

CHAPTER 20

ELECTIONS

- Section 2001. Definitions.
- Section 2002. Registration procedures.
- Section 2003. Duration of registration validity.
- Section 2004. Absentee voting procedures.

Section 2001 Definitions

As used in this Chapter, the term “residency” shall mean the act or fact of dwelling in an abode either as an owner or renter.

Section 2002 Registration Procedures

(A) Residents may register to vote as follows:

(1) A voter who meets the qualifications outlined in section 601 of the charter and who resides within the corporate limits of the Town and is registered with the Prince George’s County Board of Elections Supervisors shall be deemed registered for Town elections.

(2) Registration for any regular or special election will be closed for the thirty (30) days preceding that election. Residents may register throughout the year, excluding the thirty (30) days preceding any election.

(3) The completed prescribed registration form must be mailed or hand delivered to the Prince George’s County Board of Elections, but shall be delivered by the thirtieth (30’) day prior to any election.

(B) Voter eligibility. Every person who,

(1) Is a citizen of the United States

(2) Is at least eighteen (18) years of age

(3) Resides within the corporate limits of the Town for at least thirty (30) days preceding the election

(4) Is registered in accordance with provisions of this charter and this Chapter,
and

(5) Is eligible to vote in State elections, shall be entitled to vote in all Town elections.

(C) Cancellation of Registration. Any voter whose registration is canceled for any reason must register to vote in accordance with the provisions of this Section.

Section 2003 Duration of Registration Validity

All persons maintaining residency within the corporate limits of the Town of Landover Hills who presently are registered voters of the Town shall remain registered as long as they meet the qualifications for voters prescribed in Article VI, Subsection 601, of the Town Charter. A voter's registration shall lapse upon a failure to vote in a consecutive five (5) year period.

Section 2004 Absentee Voting Procedures

(A) Qualification. Any qualified voter registered to vote in the Town of Landover Hills shall be entitled to vote in any municipal election by absentee ballot.

(B) Ballot Application.

(1) Any qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the Town Clerk for an absentee ballot as hereinafter provided. The application shall be on a form containing 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 and apartment number, if any.

(B) Instructions for return of the application.

(2) Printed application forms for absentee ballots shall be provided by the Town Clerk and shall be available to any qualified voter upon request.

(3) Upon receipt of a completed application, the Town Clerk shall reject the application only if he determines that the applicant is not legally qualified under the laws of Landover Hills to vote at the election as an absentee voter. When rejected, the Town Clerk shall notify the applicant of the reason therefore. All investigations shall be concluded and all determinations made as to absentee ballot applications as soon as practicable after they are received.

(4) When an application is approved, the Town Clerk shall, as soon as practicable, deliver to the applicant an absentee voters ballot, instructions for absentee voters and the envelopes relating therein. Such delivery shall be by mail to the address designated in the application.

(5) The Town Clerk 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 applicant and the date and mode of delivery. Such record shall be available for examination by any registered voter.

(6) After approval of an application for an absentee ballot and the delivery to the applicant of an absentee ballot, a marker shall be placed by the voter's name on the registration books recording the fact that an absentee ballot has been delivered. No such voter shall vote or be allowed to vote in person on Election Day.

(C) Preparation and Delivery of Ballots.

(1) In sufficient time prior to any election, the Town Clerk shall have prepared an adequate number of ballots which shall have imprinted the words "absentee ballot" in large letters in a clear space at the top of each ballot. There shall also be imprinted on the ballot instructions for marking the ballot and a warning that any erasures, alterations or identifying marks will invalidate the ballot.

(2) Not more than one (1) absentee ballot shall be mailed to any one applicant unless the Town Clerk has reasonable grounds to believe that the absentee ballot previously mailed has been lost, destroyed or spoiled.

(D) Instructions. The Town Clerk shall also have prepared an adequate supply of instructions for absentee voters. Such instructions shall contain a warning of legal penalties applicable for making any false application or affidavit or for willfully doing any act contrary to the terms of this Chapter regarding absentee voting law with the intent of casting an illegal vote or aiding another in doing so and provide that:

(1) The instructions and the ballot are to be examined carefully before the ballot is marked and other required actions are taken because failure to mark the ballot properly or to follow other instructions exactly will invalidate the ballot.

(2) The ballot may be marked only in accordance with instructions printed on the ballot and may not contain erasures or alterations.

(3) The marked ballot and nothing else shall be enclosed and sealed in a ballot envelope.

(4) The affidavit printed on such ballot envelope shall be completed and signed.

(5) The completed ballot envelope shall be enclosed and sealed in a return envelope and returned by mail or by hand to the election judges at the address preprinted on the return envelope by the closing of the polls on Election Day.

(E) Preparation of Envelopes.

(1) Ballot envelopes. The Town Clerk shall also have prepared an adequate supply of ballot envelopes which shall be of sufficient size to contain an absentee ballot and which shall have imprinted on the face the words "Ballot for the Election of " and an affidavit containing an oath to be completed and signed by the absentee voter.

(2) Return envelopes. The Town Clerk shall also have prepared an adequate supply of return envelopes which shall be large enough to contain the ballot envelope and on which shall be imprinted the name and address of the election judges and the words "Official Ballot, to be opened only by election judges."

(3) Cover Envelopes.

(a) The Town Clerk shall also have prepared an adequate supply of cover envelopes, which shall be large enough to contain the herein-described envelopes and which shall be imprinted with the return address of the election judges and the "Official Absentee Ballot, Do Not Forward." The Town Clerk shall prepare a cover envelope for each approved

application, addressed to the absentee vote at the address listed in his application, and in such envelope shall enclose the following:

- (1) A copy of approved application.
- (2) Instructions to absentee voters.
- (3) An absentee ballot.
- (4) A ballot envelope.
- (5) A return envelope.

(b) The cover envelope shall be mailed to the applicant as soon as practicable after the application is approved.

(F) Filing. Absentee ballots must be received by the election judges prior to the closing of the polls.

(G) Counting, certifying and canvassing ballots, preservation.

(1) No one shall open any ballot envelope or unfold any absentee ballot at any time prior to the closing of the polls and the canvass of the absentee ballots by the election judges. A ballot envelope so opened or ballot so unfolded shall not be counted.

(2) After the closing of the polls and as part of the canvass, the election judges 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. In conducting the canvass and before opening the ballot envelopes, the election judges shall determine whether there is more than one (1) ballot envelope for any absentee voter, whether completed and signed, whether the person signing such affidavits are qualified to vote and whether any such person has already voted. If more than one (1) absentee ballot envelope is received for the same person prior to the closing of the polls on Election Day, the judges shall count, certify and canvass only the absentee ballot contained in the ballot envelope on which the voter's affidavit was first executed, and if the oaths on the ballot envelopes are dated the same or if both are undated, none of the ballots received from such a person shall be counted. Ballot envelopes incompletely executed or from persons not qualified to vote or from persons who have already voted shall be set aside, and none of the ballots in such envelopes shall be counted.

(3) Ballots shall then be removed from the properly executed ballot envelopes, counted and placed in a ballot box or boxes prepared for that purpose. When any ballot envelope is opened, the judges shall immediately enter the registration books the fact that the voter whose name appears thereon has voted using the initials "A. B." to indicate the vote has been by absentee ballot. If there is more than one (1) ballot in the ballot envelope, all shall be rejected. Absentee ballots may be marked by any kind of pencil or ink. Any absentee ballot voted for a person who has counted for such candidate, but such vote shall not invalidate the remainder of such ballot.

(4) Whenever the election judges shall determine prior to completion of the canvass that any person who has returned an absentee ballot has died before election day, the

election judges shall not count the ballots of the deceased voter, but it shall be preserved by the election judges for six (6) months and then be destroyed unless prior to that time the election judges are ordered by a court of competent jurisdiction to keep the same for any longer period. If at or prior to the time of such counting and canvassing the election judges 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 election.

(5) All absentee voter's applications, affidavits, ballot envelopes and ballot shall be kept separate and apart from ballots cast in the regular voting and retained for six (6) month after the date of election at which they were cast unless prior to that time the election judges shall be ordered by the court of competent jurisdiction to keep the same for any longer period.