

THE TOWN OF SYKESVILLE

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF SYKESVILLE DELETING CHAPTER 35, "VOTING", OF THE CODE OF THE TOWN OF SYKESVILLE AND TO ENACT A NEW CHAPTER 10, "ELECTIONS", ESTABLISHING STANDARDS BY WHICH TOWN ELECTIONS ARE ADMINISTERED.

WHEREAS, The Town of Sykesville (the "Town") is a municipal corporation of the State of Maryland, organized and existing under the Charter adopted in 1965 contained in the Public Local Laws of Carroll County, 1976 Edition, as amended; and

WHEREAS, pursuant to Md. Ann. Code Local Gov't Art., §4-101 et al, Md. Code Ann., Elections Art, §2-202 (a), and Section C-37 the Town Charter, the Town is empowered to enact laws pertaining to the conduct of its elections; and

WHEREAS, the Council of the Town of Sykesville desires to make amendments to the Town's election rules to incorporate necessary additions for the administration of all future Town elections;

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of the Town of Sykesville, that Sykesville Town Code, Chapter 35, "Voting", be removed in its entirety and replaced with a new Chapter 10, "Elections", as follows:

§10-1 Filing for Candidacy.

- A. Each person who desires to become a candidate for election and meets the requirements of §C-4 of the Town Charter with respect to the office of Council member or § C-16 of the Town Charter with respect to the office of Mayor may become a candidate for election in the Town.
- B. The filing process as outlined in § C-30 of the Town Charter shall be followed.
- C. Candidacy forms can be obtained from the Town Clerk beginning in February of any election year. Forms must be filed with the Town Clerk no later than 4:00 P.M. on the fourth Monday of March of an election year.
- D. There are no filing fees associated with nominations for candidacy.

§10-2 Registration of Voters.

- A. Registration for Town elections is governed by § C-28 of the Town Charter.
- B. All persons who wish to vote in the Town Election must be registered no later than the fourth Monday of March of an election year.

- C. Persons who do not appear on the registered voters list may cast a provisional ballot as described in § 10-3, "Provisional Ballot Voting", of this Chapter

§ 10-3 Provisional Ballot Voting.

- A. For the purposes of this Chapter, the term "provisional ballot" means a ballot that is cast by an individual but that is not counted until the individual's qualifications to vote have been confirmed by the Town Board of Election Supervisors, the Town Manager (or any assistant election secretary appointed by the Mayor and Town Council).
- B. An individual is eligible to cast a provisional ballot if the individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter and is eligible to vote in the Town Election; and
- (1) The individual's name does not appear on the registered voters list;
 - (2) An election official asserts that the individual is not eligible to vote; or
 - (3) The individual does not have the necessary government-issued identification, and:
 - a) Registered by mail and has not previously met the identification requirements; or
 - b) there is a challenge to the voter's identity.
- C. An individual eligible to cast a provisional ballot pursuant to subsection B above shall be issued and may cast a provisional ballot at the polling place on the day of a Town Election.
- D. Before an individual is permitted to cast a provisional ballot:
- (1) The individual shall complete and sign a provisional ballot application prescribed by the Town's Board of Election Supervisors, which shall be completed and signed by the individual under the penalties of perjury; and
 - (2) The election official issuing the provisional ballot shall give the individual written information advising the individual that, and describing how, the individual will be able to ascertain whether the vote was counted, and if it was not counted, the reason it was not.
- E. The provisional ballot application shall contain:
- (1) The name and address of the individual issued a provisional ballot;
 - (2) An oath, under the penalties of perjury, by the individual seeking to vote stating that they are qualified to vote in the Town election and that the other information provided by the individual in the application is true and complete; and

- (3) A statement of the nature of the challenge to the individual's right to vote signed by the person issuing the provisional ballot.
- F. A provisional ballot shall be accompanied by instructions, prescribed by the Town Board of Election Supervisors, for marking and returning the ballot, and shall be marked "provisional ballot".
- G. When voted, a provisional ballot shall be enclosed and sealed in an envelope designated "provisional ballot."
- H. The Town Board of Election Supervisors shall promptly, but in no event more than 24 hours after the polls close, or within 24 hours after the County Board of Elections Office next opens after the polls close in the event that the County Board of Elections is closed during that twenty-four-hour period, make a determination as to whether a provisional ballot that has been cast shall be counted. A provisional ballot shall be counted only if a majority of the members of the Town Board of Election Supervisors agree that the vote should be counted. Each individual casting a provisional ballot shall then promptly, but in no event more than forty-eight hours later, be sent written notification of the action taken on the provisional ballot and, if denied, the reasons therefor.
- I. Election results will be announced after polls have closed and count completed by the election judges. If determinations of provisional ballots cannot be made prior to the closure of polls then the election results announced shall be considered preliminary only.
- J. The Town Board of Election Supervisors shall create and maintain a complete file with respect to a provisional ballot, including:
- (1) The provisional ballot application;
 - (2) A description of the action taken with regard to the provisional ballot; and the reasons therefor;
 - (3) Any provisional ballot that is rejected by the Board of Elections Supervisors sealed inside the provisional ballot application envelope;
 - (4) The envelope and ballot for any provisional ballot accepted and counted, with provisional ballots accepted and counted kept segregated from the remainder of the ballots counted;
 - (5) A record of the vote of the Board of Election Supervisors as to whether the ballot should be counted; and
 - (6) A copy of the notice to the voter regarding the action taken on the ballot and the reasons therefor.
- K. Public access to provisional ballot applications prior to announcement of final election results shall be prohibited. Public access after announcement of final election results shall

be permitted, except that provisional ballots rejected by the Board of Election Supervisors shall remain in their sealed envelopes.

§ 10-4 Mail-in Voting.

- A. The Town Manager (or any assistant election secretary appointed by the Mayor and Town Council) shall be responsible for the distribution of mail-in ballots to persons entitled to receive them.
- B. A person requesting a mail-in ballot shall send a request for such a ballot to the Town Manager (or any assistant secretary appointed by the Mayor and Town Council) after January 1 of an election year or shall request a ballot in person or through a representative at the designated municipal facility during regular business hours beginning on the Tuesday that is three weeks before a Town Election.
- C. If a request by mail is received at least 15 days before an election, the Town Manager (or any assistant secretary appointed by the Mayor and Town Council) will mail a ballot to the voter 10 or more days before the election. If a request for a mail-in ballot is received fewer than 15 days before the election, the Town Manager (or any assistant secretary appointed by the Mayor and Town Council) will use reasonable efforts to mail the ballot in time for the voter to cast their ballot by mail.
- D. All mail-in ballots must be returned to the designated municipal facility by 8:00 P.M. on Election Day to be counted. Ballots may be given directly to the Board of Election Supervisors, Town Manager (or any assistant secretary appointed by the Mayor and Town Council), or placed in a designated drop box.
- E. A person who appears at the designated municipal facility during regular business hours on or after the Tuesday that is three weeks before an election and at least 24 hours before the election to request a ballot will be given a ballot.
- F. A person may not vote a provisional ballot by mail or absentee.
- G. If an individual cannot request a ballot by mail or in person within a period when it is reasonable to return the ballot by mail, the individual may designate an agent to drop off the request and pick up the ballot.
- H. A designated agent must:
 - (1) Be a registered voter in the Town of Sykesville; and
 - (2) Not be a candidate on the ballot; and
 - (3) Be designated in writing on a form approved by the Board of Election Supervisors and signed by the voter under penalty of perjury; and

(4) Execute an affidavit approved by the Board of Election Supervisors under penalty of perjury that the ballot was:

- a. Delivered to the voter who submitted the application;
- b. Marked and placed in an envelope by the voter, or with assistance as allowed by regulations; and
- c. Returned to the designated municipal facility by the agent.

I. If the Mayor and Council deem it necessary to hold an election fully via mail-in ballots, they must make the determination by the fourth Monday in February. Procedures for an election conducted entirely by mail-in ballots will be adopted by resolution and will not affect any future elections.

§10-5 Procedures for write-in votes.

The Town shall permit the counting of write-in votes during general elections of the Town in accordance with the following:

- A. Each write-in vote shall include a first and last name.
- B. Each write-in vote shall be printed.
- C. Each write-in vote shall be legible as determined by a majority of the Board of Election Supervisors.
- D. In the event there are two or more persons with the same first and last name that are qualified to receive write-in votes, a middle name or middle initial shall be included in the write-in vote.
- E. In order to qualify to receive write-in votes, such write-in candidate must qualify to hold office pursuant to §C-4 and §C-16 of the Town Charter, as applicable.
- F. A write-in candidate who receives the highest number of votes in a general election must accept the position in person and in writing to the Town Manager (or any assistant election secretary who may be appointed by the Mayor and the Council) within 48 hours of certification of the election results to the Town Manager (or assistant election secretary who may be appointed by the Mayor and the Council).
- G. A write-in candidate who receives the highest number of votes in a general election must file a financial disclosure statement with the Ethics Commission within 48 hours of certification of the election results to the Town Manager (or special election secretary who may be appointed by the Mayor and the Council).

§10-6 Poll Watchers.

- A. Each candidate shall have the right to designate in writing one person at a time who is a registered voter of the Town to serve as a poll watcher on his or her behalf. The poll watcher may not be a candidate or an immediate family member of a candidate.
- B. Poll watchers shall be entitled to be in a location in the polling area so as to enable them to see each person as they vote. Poll watchers may not wear buttons, hats, or any other article of clothing or carry any signs or other articles with campaign messages or

candidates' names on them within the polling place.

C. Poll watchers may enter the polling place when the polls open and remain until the polls are closed. They may also remain in the polling place after polls are closed to observe the counting of the votes.

D. A poll watcher may not:

- (1) Attempt to ascertain how a voter voted or intends to vote;
- (2) Attempt to assist an individual with the preparation of or casting of a vote;
- (3) Converse in the polling place with any voter;
- (4) Converse in the polling place with any Election Judge;
- (5) Physically handle an original election document, including but not limited to ballots and registered voters lists;
- (6) Disrupt or in any way impede the process of voting or of counting the votes

E. An Election Judge may eject a poll watcher who violates these provisions or who fails to follow the orders of an Election Judge, the Town Manager, or any assistant election secretary appointed by the Mayor and Town Council.

§10-7 Winner of Election.

The qualified individual with the highest number of votes shall be declared the winner of the election, including all write-in votes in compliance with the guidelines set forth in §10-5.

§10-8 Vacant Open Seats.

In the event there is an open seat with no candidates and no write-in votes, the Board of Election Supervisors shall certify the open seat as "vacant" to the Town Manager (or assistant election secretary who may be appointed by the Mayor and the Council). In such event, the vacancy shall be filled in accordance with §C-11 of the Town Charter.


(signatures on next page)

THIS ORDINANCE IS ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SYKESVILLE THIS 14th DAY OF November, 2022

ATTEST:

ATTEST:


Kerry Kavaloski, Town Clerk


Stacy Link, Mayor



Anna Carter, Council President


Mark Dyer, Council Member


Al Grasley, Council Member


Elizabeth Guroff, Council Member


Leo Keenan, Council Member


Jeremiah Schofield, Council Member