast.~~
- ~~(5) Each voting unit shall be so constructed that a voter may readily learn the method of operating it.~~
- ~~(6) Each voting unit shall be so constructed and controlled that during the process of voting it shall preclude every person from seeing or knowing the number of votes recorded for any candidate and from tampering with any of the registering mechanisms.~~
- ~~(7) Each voting unit shall automatically tabulate and print out the total votes cast on the voting unit for each candidate and for or against each ballot question.~~

§ 37-20 **Procurement of voting equipment and materials unit custody.**

- A. The Town Administrator may contract with the Harford County Board of Elections to provide voting **equipment, materials,** units and software, **services and assistance** necessary for conducting each election and to provide transportation of system hardware components from the storage location to the polling place.
- ~~B.—When using the state approved touch screen system, prior to a scheduled election, each of the touch screen units must be thoroughly tested for accuracy. Under the Town's contract, the Harford County Board of Elections staff will perform the testing at its warehouse facility, and the Bel Air Election Judges shall be afforded the opportunity to witness or participate in that testing. The final step in the testing shall be to place a numbered seal on each voting unit. Each voting unit shall remain sealed until the Board of Election Judges verifies the seal numbers as part of the opening procedure on election morning.~~

§ 37-21 **Delivery of units and voting equipment and materials; preparation for use.**

- A. Where the use of voting **equipment** units is authorized, at least one hour prior to the opening of the polls the Board of Election Judges shall cause to be delivered to designated polling places proper

voting **equipment** units with ballots and all necessary supplies for the conduct of the election. Each **ballot scanning** unit shall then remain sealed until examination immediately preceding the opening of the polls.

- B. The Board of Election Judges shall provide ample protection against tampering with or damage to the voting **equipment** units. For that purpose, the Board of Election Judges, or any of its members, may call upon any police officer to furnish such assistance as may be necessary. It shall be the duty of the police officer to furnish such assistance when requested to do so by any member of the Board of Election Judges.
- C. Location of **equipment** ~~each machine~~. The voting **equipment** unit and every part of the polling place shall be in plain view of the Board of Election Judges. Each voting **booth** unit shall be located in a polling place in such a position that the voting **booth** unit can be plainly seen by the Board of Election Judges when the **booth** unit is not occupied by a voter. The Board of Election Judges shall not itself be nor allow any other person to be in any position which will permit anyone to see or ascertain how a voter votes or how he has voted, except as provided in § 37-12 of this chapter. Election Judges shall inspect ~~the face of each~~ **equipment** unit at frequent intervals to see that the **equipment** unit has not been damaged or tampered with.
- ~~D. Other equipment. The Board of Election Judges shall furnish, at the expense of the Town, and shall deliver up to the polling place a sufficient number of general return sheets. The general return sheets shall list the names of the candidates in the same order and context as the ballot. The designated number and letter, if any, on the counter for each candidate shall be printed on the general return sheet opposite the candidate's name.~~
- ~~E. Preparation and opening the polls. When voting units are authorized, the Board of Election Judges shall inspect and verify the numbered seal on each unit. If, after such inspection, the Board of Election Judges shall sign a certificate to that effect, after signing such certificate, the Board of Election Judges shall remove the seal on each unit.~~
- ~~(1) When the voting unit is open, the Board of Election Judges shall verify that the public counter registers zero. If the public counter does not register zero, the Board of Election Judges shall immediately notify the Harford County Board of Elections which shall cause the counter to be adjusted to zero; if it is impractical for the Harford County Board of Elections to adjust the counter before the time set for opening the polls, the Board of Election Judges shall immediately make a written record of the number registered on the counter and shall sign and post the same on the voting unit with a statement that the unit is out of order, and the unit shall remain in that status until the polls are closed or when the Harford County Board of Elections adjusts the counter of the voting unit to zero.~~
- ~~(2) At the opening of the polls on election day each voting will print a zero report tape, which is to be signed by the Board of Election Judges.~~
- ~~(3) Voting unit counters may not be exposed, repaired or adjusted during an election. The Board of Election Judges may authorize the Harford County Board of Elections to repair or adjust a voting unit as detailed above. Except as provided in this subsection or in Subsection E(1) above, all Board of Election Judges must agree that good cause exists prior to the repair or adjustment of a voting unit, and a statement of good cause shall be made in writing and signed by the Election Judges. The statement shall contain the information as to the repairs made, the reason for the malfunction of the unit, the duration of the period that the unit was out of order and the identity of the person who opened the unit and repaired it, and the statement shall be filed as a permanent record with the Board of Election Judges.~~

F.—Keys.

- (1) ~~Where the use of voting units is authorized, the Harford County Board of Elections shall deliver the key which unlocks the operating mechanism compartment of each voting unit to the Board of Election Judges at designated polling places at least 1/2 hour before the time set for the opening of the polls in a sealed envelope on which shall be written the number of each voting unit, the number of the seal and the number registered on the protective counter or device as reported by the Harford County Board of Elections for each machine.~~
- (2) ~~Immediately upon the setup of the voting units, the Board of Election Judges shall open the envelope containing the key for the voting units and shall determine whether the numbered seal on the operating voting unit is unbroken and that the number thereon is identical with the number certified on the envelope containing said key.~~
- (3) ~~The key for the authorized voting units fits all units. The key opens a control panel where the power button and the memory card reside and it unlocks the printer compartment on each unit. Once the control panel has been opened to activate the power button on all units, an Election Judge shall secure the key until the close of the polls.~~

§ 37-22 Closing of polls; tabulation of votes.

- A. Time of closing. The polls shall be officially closed at 8:00 p.m., except that all qualified voters who are then waiting in line to vote shall be permitted to do so by the Board of Election Judges.
- B. Where voting **ballot scanning** units are authorized for an election, when the last such voter in the polling place has voted, the Board of Election Judges shall prompt **the** each voting **ballot scanning** unit for the voting results. ~~A tape will print showing the election results and the number of ballots cast for that unit.~~
- C. The votes tabulated following the closing of polls on the day of the election are considered the unofficial results.** After the total for each unit has been printed, the number of votes as shown on each unit's public counter will be recorded and certified by an Election Judge who shall sign the certification. After the certifications have been completed, the personal computer (PC) memory cards of all voting ballot scanning units are to be removed and reinserted into a single voting unit where all the individual totals will be accumulated; PC memory cards shall be removed, sealed in a locked container and transported back to the Harford County Board of Elections.
- ~~D. In the event of a mechanical failure in a voting unit before prompting election results, the PC memory card for that unit shall be inserted into a spare voting unit provided by the Harford County Board of Elections.~~
- ~~E. The Board of Election Judges shall compare the total number of voters (combination of all voting unit totals) with the number of those who have voted as shown by the voting authority cards (poll book).~~
- D.F Canvassing** Counting of absentee **and provisional** ballots. After the tasks have been completed as stated above, the Board of Election Judges shall **conduct absentee and provisional ballot canvasses on dates determined by Board of Election Judges, following the day of the election, to review and count the provisional ballots and to** open the absentee ballot envelopes that were received prior to the closing of the polls. ~~One Election Judge will read the vote cast for each office and a second Election Judge shall manually record each vote with another Election Judge witnessing the recording of the vote.~~

EH. Official Results.

~~G. Preparation of the general return sheet.~~

- ~~(1) When the canvass of all voting units in the polling place has been completed, the Board of Election Judges shall then prepare ~~in ink~~ **the official results** a general return sheet reporting the votes registered on each **the ballot scanning** unit, the votes registered by absentee **and provisional** ballots, the votes cast for each candidate, the votes cast for and against each question, the total number of votes and **percentage of** voters who have voted, ~~as shown by the list of voters, and the number who have voted on each unit as shown by the public counters, and also the number registered on the protective counter or device on each unit immediately prior to the opening of the polls and immediately after the closing thereof, and the sealing of the units. The number or other designation for each unit used shall also be entered thereon and then all members of the Board of Election Judges shall sign the general return official results sheet.~~~~
- ~~(2) If any Judge shall decline to sign a general return **the official results** sheet, **the Judge** he shall state **the** his reason therefor in writing, and a **signed** copy thereof ~~signed by himself~~ shall be enclosed with the general return **official results** sheet.~~
- ~~(3) A duplicate of the general return **official results** sheet shall be directed to the Circuit Court of Harford County and to the Bel Air Board of Town Commissioners. The general return **official results** sheet shall be kept by the Board of Election Judges **Town Clerk**. The registering counters of the voting unit shall remain exposed to view until said returns and all other reports have been fully completed.~~

~~H. Each voting unit is to be sealed. The number of the seal which has been placed upon each voting unit is to be recorded and certified by the Board of Election Judges. The seal number is to be kept in the Town Clerk's office. The Board of Election Judges shall promptly deliver the key of the voting unit or voting units, as the case may be, enclosed in a sealed envelope to the Harford County Board of Elections. Said envelope shall have endorsed thereon a certificate of the Board of Election Judges. The voting units are to be returned to the Harford County Board of Elections warehouse. The units are to remain sealed until the final counts have been duly recorded with the Clerk of the Harford County Circuit Court office and verification of that recording has been received by the Town Clerk's office.~~

§ 37-23 Proclamation of results.

- A. Unofficial results of the election shall be announced by the Board of Election Judges or the Town Clerk, as soon as possible, after tabulation of votes following the closing of the polls on the day of the election.** ~~Before the general return sheet has been signed, in the presence of any candidates and any person appointed by an absent candidate to represent him in his absence, the Board of Election Judges shall, after closing of the polls as provided in § 37-22 herein, proceed as follows to proclaim the voting results:~~
- B. Official and final results of the election, following the canvass of all absentee and provisional ballots and tabulation of all votes, shall be announced to the general public and made available upon request to the Town Clerk.**

- ~~(1) An Election Judge of the Board of Election Judges or the Town Clerk, if designated by the Board of Election Judges, shall read and announce in distinct tones the results of the election in the presence of all candidates or their duly designate challengers.~~
- ~~(2) The vote count for each question or referendum on the ballot shall be read.~~

~~B. After such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the units, or the printed or photographic record thereof in the case of the units so constructed as to furnish a printed or photographic record of the setting of the counters and the numbers registered thereon and with the absentee ballots, and any necessary corrections shall then and there by made by the Board of Election Judges, after which the door or other cover of the unit shall be closed and locked.~~

§ 37-24 **Contested elections.**

A. If, within 10 days after an election, the Board of Election Judges shall receive notice in writing of any contest over the result of an election, **the Board of Election Judges shall contact the Harford County Board of Elections to perform an audit on the voting equipment used for the election and/or conduct a recount in accordance with Title 12 Contested Election of the Election Law, Annotated Code of Maryland.** then such Board of Election Judges, within five days from the receipt of such notice and in the presence of the principals involved in any such contest or their authorized representative, shall proceed to inspect and examine the voting units containing the votes cast for such contested office and shall make a record of the votes for such office upon each such unit. Such record shall be received as evidence as fully as if proved by the oral testimony of the person who shall sign the same or by the production of said voting units in court. After such inspection, examination and recording of the results thereof, the voting units shall be released and made available for use in any succeeding election.

~~B. All cases of contested election shall be decided by the Circuit Court of Harford County. The Circuit Court may adopt such modes of proceeding and adjudging costs in the case of contested elections as to it may seem most satisfactory. Each party shall have the right to appeal to the Court of Special Appeals as in other cases, said appeal to be taken within 30 days from the date of the decision complained of. The appeal should be heard and decided by the Court of Special Appeals as part of the record.~~

§ 37-25 **Violations and penalties.**

A. Offenses for improper registration, voting or ballot tampering, improper operation of the polling place, or destruction or tampering with the voting equipment shall be determined in accordance with Title 16 **Offenses and Penalties** of the Election Law, Annotated Code of Maryland.

B. As provided for misdemeanors under Section 1104, Article XI of the Charter of the Town of Bel Air, the fine for violation of the provisions of this chapter shall be as set by the Board of Town Commissioners.