RESOLUTION NO. 1804

A RESOLUTION OF THE COMMISSIONERS OF OXFORD TO AMEND SECTION C5-11 OF THE OXFORD TOWN CHARTER TO CLARIFY WHEN QUALIFIED VOTERS MAY VOTE BY ABSENTEE BALLOT AND TO ADDRESS DELIVERY OF ABSENTEE BALLOTS WHICH ARE REQUESTED ELECTRONICALLY AND THE RETURN OF ABSENTEE BALLOTS

WHEREAS, Md. Code Ann. Local Gov't Article § 4-304 confers upon the Commissioners of Oxford the authority to initiate proposed amendments the Charter for the Town of Oxford; and

WHEREAS, the Commissioners of Oxford have determined that it is desirable and in the public interest to amend Section C5-11 of the Charter for the Town of Oxford to address delivery of absentee ballots which are requested electronically as well as the process and procedures governing the return of absentee ballots.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF OXFORD AS FOLLOWS:

Section 1: The Oxford Town Charter, Section C5-11 is hereby is hereby amended as follows:

Section C5-11. Absentee voting.

(a) *Qualified voters may vote by absentee ballot. Any qualified voter as defined in Section C5-1 who may be absent or unable to vote for any reason on election day may vote as an absentee voter under this subtitle.* ~~The following persons may vote as an absentee voter under this subtitle:~~

~~(1) Any qualified voter who is registered to vote and may be unavoidably absent from Oxford for any reason on any election day;~~

~~(2) Any qualified person as defined in C5-1.~~

~~(b) Voting by ill and disabled persons; emergency absentee ballots.~~

~~(1) Application and medical certificate; procedure for voting - Any qualified voter whose physical disability or confinement prevents or will prevent him from being present and personally voting at the polls on any election day shall also be entitled to vote as an absentee voter under this subtitle. Such voter shall make application for an absentee ballot as provided in this article. The application shall be filed in the office of the Supervisor of Elections not later than~~

~~seven (7) days prior to any election. Upon receipt of the application the Supervisor of Elections shall mail to the voter entitled thereto an absentee ballot. In all other respects, absentee voting as provided for in this section shall be similar to and controlled by the applicable procedure provided by law for voting in person.~~

~~(2)   Assistance in marking ballot, etc. - Any otherwise qualified voter who is blind, physically disabled or who has impaired vision and is for one of these reasons unable to mark his absentee ballot and sign the required oath, may be assisted in voting by any person selected by the voter. Any person rendering assistance pursuant to this subsection shall execute the certification.~~

(b) ~~(c)~~ Elections in which absentee voters may vote. This subtitle applies to elections for all candidates, charter amendments and other questions at any election held in any year.

(c)~~(d)~~ Applications for absentee ballots.

(1)   Required; contents. A qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the Supervisor of Elections for an absentee ballot, which application must be received not later than seven (7) days before the election. The application shall contain an affidavit, which need not be under oath but which shall set forth the following information under penalty of perjury;

(a)   The voter's name and residence address, including the street and number, if any, or rural route, if any;

(b)   That the person is a qualified voter at the residence address given;

(c)   If the person voted at the preceding election, the residence address from which he voted; and

(d)   That the voter expects in good faith to be unable to vote in person for any of the reasons set out in this Article.

(d)~~(e)~~ Application forms.

(1)   Applications for absentee ballots in accordance with the requirements of this section shall be provided by the Supervisor of Elections and shall be available to any qualified voter upon request.

(2)   The Town Board of Supervisor of Elections shall prescribe the forms of ~~"Application for Absentee Registration and Ballot,"~~ "Application for Absentee Ballot by Registered Voter," and related affidavits and statements.

(e)(f) Determination of absentee voter's application; delivery of ballots.

(1) Rejection of application. Upon receipt of an application containing the affidavit, the supervisor, when rejecting the application, shall notify the applicant of the reason therefor if he determines upon the inquiry that the applicant is not legally qualified to vote at the election as an absentee voter.

(2) Delivery of Ballot. If the applicant is a qualified voter as stated in his affidavit the supervisor shall, as soon as practicable thereafter, deliver to him, at the office of the supervisor, or mail to him at an address designated by him, an absentee voter's ballot and ~~an~~ envelopes therefor. *The absentee ballot may also be delivered by electronic transmission to the qualified voter, with the envelope template described in subsection (j) herein.*

Postage for transmitting ballot material to the voter shall be paid by the supervisor, and postage for the return of ballots shall be paid by the voters. If the ballots are to be sent by mail, the determinations required in this section shall be made in such time as will allow for the sending and return of the ballots by regular mail, or airmail, depending on the mailing address and including at least one secular day for marking the ballots and completing the affidavit. All such investigations shall be concluded and any determination made as to all absentee ballot applications not later than five (5) days before election day.

(3) Record of applications received and ballots delivered.

(a) The supervisor shall keep a record of applications for absentee voters' ballots as they are received, showing the date and time received, the names and residences of the applicants, and such record shall be available for examination by any registered voter.

(b) After approval of an application for an absentee ballot, the voter's record card in the ward binder shall be removed and placed in a separate binder marker "Registered Absentee Voters" and retained in the office of the supervisor. A marker shall be placed in the registration of voter's binder with voter's name and recording the fact that an absentee ballot has been mailed, which shall show the date on which the ballot was sent. No such voter shall vote or be allowed to vote in person at the polling place.

(4) One ballot to an applicant. Not more than one absentee ballot shall be mailed to any one applicant unless the supervisor has reasonable grounds to believe that the absentee ballot previously mailed has been lost, destroyed, or spoiled.

(g) Ballots for absentee voters.

(1)   Printing of ballots, envelopes and instructions. In sufficient time prior to any election, the supervisor shall have an adequate number of absentee ballots, the ~~three kinds of~~ envelopes described in this section, and the instructions to absentee voters as set out in this article.

(2)   Form of ballots. The Ballots shall contain the words "Absentee Ballot" printed in large letters in a clear space at the top of each paper ballot. Underneath these words shall be printed the following warning: "Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make identifying mark."

(h)   Instruction to voters.

The instructions for the casting of absentee ballots shall be prescribed by the Town Supervisor of Elections.

(i)   Envelopes for absentee ballots.

An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the Board of Supervisors of Elections. The Board shall use three envelopes. The innermost envelope shall be designated the "ballot envelope," which shall fit inside the envelope designated the "oath envelope" on which has been printed an oath prescribed by the Board of Supervisors of Elections, both of which, when used, shall fit inside the envelope designated the "return envelope".

(j)   Online ballots sent by electronic transmission.

If an absentee ballot is sent by the internet or facsimile transmission, the Board of Supervisors of Elections shall provide the voter with an envelope template, the oath prescribed by the Board of Supervisors of Elections, and instructions for marking and returning the absentee ballot.

(k)~~(i)~~ Canvassing of ballots.

(1)   Opening or unfolding ballots. The Board of Supervisors of Elections shall not open or unfold any absentee ballot at any time prior to the closing of the polls and the beginning of the canvass of the absentee ballots.

(2)   Procedure generally. At any time after the closing of the polls and not later than the canvass of the votes cast at the regular voting places at any election, the Board of Supervisors of Elections shall proceed to count, certify and canvass the absentee ballots contained in the ballot envelopes, received by them prior to the closing of the polls on election day. No ballot shall be rejected by the board except by the Supervisor of Elections. All voter's applications, medical certificates, notarial affidavits, certifications, ballot envelopes and ballots

shall be kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of election at which they were cast, unless prior to that time, the Supervisor of Elections shall be ordered by a court of competent jurisdiction, to keep the same for any longer period.

(3) Voter dying before election day. Whenever the board shall determine from proof or investigation that any person who has marked and transmitted or deposited in person with the board an absentee ballot has died before election day, said board shall not count the ballot of the said deceased voter, but it shall be preserved by the board for six (6) months and may then be destroyed, unless prior to that time the board is ordered by a court of competent jurisdiction to keep the same for any longer period. If at or prior to the time of counting and canvassing the board shall not have determined that the absentee resident who marked a ballot had died before election day, said ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

(4) More than one ballot received from same person. If the board receives from the same person prior to the closing of the polls on election day more than one absentee ballot, it shall count, certified and canvass only the absentee ballot contained in the ballot envelope on which the voter's oath was first executed, and if the oath on two or more of the ballot envelopes containing absentee ballots are dated the same or if both are undated, none of the ballots received from such person shall be counted.

Section 2: This Resolution shall be posted and published in accordance with the requirements set forth in Md. Code Ann. Local Government Article § 4-304.

Section 3: This Resolution shall become effective 50 days after final enactment unless a petition for referendum has been filed prior thereto in accordance with Section 4-304 of the Local Government Article of the Code of Maryland. This Resolution shall be deemed "finally enacted" on the date on which the Commissioners of Oxford indicate their approval of this Resolution by affixing their signatures hereto.

Section 4: As soon as this Resolution becomes effective, the Town Clerk-Treasurer shall cause to be delivered to the Department of Legislative Reference all the information regarding the Charter Amendment, this Resolution, and any referendum held thereon as may be required by the Local Government Article of the Annotated Code of Maryland.

RESOLVED, this 27th day of March, 2018.

COMMISSIONERS OF OXFORD:

_____
Gordon Graves, President

_____
Gordon Fronk, Commissioner

_____
John Pepe, Commissioner

I hereby certify that the above Resolution was passed by a yea and nay vote of the Commissioners of Oxford on the __27__ day of MARCH, 2018.

Attest: _____
Cheryl Lewis, Clerk/Treasurer
Town of Oxford

Language ~~stricken~~ indicates language deleted from the Charter for the Town of Oxford
Language in *bold and italics* indicates language added to the Charter for the Town of Oxford