

## **Chapter 2**

### **ELECTIONS & ELECTION DISTRICTS**

**§ 2-1. Write-in ballots; approved forms.**

**§ 2-2. Construal.**

**§ 2-3. Who Admitted to Polling Place; Watchers.**

**§ 2-4. Recall of Elected Officials.**

**[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 3-7-1989 as Ord. No. 89-4, Ord. 2019-19, 12-17-19. Amendments noted where applicable. Repealing Section 29-17, Adding Section 29-17 by Ord. 2022-18, 1-3-23, Repealing Ord. 2022-18 and added Section 2-3 by Ord. 2023-05, 2-7-23, Added Section 2-9 by Ord. 2022-19, 1-3-23, Repealing Ord. 2022-19 and added Section 2-4 by Ord. 2023-06, 2-7-23]**

#### **GENERAL REFERENCES**

Charter provisions – See § C13-1 and Article V.

**§ 2-1. Write-in ballots prohibited; approved forms.**

In all Town elections, ballots, other than those printed at the direction of the Board of Supervisors of Elections and/or the Board of Commissioners shall not be cast or counted in any election. A voter may not write on his ballot the name of any person other than those already printed for whom he or she may desire to vote for any office. Write-in votes are expressly prohibited and shall not be counted.

**§ 2-2. Construal.**

The Commissioners declare this chapter to be an exercise of the power granted to them in § C5-14 of the Charter of the Town of Perryville to provide for the conduct of registration, nomination and elections.

**§ 2-3. Who admitted to polling place; watchers.**

(A) In order to ensure open and transparent elections, poll watchers shall be permitted in all elections. Poll watchers shall complete a poll watchers certificate as provided for by the board of elections. Poll watchers for recall elections shall also comply with section C3–11 of the Town of Perryville Charter.

(B) General rules and rights. Poll watchers shall be respectful of the responsibilities of the election judges. Poll watchers have certain rights enumerated below, and election judges are required to protect those rights. The requirement that the election judges protect those rights, is not absolute. An election judge may remove a poll watcher who exercises those rights in a manner that interferes with the work of the election judges in conducting the election and carrying out their assigned tasks.

(C) Permitted activities of a poll watcher. Poll watchers have the right to:

(1) Arrive at the polling place thirty (30) minutes before voting starts. A poll watcher who arrives late may not be permitted in the polling place until after voting starts;

(2) Enter or be present at the polling place at any time during voting hours;

(3) Remain in the polling place until all post-voting tasks have been completed and the election judges leave the polling place;

(4) Maintain a list of registered voters who have voted;

(5) Enter and leave a polling place to take out information identifying who has voted; and

(6) Bring pen, paper, food and folding chair, if one is not provided.

(D) Who can have a poll watcher. Poll watchers are permitted for elections of candidates to elected positions, for recall of elected officials, and for voting on measures presented to the voters. Each candidate to office and each proponent and opponent of the recall of an elected official and of a measure presented to the voters, is permitted to have no more than one (1) poll watcher in the polling room at the same time.

(E) Before the polls open. Poll watchers may arrive at the polls prior to the opening of polls. Poll watchers may observe the activities of setting up the voting stations, posting of polling places signs, and opening and preparing any voting units for voting. Poll watchers may verify that no votes have been checked in or have been registered. While poll watchers are permitted to observe the opening of the polls, poll watchers may not interfere with the work of the election judges. A poll watcher may be removed if a majority of the election judges in the polling place agree that the presence of the poll watcher will prevent the timely opening of the polls.

(F) Positioning of poll watchers. Poll watchers will be positioned near the check-in judges and inside the voting room so that each voter is seen and heard as the voter checks in. The chief judge shall determine where this position will be. If a poll watcher feels that a voter is not who he or she claims to be, the poll watcher may challenge the voter's identity. Except as described above, poll watchers may not move around the polling place during voting hours.

(G) Prohibited activities of poll watchers. Poll watchers are also prohibited from:

(1) Determining how a voter voted or intends to vote;

(2) Talking to any voters in a polling place, or with any voters heading to vote that are within any area designated as a "no campaigning or politicking zone." If a voter initiates contact with a poll watcher inside a polling place or within a "no campaigning or politicking zone", the poll watcher shall advise the voter that the poll watcher is prohibited from talking to the voter until the voter has voted and shall refer the voter to an election judge to respond to any questions the voter may have;

(3) Assisting any voter in voting;

(4) Physically handling any original election document or election equipment;

(5) Using any cameras, recording or other electronic devices, such as cell recorders, phones, pagers laptops, tablets, pda's, or smart phones. Poll watchers must be outside a polling place and beyond a no electioneering zone to use any electronic device;

(6) Acting as voter advocates or attempting to exercise political influence while in a polling place;

(7) Having any political materials, newspapers, or news

magazines in a polling place or wear anything with a political message, including buttons, shirts, hats, stickers and the like.

(8) Challenging the act of an election judge, except that if a poll watcher believes that an election judge has improperly performed a task or neglected to perform a required task, the poll watcher should notify the chief election judge and notify the candidate, the official, or the ballot measure proponent or opponent they represent, who then may seek whatever remedies are provided for by law.

(H) Arriving at a polling place after voting starts. Poll watchers shall introduce themselves to the chief election judge, show proof of identification and submit for record keeping, an approved copy of a poll watchers certificate from the election clerk. Poll watchers will be recorded in by the chief judge. Poll watchers are to take their assigned seats. A poll watcher must leave a polling place before being replaced by another poll watcher of that candidate.

(I) After the polls close. Poll watchers desiring to observe the poll closing activities must be in the polling place before the polls close. The chief election judge reserves the right to deny access to any poll watcher after the polls have closed, until after the votes have been counted and the results posted. Poll watchers shall not be involved in any counting of votes, handling of any ballots or part of any questions or discussions. Poll watchers may ask to see any ballots that are in question but are prohibited from touching.

(J) Removal of poll watchers. Poll watchers may be removed for violating any of the provisions of this section.

#### **§ 2-4. Recall of Elected Officials**

(A) This section governs recalls of the Mayor or a Commissioner initiated pursuant to section C3-11 of the Town of Perryville Charter.

(B) The Town Clerk, with approval of the Town Attorney, shall prescribe the form of a petition seeking the recall of the Mayor or a Commissioner, hereafter referred to as a recall petition. A recall petition shall be circulated for signature on the form prescribed by the town clerk.

(C) A recall petition shall be addressed to the Mayor and Commissioners and filed with the Town Clerk. Upon receiving a recall petition, the Town Clerk shall immediately notify the Mayor and Commissioners that a recall petition has been filed. Within 15 days after the filing of a recall petition, the clerk shall ascertain whether the recall petition is signed by the requisite number of registered voters of the town and shall attach a dated certificate stating the results of the examination and whether the recall petition meets the requirements of this section and section C3-11 of the Town Charter.

The clerk shall forward this certification shall be forwarded to the Mayor and Commissioners.

(D) (1) If the certificate shows the recall petition does not meet the requirement of this section, the clerk shall send written notice of this fact to the individual who filed the recall petition.

(2) If the certificate shows the recall petition meets the requirements of this section and section C3-11 of the Charter, the request for recall shall be placed on the next town meeting agenda for action by the Mayor and Commissioners to set a recall election, if such a meeting is scheduled to occur within 15 days from the date of certification. If the next town meeting is scheduled for 16 or more days from the date of certification a special meeting shall be scheduled within fifteen 15 days from the date of certification, to set a recall election.

(E) At the meeting described in section 2-4(d)(2), the Mayor and Commissioners shall, by resolution, order that a recall election be held and set a date for the recall election which is not less than 30 days and not more than 60 days from the date of the certification, unless:

(1) The elected official who is the subject of the recall petition has resigned;  
or

(2) The regular town election is scheduled to occur within 60 days after the certification date, in which case the mayor and commissioners may vote to order the recall election be included on the town election ballot.

(F) At the meeting described in section 2-4(d)(2), the Mayor and Commissioners shall schedule a public hearing to take place no later than fourteen 14 days before the recall election at which time the persons petitioning for recall, those opposed to recall, and the elected official who is the subject of the recall petition shall have an opportunity to speak on the proposed recall.

(G) The Mayor and Commissioners shall cause to be posted public notice of the dates of the recall election and the public hearing. The notice shall be posted at Town Hall and on the Town's internet website and shall be advertised in a newspaper of general circulation in the Town of Perryville. The Mayor and Commissioners may undertake any such further measures to notify the town residents of the recall election and public hearing as they may deem appropriate.

(H) (1) a recall election shall be conducted in all respects not otherwise addressed by this section as other town elections.

(2) a person may not impede the orderly passage of voters to and from the polling location.

(3) those persons in favor of the recall of the elected official and those opposed to the recall of the elected official shall have the right to have one (1) poll watcher in the polling room. Poll watchers shall be governed by section 2-3 of this code, and shall not be an elected official or the individual subject to the recall vote.

(4) The elected official whose recall is sought shall continue to serve in office pending the results of the recall election but may not participate in any discussions or actions related to the recall except at the public hearing described in section 2-4(f).

(5) The recall election ballot shall read: “shall (name of official) continue in the office of (insert office name) of Perryville?” Following this question shall be the words “yes” and “no” which the voter shall use to vote for or against recall.

(6) The question of recall shall be decided by a simple majority of votes cast. If a majority of votes cast is in favor of recall, the elected official’s term of office shall immediately terminate upon the certification of the election. If the majority of votes cast are not in favor of recall, the elected official’s term shall continue unaffected.