

**TOWN OF RISING SUN
RESOLUTION 2013-06
CHARTER AMENDMENT**

BOARD OF ELECTION JUDGES AND ELECTION PROCESS

RESOLUTION of the Mayor and Commissioners of the Town of Rising Sun, adopted pursuant to the authority of Section 3 and 4 entitled "Home Rule" of Article XI-E entitled "Municipal Corporations" of the Constitution of Maryland and Section 11 et. seq. under subtitle "Charter Amendments" of Article 23A entitled "Corporations-Municipal" of the Annotated Code of Maryland, to amend the Charter of the Town of Rising Sun, Maryland with a provision to address amendments to the Town Charter to provide for the appointment for a Board of Election Judges and the process of conducting timely and efficient election processes.

SECTION 1. WHEREAS, it is hereby found and determined to be in the best interests of the Town to amend the Charter of the Town to provide for the appointment of a Board of Election Judges and to outlined the election process for the Town of Rising Sun. These amendments will clearly define the appointment of individuals to oversee the election process, establish terms of appointment, responsibilities and duties of the judges, and the appointment of an Election Clerk. These changes will also establish the rules and regulations associated with the activities of the election process and to provide for Poll Watchers, Absentee Ballots, Provisional Ballots, and the timely notification of elections and deadlines to the community.

SECTION 2. BE IT RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that Section C-6 of the Charter of the Town of Rising Sun, Maryland titled Appointment of Election Judge, Polls to be Open; Counting Ballots, is hereby amended by amending and reenacting Section C-6 in its entirety to read, as follows:

Section C-6. ~~Appointment of Election Judge; Hours Polls to~~ be
~~Open; Counting Ballots~~ Board of Election Judges & Election Process

(A) Creation of Board of Election Judges. The Commissioners shall bi-annually appoint a ~~three (3)~~ (3) registered voters in the Town to act as ~~judge of the Board of election~~ Election Judges, to serve two (2) year terms starting on the second Tuesday in March. The Town Board of Commissioners shall appoint one alternate member who may be empowered to act in the absence of a regular member on Election Day. Election Judges shall not hold or be candidates for any elective office during the term of their appointment. Any judge may be removed for good cause by the Mayor and Commissioners upon majority vote of the Town Board of Commissioners. The Board of Election Judges shall appoint one (1) of its members as Chief Election Judge. Vacancies on the Board shall be filled by the Town Board of Commissioners for the remainder of the unexpired term. The compensation of Board of Election Judges shall be determined by Resolution of the Mayor and Commissioners. who shall open the polls at 8:00 A.M. and close the same at 8:00 P.M. Following the counting of the ballots, the persons who shall have the majority of votes shall be declared elected Commissioners and/or Mayor for the ensuing term. All ballots used in any town election shall be preserved for at least six months from the date of the election.

(B) Judge of Elections Responsibility. The Board of Election Judges shall be in charge of all Town elections, ballot preparation, counting of ballots and election verification. The Board of Election Judges shall decide all questions of registration of voters, and the verification of candidate qualifications,. The Town shall provide legal counsel and an employee to serve as an election

clerk, who shall provide administration, clerical, and other such duties to assist the board in the performance of their duties.

(C) Board of Election Judges Authority. The Board of Election Judges shall be authorized to promulgate rules and regulations to implement the provision of the Charter and Town Code for the proper conduct of Town elections. The Board of Election Judges may request the Town Board of Commissioners to appoint poll workers to assist the Election Judges on the day of the election. All poll workers must be approved by the Town Board of Commissioners and shall meet the eligibility requirement of Election Judges and shall receive compensation as determined by resolution of the Town Board of Commissioners.

(D) Election Day Process.

- (1) Date of Election. Regular Town Elections will be held the second Monday in June of each year.
- (2) Notice of Election. The election Clerk shall provide thirty (30) days' notice of the time and place of all elections. Notice shall be in a newspaper of general circulation, at the Town Hall and on the Town's website.
- (3) Location and time of Elections. It shall be the responsibility of the Election Clerk to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and or voting machines. The polls shall be open from 8:00 am till 8:00 pm.
- (4) Sample Ballots. Twenty (20) days before an election, the Board of Election Judges, through the election Clerk, shall prepare a sample ballot listing the names of all persons who are qualified as candidates for office. Candidates will be listed in alphabetical order according to their surnames. Also upon said ballot shall appear a condensed statement in understandable language of every referendum or other question to be submitted to the vote of the people at said election. Ballots shall follow the titling order for referendum or other questions designated by the Town Board of Commissioners and shall always place the proposed referendum and other questions, if any, in numerical order as indicated.
- (5) Campaigning and politicking zone. On the day of the election, there shall be no Campaigning, canvassing, electioneering, politicking or posting of any campaign material, or other handouts of any kind in the public way or private property open to the public within three hundred (300) feet of the polling location. No person shall impede the orderly passage of voters along the public way to and from the polling location.
- (6) 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.

(E) Poll Watchers. In order to ensure open and transparent elections, poll watchers will be permitted in all elections. Poll watchers shall complete a Poll Watchers certificate as provided for by the Election Clerk. Poll watchers for recall elections shall also comply with section C-8 of this charter.

(1) General Rules and Rights. Poll watchers should be respectful of the responsibilities of the election judges. Poll Watchers have certain rights, and election judges are required to protect those rights. The requirement that the election judges protect those rights, is not absolute. An election judge may remove a poll watcher if they are exercising those rights in a manner that interferes with the work of the election judges in conducting the election and carrying out their assigned tasks.

(2) Permitted activities of a Poll Watcher. Poll Watchers have the right to:

a. Arrive at the polling place thirty (30) minutes before voting starts, if late, they will not be permitted in the polling place until after voting starts.

b. Enter or be present at the polling place at any time during voting hours;

c. Remain in the polling place until all post-voting tasks have been completed and the election judges leave the polling place;

d. Maintain a list of registered voters who have voted or individuals who have cast provisional ballots; and

e. Enter and leave a polling place to take out information identifying who has voted.

f. Bring pen, paper, food and folding chair, if one is not provided

(3) Who can have a Poll Watcher. Poll watchers are permitted for elections of candidates to elected positions. Each candidate to office is permitted to have no more than one (1) poll watcher in the polling room at one (1) time.

(4) Before the Polls Open. Poll Watchers may arrive at the polls prior to the opening of polls. Poll watchers may observe the activities of setting up the voting stations, posting of polling place signs, accounting for provisional ballots, and opening and preparing any voting units for voting. Poll watchers may verify that no votes have been checked in or have been registered. While poll watchers are permitted to observe the opening of the polls, it is important not to interfere with the work of the election judges. Poll watchers may be removed if a majority of the election judges in the polling place agree that their presence will prevent the timely opening of the polls.

(5) Positioning of Poll Watchers. Poll watchers will be positioned near the check in judges and inside the voting room so that each voter is seen and heard as they check in. The Chief Judge will determine where this position will be. If a poll watcher feels that a voter is not who he or she claims to be, the poll watcher may challenge the voter's identity. Except as described above, Poll watchers are prohibited from moving around the polling place during voting hours.

(6) Prohibited activities of Poll Watchers. Poll watchers are also prohibited from:

- a. Determining how a voter voted or intends to vote;
- b. Talking to any voters in the polling place or with any voters heading to vote that are within any area designated as a "No Campaigning or Politicking Zone". If a voter initiates contact with a poll watcher inside the polling place or within the "No Campaigning or Politicking Zone", the poll watcher will advise the voter that they are prohibited from talking to him or her until they have voted and will refer the voter to an election judge if they have any questions.
- c. Assist any voter in voting; or
- d. Physically handle original election document or election equipment.
- e. Using any cameras, recording or other electronic devices, such as cell recorders, phones, pagers laptops, tablets, PDA's or smart phones. Poll watchers must be outside the polling place and beyond the no electioneering zone to use any electronic device.
- f. Poll Watchers cannot act as voter advocates or attempt to exercise political influence while in the polling place.
- g. Poll Watchers are not permitted to have any political materials, newspapers, or news magazines in the polling place or wear anything with a political message, this includes buttons, shirts, hats, stickers and the like.
- h. Poll Watchers should not challenge the act of an election judge, however if a poll watcher feels that an election judge has improperly performed a task or neglected to perform a required task, they should notify the Chief election judge and notify the candidate they represent, who then can seek whatever remedies are provided for by law.

(7) Arriving at the Polling Place after voting starts. Poll Watchers are required to introduce themselves to the Chief Election Judge, show proof of identification and submit for record keeping, an approved copy of a Poll Watchers Certificate from the Election Clerk. Poll Watchers will be recorded in by the Chief Judge. Poll watchers are to take their assigned seats. A poll watcher for a candidate must leave the polling place before being replaced by another poll watcher of that candidate.

(8) After the Polls Close. Poll Watchers wishing to observe the poll closing activities must be in the polling place before the polls close. The election judge reserves the right to deny access to any poll watcher after the polls have closed, until after the votes have been counted and the results posted. Poll watchers shall not be involved in any counting of votes, handling of any ballots or part of any questions or discussions. Poll watchers may ask to see any ballots that are in question, but are prohibited from touching.

(9) Removal of Poll Watchers. Poll Watchers may be removed for violating any of the provisions of this section.

(F) General Provisions for Voting and Ballots.

(1) Types of Voting Systems. The Board of Town Commissioners shall by majority vote, select from one of the following types of voting systems:

a. Paper Ballots, with ballots created by the Town Election Clerk and approved by the Board of Election Judges; or

b. Electronic Voting Systems. The Board of Commissioners may rent, purchase or enter into a contract for the use of either a State Approved Electronic Voting System or Non-State Approved Electronic Voting System, however such systems must have a voter-verified paper audit trail (VVPAT)

(2) State Approved Electronic Voting Systems. 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.

(3) Use of Non-State Approved Electronic Voting Systems. If the voting system to be used in the scheduled election is not the voting system approved by the State of Maryland, the Town Board of 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.

(4) Guidelines of Use of Non-State Approved Electronic Voting Systems. If the 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 Rising Sun 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 is entitled to vote; to vote for as many persons for an office as he is entitled to vote for; and to vote for or against any question upon which he 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.

(5) Design of Ballots. The ballots and or voting machines shall show the name of each candidate nominated for elected office in accordance with the provision of this Charter, arranged in alphabetical order according to their surnames, by office with no party designation of any kind.

(6) Write in Ballots. In order to comply with state and local ethics requirements and to ensure that all candidates are qualified to serve in office, write in ballots will not be accepted at any election.

(7) Absentee Ballots. 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. Persons unable to come in person to pick up an application for an absentee ballot may select an agent, who must first fill out an Absentee Ballot; Designation of Agent Form and submit to the Town Election Clerk for approval. 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 Election Clerk for a minimum period of one year after the election date.

(8) Provisional Ballots. Provisional Ballots will be provided at all elections of the Town and will be in accordance to the Maryland State Board of Elections or as set forth by ordinance passed by the Town Board of Commissioners.

(G) Time allowed for voting. No voter shall remain within the voting booth or unit longer than five (5) 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 referendums or other questions to be voted on.

(H) Instructions and assistance in voting.

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

(2) Assisting disabled persons in voting. No assistance in marking ballots or operating the voting unit in use shall be given except to voters who request assistance because of a physical disability or an inability to read or write English. The voter has the option to:

- a. Select anyone to assist the voter, except a Town employee or a candidate for Town Office
- b. Select no less than two Election Judges to assist.

(3) 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:

- a. Enter his/her name and address on the voter assistance record.
- b. Sign the record to affirm that she or he has been asked by the voter to assist in casting the voter's ballot or in filling out the application for a ballot.
- c. 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.
- d. Not attempt to influence the voter or suggest in any way how the voter should vote in any contest or question.

(4) Voter requesting assistance after entering the voting booth (unit). Two of the Election Judges shall give him/her 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.

(I) Special Election or Referendum Process. All special elections and referendums shall be conducted by the Board of Election Judges in the same manner and with the same personnel, as far as practicable, as regular Town elections.

(J) Control of Elections. The Board of Commissioners shall have the power to provide by ordinance, in every respect not covered by the provisions of this Charter, for the conduct of registration, citizenship, residency, nomination and Town elections; and the prevention of fraud in connection therewith; and for a recount of ballots in case of doubt or fraud.

[Note: Additions are underlined and in italics, deletions are struck through.]

SECTION 3. AND BE IT FURTHER RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that this amendment to the Charter shall in all respects be effective and observed

as such, upon the fiftieth (50th) day after the date of adoption, unless on or before the fortieth (40th) day thereafter there shall be presented to the Mayor and Commissioners of the Town of Rising Sun, or mailed to it, a Petition for referendum in accordance with the provisions of Section 13(g) of Article 23A of the Annotated Code of Maryland.

SECTION 4. AND BE IT FURTHER RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that a complete and exact copy of this Resolution shall be posted in the municipal offices of the Mayor and Commissioners of the Town of Rising Sun, Maryland or some public place for a period of at least forty (40) days following its adoption, and further, that a fair summary of this proposed amendment shall be published in a newspaper of general circulation in the Town of Rising Sun for not less than four (4) times, at weekly intervals, within a period of forty (40) days from the adoption of this Resolution.

SECTION 5. AND BE IT FURTHER RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that as soon as the Charter amendment hereby adopted shall become effective, the Clerk of the Town of Rising Sun shall send separately by registered mail to the Department of Legislative Reference the following information concerning the Charter:

- (1) A complete copy of this Resolution;
- (2) The date of the referendum election, if any, held with respect thereto;
- (3) The number of votes cast for or against the Resolution whether by the Commissioners of Rising Sun or in a referendum; and
- (4) The effective date of the Charter.

SECTION 6. AND BE IT FURTHER RESOLVED by the Mayor and Commissioners of the Town of Rising Sun, Maryland that the Clerk of the Town of Rising Sun be and is specifically authorized and instructed to carry out the provisions of Section 4 and 5 hereof, and as evidence of compliance herewith, the clerk shall cause to be affixed to the Minutes of the meeting in which this Charter shall have been adopted:

- (1) Appropriate certification of publication of the newspaper in which the summary of the proposed amendment shall have been published.
- (2) The return receipts of the mailing referred to in Section 5.

READ AND INTRODUCED by The Commissioners of Rising Sun, Maryland, this 26th day of February, 2013.

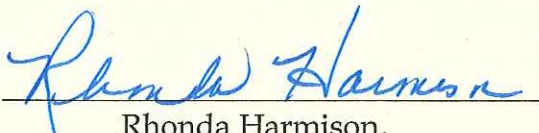
PASSED AND ADOPTED by The Commissioners of Rising Sun, Maryland on this 26th day of February, 2013.

AYES: Commissioner Berkowich, Commissioner Marion, Commissioner Naughton,
Commissioner Osborne

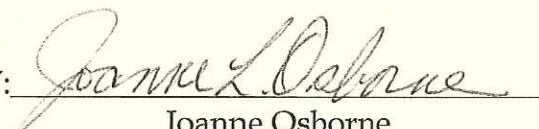
ATTEST:

THE MAYOR AND COMMISSIONERS
OF THE TOWN OF RISING SUN

BY:

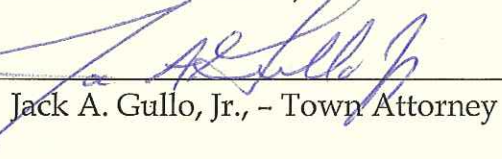

Rhonda Harmison,
Town Clerk

BY:


Joanne Osborne
Vice Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 25 DAY OF FEBRUARY, 2013

BY:


Jack A. Gullo, Jr., - Town Attorney

STATE OF MARYLAND)
COUNTY OF CECIL)
TOWN OF RISING SUN)

SS:

CERTIFICATE

I, Rhonda Harmison, Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing Resolution is a true, perfect and complete copy of the Resolution adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 27th day of February, 2013.



Rhonda Harmison,
Town Clerk