

**BOARD OF COMMISSIONERS  
FOR THE  
TOWN OF UPPER MARLBORO**

ORDINANCE:           2025-\_\_  
SESSION:             Regular Town Meeting  
INTRODUCED:         August 26th, 2025  
DATE ENACTED:       \_\_\_\_\_, 2025

**AN ORDINANCE TO CLARIFY AND CORRECT THE CONDUCT OF VOTER REGISTRATION, CONDUCT OF ELECTIONS, AND GENERALLY RELATING TO TOWN ELECTIONS**

**WHEREAS**, a division of the Town Charter is entitled "Registration, Candidates and Elections" and includes§82-19 (Voters) through§82-35 (Penalties); and

**WHEREAS**, Section 82-34 of the Town Charter (Regulation and Control) states that the Board of Commissioners shall have the power to provide by ordinance in every respect not covered by the provisions of said Charter for the conduct of registration, candidacy and elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud; and

**WHEREAS**, Ordinance 2023-02 entitled "An ordinance to regulate and provide for the conduct of voter registration, maintenance of records, conduct of elections, certification of election results and penalties related thereto; and generally relating to town elections" was enacted on March 28, 2023; and

**WHEREAS**, Ordinate 2023-02 has internal inconsistencies and proscribes procedures that do not comply with the Town Charter; and

**WHEREAS**, Section§ 4-108 of the Local Government Article of Md. Ann. Code states (i) that a qualified voter may vote in a municipal election by absentee ballot, (ii) that a municipality shall provide a procedure to vote by absentee ballot, (iii) that a municipality may not require an individual to provide a reason that the individual will be unable to vote in person on election day in order to vote by absentee ballot, and (iv) that a municipality may use any method to enable absentee voters to vote, including using any facilities to transmit and receive applications for absentee ballots; and

**WHEREAS**, Section§ 4-108.1 of the Local Government Article of Md. Ann. Code states that as to voting in a municipal election: (1) a person is subject to the offenses and penalties related to voting specified under § 16-201 of the Election Law Article; and (2) the State Prosecutor or the State's

Attorney for the county in which the municipal election was held and where the offense is alleged to have occurred may prosecute the person for the offense; and

**WHEREAS**, Section 82-59 of the Town Charter (Authority to employ personnel) states that the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or state law and to operate the Town government

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES HEREBY ORDAIN AND ENACT AS FOLLOWS:

### **Section 1**

The following clarifications and corrections are made to Ordinance 2023-02:

- A. The terms “Election Supervisor Chair” and “Elections Chair” refer to the Chairperson of the Board of Supervisors of Elections.
- B. The terms “Board of Supervisors” and “Board of Elections Supervisors” refer to the Board of Supervisors of Elections.
- C. Should there be a conflict between Town and State law on the conduct of elections and the State law is not generally applicable to municipal elections, the Town law shall take priority. If the State law is specifically to mandate how local and municipal elections are run, then the State law shall take priority. (Section 1.B)
- D. Town Elections shall be held on the second Tuesday of November of every odd-numbered year. (Section 3.F; Section 6).
- E. The Town Clerk shall finalize the Town’s supplemental voter registration list within one day after registration has closed. (Section 6.B.1)
- F. In accordance with Section 82-23 of the Town Charter, the Town Clerk shall give at least two (2) weeks’ notice of every registration deadline and election day in a paper of general circulation. (Sections 6.A, 6.B.3, 6.D.1, and 6.H).
- G. Absentee ballot requests may be made in person by either the voter or their Duly Authorized Agent. (Section 7.A)
- H. The Town Clerk or their designee shall collect absentee ballots from the Town’s Post Office Box prior to the closing of the polls. (Section 7.D)
- I. The polls shall be open from 8am to 8pm on Election Day. (Section 8)
- J. The Town Clerk shall announce the closing of the polls five minutes before closing of the polls. (Section 8.B.3)
- K. Electronic devices may be used by the Supervisor of the Board of Elections to record and

broadcast the ballot count. (Section 8.C)

- L. All absentee ballots must be received by the close of polling on the Election Day to be counted in the election. (Section 8.C) Emergency absentee ballots should be hand-delivered to the Town Clerk by the Duly Authorized Agent. (Section 2.E)
- M. Any deadlines for citizens or candidates that fall on a weekend or Town holiday shall be extended to fall on the next day that the Town Offices are open.
- N. Any deadlines for the Town or its staff that fall on a weekend or Town holiday shall be moved forward to the preceding day that the Town Offices are open.
- O. Voting Secrecy shall be the responsibility of the Board of Supervisors of Elections. (Section 10.B)
- P. The Board of Supervisors of Elections may meet at intervals as specified for the Board of Elections. (Section 10.C)

### **Section 2 Severability.**

If any section, subsection, paragraph, sentence, clause or word contained in this Ordinance shall be declared invalid for any reason, such decisions shall not affect the remaining portion of this Ordinance, which shall remain in full force and effect and to this end the provisions of the Ordinance are hereby declared to be severable.

### **Section 3**

BE IT FURTHER ENACTED that this ordinance shall take effect twenty (20) days after its adoption by the Town of Upper Marlboro, and that the Town Clerk is directed to publish notice of this ordinance in a newspaper of general circulation of the Town.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

(signature block and such)