

First Reading B.04.2012  
Second Reading B.20.2012

ORDINANCE 2012-24

AN ORDINANCE TO AMEND CHAPTER 22, ENTITLED  
ELECTIONS, OF THE CODE OF THE TOWN OF  
OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 22, ENTITLED ELECTIONS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY, AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SECTION 22-32, AS FOLLOWS:

Sec. 22-32. Application; emergency ballots.

The following procedure shall be strictly complied with when absentee ballots are utilized:

(1) Application process. Persons desiring to utilize an absentee ballot shall cause a written request therefor to be received by the Board of Supervisors of Elections of Ocean City, Maryland, c/o the office of the City Clerk, no later than 5:00 p.m. on the Monday before an election. No telephone, verbal or nonwritten applications will be considered. The Board of Supervisors of Elections shall cause an absentee ballot, in the form herein specified, to be handed to or mailed to each qualified applicant for same. All absentee ballots shall be returned to the Board of Supervisors of Elections, c/o the office of the City Clerk, no later than 5:00 p.m. on the Monday before an election.

(2) Applications generally. The application for an absentee ballot shall be, as before stated, in writing, delivered to or mailed by the United States mail to the Board of Supervisors of Elections, c/o the City Clerk's office of Ocean City, Maryland, received no later than the above-specified date and time, and it shall contain an appropriate affidavit which shall set forth the following information, upon penalty of perjury:

- a. Name of the applicant and residence address of the applicant.
- b. Age of the applicant and date of the applicant's voter registration is known.
- c. A statement by the applicant that he intends to vote by absentee ballot and that he authorizes the voter registration books to be so marked and that he acknowledges that he must utilize the absentee procedure once his application is received.

- d. The affidavit of the applicant voter shall be made at the bottom of said application on the following form:

I, \_\_\_\_\_, do hereby swear (or affirm) that I am legally qualified to vote in this election to be held on \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, that I am legally registered in Ocean City, as stated in this application, and that I am not now disqualified from voting under the laws of Maryland and of Ocean City. I do hereby declare and affirm under penalties of perjury that the information and statements contained on the application are true.

\_\_\_\_\_  
Affiant

(3) Emergency absentee ballots. Notwithstanding anything in this section to the contrary, a registered voter may obtain an emergency absentee ballot as follows:

- a. After the Tuesday preceding an election and on the day of the election prior to the time the polls close, any person registered and otherwise qualified to vote may apply, through a duly authorized agent, as authorized in subsection (3)d of this section, who appears in person, at the office of the City Clerk, or, on election day, at the polls for an emergency absentee ballot if the voter:
1. Has a physical disability or is confined in or restricted to an institution which precludes the voter from being present and personally voting at the polls on any election day;
  2. Is unable to be present at the polls on election day because of a death or serious illness in the voter's immediate family; or
  3. Is unable to be present at the polls on election day as result of illness, accident or other emergency.
- b. The application shall be made under penalty of perjury but without formal oath, setting forth the reason why the voter is unable to be present at the polls on the day of election.
- c. Upon receipt of the application, the board, shall issue to the duly authorized agent an absentee ballot, which shall be marked by the voter, placed in a sealed envelope and returned to the board.
- d. The applicant shall designate a voter registered in Ocean City as agent for the purpose of delivering the absentee ballot to the voter, and the agent shall execute an affidavit, under penalty of perjury, that the ballot was delivered to the voter who submitted the application, was marked by the

voter in the agent's presence, was placed in a sealed envelope in the agent's presence and was returned, under seal, to the board by the agent.

- e. Any emergency absentee ballot received by the board shall be considered timely if received at or prior to the close of the polls.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on August 6, 2012.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on August 20, 2012.

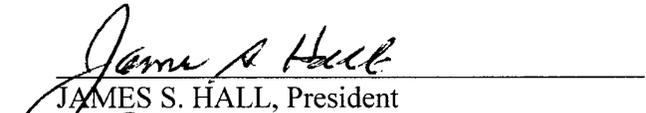
ATTEST:

  
KELLY ALLMOND, Clerk

  
RICHARD W. MEEHAN, Mayor

Approved as to form:

  
GUY R. AYRES III, City Solicitor

  
JAMES S. HALL, President

  
LLOYD MARTIN, Secretary