

ORDINANCE NO. 708

INTRODUCED BY: Councilman Branson

AN ORDINANCE OF THE TOWN OF DENTON TO REPEAL AND RE-ENACT CHAPTER 10, SECTION 10 OF THE DENTON TOWN CODE WITH RESPECT TO THE QUALIFICATIONS AND DUTIES OF ELECTION CHALLENGERS AND WATCHERS

WHEREAS, the Town of Denton is authorized by the Maryland Annotated Code to enact ordinances;

WHEREAS, the Maryland Annotated Code permits the Town to amend, supplant or modify the Town Code;

WHEREAS, the Denton Town Council has determined that it is desirable and in the public interest to amend the Town Code with respect to the qualifications and duties of election challengers and watchers to more closely track the provisions of §10-311 of the Election Law Article, Annotated Code of Maryland.

NOW THEREFORE, the Denton Town Council hereby ordains as follows:

SECTION 1: The Denton Town Code §10-10 Challengers And Watchers is hereby repealed and re-enacted as follows:

§10-10 Challengers And Watchers

(A) Designation and removal of challengers and watchers.

(1) The following persons or entities have the right to designate a registered voter as a challenger or a watcher at each place of registration and election:

(i) the State Board for any polling place in the State;

(ii) a local board for any polling place located in the county of the local board;

(iii) a candidate;

(iv) a political party; and

(v) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.

(2) A person who appoints a challenger or watcher may remove the challenger or watcher at any time.

(B) Rights of Challengers and watchers. Except as provided in subsection (d) of this section, a challenger or watcher has the right to:

(1) enter the polling place ten minutes before the polls open;

(2) enter or be present at the polling place at any time when the polls are open;

(3) remain in the polling place until the completion of all tasks associated with the close of the polls and the election judges leave the polling place;

(4) maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and

(5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

(C) Certificate.

(1) (i) A certificate, in a form approved by the Board of Supervisors of Elections, signed by any party or candidate shall be sufficient evidence of the right of a challenger or watcher to be present in the voting room.

(ii) The Certificate shall be submitted to the Town Clerk not later than seven (7) calendar days prior to the election

(2) A challenger or watcher shall be positioned near the election judges and inside the voting room so that the challenger or watcher may see and hear each person as the person offers to vote.

(D) Prohibited activities.

(1) A challenger or watcher may not attempt to:

(i) ascertain how a voter voted or intends to vote;

(ii) converse in the polling place with any voter;

(iii) assist any voter in voting;

(iv) physically handle an original election document; or

(v) use a camera, electronic device or any audio recording device;

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3: In accordance with § C3-12 of the Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption.

ENACTED THIS _____ DAY OF _____, 2020.

TOWN COUNCIL OF DENTON

Abigail W. McNinch, Mayor

Lester L. Branson, Councilmember

Dallas Lister, Councilmember

Walter Keith Johnson, Councilmember

Doncella Wilson, Councilmember

ATTEST:

Karen L. Monteith, Clerk Treasurer

Approved for legal sufficiency this _____ day of _____, 2020.

Christopher F. Drummond, Town Attorney

Date Introduced 7/02/2020 _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code