

## **Chapter 29 ELECTIONS**

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**[HISTORY: Adopted 3-9-64. Revised and amended 2-10-71. Amended in its entirety 3-15-93.**

**Amended 11-7-94, effective 1-1-95. Amendment history noted where applicable.]**

**REFERENCES**

**Elections generally -- See Article V of the Charter.**

**§ 29-1. Qualifications to vote.**

Qualifications to vote in town elections are stated in § 501 of the town Charter.

**§ 29-2. [Repealed 11-7-94.]**

**§ 29-3. Election officials. [Revised 3-6-95.]**

(a) There shall be eight judges of election: a chief judge, a deputy chief judge, and six (6) other judges.

(b) The chief judge and the deputy chief judge shall be appointed from the town at large by the Mayor, and the other judges shall be appointed by the Council members from their respective wards. Four (4) alternates for the judges other than the chief judge and the deputy chief judge, or as many as is deemed necessary, shall also be appointed by the Council members. Appointments shall be confirmed by the Council at a February legislative meeting next preceding the town election in May. In the event no judge or alternate is available from a ward, a judge or alternate may be appointed from the town at large. A judge or alternate must be a qualified voter and be able to read and write the English language.

(c) A judge shall serve for a term of two (2) years unless sooner removed by reason of resignation, absence, or incompetence or until a successor is appointed by the Mayor and Council and duly qualified.

(d) The chief judge shall be responsible for the conduct of the registration and the election and all preparatory work that is required.

He shall assign to the other judges the duties that shall be required of them. In the event that an appointed judge does not report for duty on the day of election, the chief judge shall

immediately contact the alternate. If no alternate is available, the chief judge shall recruit such alternate or alternates who are qualified from whatever recourse is available.

(e) If the chief judge is absent or prevented from discharging his duties, the deputy chief judge shall serve as chief judge. If the absence occurs on Election Day, the deputy chief judge serving as the chief judge shall immediately appoint a judge to act as deputy chief judge and shall recruit an alternate to replace such judge.

(f) Following his appointment and before assuming the duties of the office, each judge shall appear before the Mayor and take and subscribe to the oath as described in Article I, § 9, of the Maryland Constitution.

(g) All rulings shall be by the chief judge, with the concurrence of the majority of the other judges.

(h) The chief judge or acting chief judge shall have the authority to administer oaths and to do all lawful acts required for the conduct of the election.

**§ 29-4. Removal of election officials.**

In the event that any judge of election fails to comply with this chapter or any of its provisions, or to properly perform the duties of the office, such official may be removed from the office by the Mayor with the consent of the majority of the Council, and a new judge shall be appointed by the Mayor and Council to fill such vacancy as provided in this chapter.

**§ 29-5. Officeholders or candidates not to be election officials.**

No officeholder, candidate for any town public office, or town employee may serve as a judge of election.

**§ 29-6. Compensation of election officials.**

The compensation of judges of election shall be established by the Mayor and Council at the February meeting at which the judges are appointed.

**§ 29-7. [Repealed 11-7-94.]**

**§ 29-8. [Repealed 11-7-94.]**

**§ 29-9. [Repealed 11-7-94.]**

**§ 29-10. [Repealed 11-7-94.]**

**§ 29-11. Candidates to file petition; fee. [Revised 3-25-09.]**

Any qualified person seeking to be a candidate for any town elective office shall, on or before the 25th day preceding the election, file with the chief judge of election a petition in accordance with § 506 of the town Charter. Any candidate filing a petition for any town elective office shall pay to the town a fee set by Mayor & Council at the February legislative meeting prior to the next election. Any qualified person elected to a town office by write-in vote shall pay the same fee as if he had filed a petition.

**§ 29-12. Verification of candidate's qualifications.**

Before placing the name of any candidate on the ballot, the judges of election shall verify the qualifications of the petitioners signing the petition and the qualifications of the candidate for whom the petition was filed to hold office if elected.

**§ 29-13. Placing names on the ballots; removal; when. [Revised 3-6-95.]**

(a) No candidate's name shall be placed on the ballot except by petition, as heretofore prescribed, nor shall any change be made to the ballots after they have been made public unless rendered necessary by the disqualification or death of a candidate named thereon.

(b) In the event of the disqualification or death of an only candidate on the ballot, or in the event no candidate files for an office, such office may be filled by a write-in vote for a person qualified to hold the office if elected, provided that there are at least as many valid votes for such write-in candidate as the number of qualified petition signatures necessary if the candidate had filed a petition for that office. If no such number of votes are cast, the office is declared vacant and the vacancy shall be filled in the manner prescribed for that office by the town Charter.

**§ 29-14. Judges to prepare ballots; sample ballots to be posted.**

The judges of election shall prepare and have printed distinctive, official ballots for each ward, as may apply, to be used in the town election, and the ballots for any question authorized to be submitted to the voters. The judges shall also cause sample ballots for any election of town officers or questions submitted for referendum to be made public by posting copies of the appropriate ballot in conspicuous places in each ward, as may apply, at least ten (10) days prior to holding of the election. The judges shall within such time give advertised notice of the election, showing the date; the location of the polling place and the hours of operation; the offices to be filled and the names of the candidates appearing on the ballot; and a summary of any question submitted for referendum, as may apply.

**§ 29-15. Use of paper ballots or voting machines.**

The Mayor and Council shall establish at a February meeting preceding the town election in May whether paper ballots or voting machines shall be used. The procedures for conducting the voting and handling of ballots shall be as set forth in the town election manual.

**§ 29-16. Limitations on presence in area of ballot box or voting machines.**

No persons other than voters engaged in preparing or depositing their ballots shall be permitted within the immediate area of a ballot box or voting machine, unless by authority of the judges of election for the purpose of keeping order and enforcing the law.

**§ 29-17. Who admitted to polling place; watchers. [Revised 3-6-95.]**

(a) The judges of election, in order to preserve order, avoid congestion, and facilitate the balloting, shall have authority to limit the number of persons seeking to vote who shall be admitted to the polling place at any one time. No persons other than the election officials, police, and watchers designated as herein provided shall remain in the polling place longer than is necessary to vote.

(b) Any candidate or the proponents or opponents of any measure submitted to vote may designate in writing to the judges of election a watcher who may sit at the election to observe the proceedings and to challenge the right of any person to vote who is deemed by the watcher to be ineligible for a ballot and/or authority to vote. The judges of election shall arrange for the seating of authorized watchers at such points that they may hear and observe the proceedings in connection with the issuance and counting of the ballots or the issuance of voting authority cards and the tabulation of machine votes at any election.

(c) No watcher shall handle any ballots or registration books or in any manner interfere with the election officials in the discharge of their duties and every watcher shall observe the rulings of the judges of election. No watcher shall electioneer in the polling place or question any citizen as to how he would vote if declared eligible. The judges of election shall exclude any watcher violating the election provisions, as well as all other persons not entitled to be present during the balloting or the counting and tabulation of the votes.

(d) Any candidate or the proponents or opponents of any measure being voted upon at any town election may revoke in writing to the judges of election the designation of their watcher, who shall thereupon retire, and another individual designated in writing in his place shall be admitted as his substitute.

**§ 29-18. Judges of election to have police aid.**

The judges of election may call to their aid any town police officer to enforce any ruling made by them in connection with the holding of any town election.

The Mayor and Council shall assign police personnel to the polling place to serve from the opening of the polls until the counting of the ballots is completed. Police on duty at the polling place shall take their directives from the judges of election during the period of this service.

**§ 29-19. Election offenses. [Revised 3-6-95.]**

(a) It shall be unlawful for any person at or in connection with any town election to engage in any of the following conduct:

(1) To stand, loiter, electioneer, solicit any vote or pass out sample ballots or literature within any polling place or while within a radius of fifty (50) feet of any entrance to a polling place.

(2) To hinder or obstruct any voter seeking to enter any polling place.

(3) To curse, abuse, threaten, assault, or seek to intimidate any voter or election official.

(4) To bribe, promise, or give any consideration or offer thereof to influence the casting or counting of any ballot.

(5) To stage any demonstration for or against any candidate or measure within a radius of fifty (50) feet of any entrance to a polling place.

(6) To have in his possession without authorization any official ballot.

(7) To use any town property or facility in connection with any election except as authorized by the Mayor and Council.

(b) Any judge or any other person who shall tamper with, or damage, or attempt to damage any voting machine to be used or being used in an election or who shall prevent or attempt to prevent the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to imprisonment for not exceeding ninety (90) days, or a fine of five hundred dollars (\$500), or both, in the discretion of the court.

**§ 29-20. Request for recount. [Revised 3-6-95.]**

(a) Upon request to the Mayor and Council in writing, within ten (10) days after certification of the vote, for a recount of the votes cast, pursuant to which notification to the chief judge shall also be made, the petitioner seeking the recount shall post a fifty dollar (\$50) fee to

defray the cost of the recount. In the event that the election results are reversed in favor of the petitioner, the fifty dollar deposit shall be returned.

(b) The recount shall be conducted in the presence of the general public and the candidates or their representatives.

**§ 29-21. Contested election.**

In the case of a contested election, the petitioner shall present his request to the Board of Election Appeals, in writing, signed by twenty (20) voters qualified to vote for the office for which the election is contested, accompanied by a statement of the points upon which the appeal is based. This petition shall be presented to the Board of Appeals within ten (10) days after the certification of the vote by the Mayor and Council. The Board of Election Appeals shall make its decision in the form of a recommendation and present it to the Mayor and Council at a public meeting within fifteen (15) days after receipt of the petition.

**§ 29-22. Board of Election Appeals.**

A Board of Election Appeals shall be appointed at the same time as appointment of the judges of election. The Board shall consist of seven (7) members, one (1) each appointed by the Mayor and each Council member. The duties of the Board shall be to receive petitions and render decisions as described in the preceding section.

**§ 29-23. Absentee voting. [Revised 3-6-95.]**

Any qualified voter registered to vote in a town election is entitled to vote by absentee ballot. The procedures and provisions of Article 33, §§ 27-1, 27-2, and 27-4 through 27-11, of the Annotated Code of Maryland, as amended, are hereby adopted and incorporated, subject to the following provisions:

(a) Those terms referring to "Baltimore City" or "County" or "State" or an agency, board, or department thereof shall be construed to refer to the Town of Riverdale Park or its counterpart agency, board, or department, as the case may be.

(b) All applications for absentee ballots (other than applications for emergency absentee ballots as described in Section 27-2(a-1) of Article 33) pursuant to Section 27-4 of Article 33 must be received no later than the close of business ten (10) days preceding an election.

(c) All absentee ballots, whether of emergency nature or not, must be received by 8:00 p.m., close of polls, on Election Day in order to be counted.

(d) No candidates, town officials, town employees, or members of any of their families, that is, spouses, mothers, fathers, sisters, brothers, sons, and daughters, may act as authorized agents for purposes of emergency absentee ballot applications pursuant to §§ 27-2 and 27-4 of Article 33, or for purposes of delivering ballots to and from any absentee voters, whether of emergency nature or not.

**§ 29-24. Riverdale Park Election Manual.**

In conducting a town election, the judges of election shall follow the provisions and procedures set forth in the Riverdale Park Election Manual in conjunction with Article 5 of the Charter and this chapter. The manual shall apply as part of this chapter and is adopted by

reference as though set forth in full herein. Revisions to the manual shall be made by Council action.