

Ordinance No. 852-26

**An Ordinance Amending Bel Air Town Code
Chapter 37 Elections**

WHEREAS, on Tuesday, April 22, 2025, House Bill 322 was signed into law by Governor Wes Moore and went into effect immediately; and

WHEREAS, Maryland Municipal League (MML) worked with Senator Cheryl Kagan and Delegate Greg Wims to introduce legislation in response to the State Board of Elections' (SBE) declaration in the fall of 2024 that SBE does not have the legal authority to enter agreements with municipalities to lease voting equipment or provide other support; and

WHEREAS, To remedy this House Bill 322 was introduced and received its final vote for passage around 8:30 p.m. on the final day of session, Sine Die. As emergency legislation, this new law went into effect as soon as it was signed by the Governor; and

WHEREAS, the Town of Bel Air has enjoyed a long-standing partnership with Harford County Board of Elections regarding utilization of State voting systems, equipment, services, and other materials in local municipal elections; and

WHEREAS, the cost of purchasing or leasing voting systems, equipment, services, and other materials, can be very expensive, therefore, the Board of Town Commissioners wish to extend their gratitude to the State and Harford County Board of Elections for continuing to partner with the Town of Bel Air in the November 4, 2025, Town of Bel Air Municipal Election and future municipal elections; and

WHEREAS, the Board of Town Commissioners wish to amend Bel Air Town Code Chapter 37 Elections and remove references to the State and/or Harford County Board of Elections, where appropriate, that were previously codified in an assumptive manner, and to reflect the new relationship with the State and Harford County Board of Elections regarding the lease of voting systems, equipment, services, and other materials; and

WHEREAS, The Board of Town Commissioners wish to adopt a timeframe and amend the deadline for filing a certificate of candidacy; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that the Town of Bel Air Town Code, Chapter 37: Elections, shall be amended by Ordinance No. 852-26, as follows:

Chapter 37. Elections

§ 37-1. Definitions and word usage.

ELECTRONIC STORAGE FORMAT

A memory stick or compact flash card or similar device for storage and retrieval of election data ~~which is approved by the state.~~

POLL BOOK

An electronic book, or printed book, which consists of voter registration record information of all registered voters ~~at the time of election day.~~

SPECIAL ELECTION

Every election called by resolution of the Commissioners, including but not limited to elections to fill vacancies in the offices of Commissioners pursuant to Article III, Section 307, of the Charter of the Town of Bel Air and referendum elections ~~on the question of proposed Charter amendments of the Town as required by state law or~~ as provided in § 37-7 of this chapter. Special elections shall be held in accordance with § 37-7 of this chapter.

§ 37-3 Polling place; election hours; places of registration.

C. Places of registration shall ~~be the office of the Harford County Board of Elections~~ **include the local election authority's office** and such other places as shall be authorized by Title 3, Subtitle 2, of the Election Law, Annotated Code of Maryland, and as determined by the Board of Election Judges.

§ 37-5 Registration and qualification of voters.

A. Qualifications. The voters' qualifications shall be as detailed in Article V, Section 501, of the Charter of the Town of Bel Air.

B. Registration.

(1) Registration of the voters of the Town of Bel Air shall be conducted by the ~~Harford County Board of Elections as provided through an agreement between the Town of Bel Air and Harford County and~~ **local board of elections** in accordance with Title 3, Subtitle 2, of the Election Law, Annotated Code of Maryland.

(2) To be eligible to vote in any general or special election, persons qualified to vote but not previously registered to vote may register at any time with the ~~Harford County Board of Elections~~ **local board of elections** on regular business days during regular business hours, and other places as shall be authorized by Title 3, Subtitle 2, of the Election Law, Annotated Code of Maryland, or determined by the Bel Air Board of Town Commissioners. Registration will be closed in accordance with those dates as set by the ~~Harford County Board of Elections~~ **local board of elections** as provided in Title 3, Subtitle 3, of the Election Law, Annotated Code of Maryland.

§ 37-6 General elections.

C. Filing of certificate of candidacy.

(1) Candidates must file in person and complete a written certificate of candidacy with the Town Clerk of their intention to run for the office of Commissioner at least ~~30~~ **forty-five (45)** days before the scheduled election **and no earlier than one hundred and thirty-five (135) days before the scheduled election**. ~~Candidates must file a certificate of candidacy at least 45 days before the scheduled election, beginning with the 2021 Town election and every election thereafter.~~ The hours for filing on the final file date are ~~9:00~~ **8:00** a.m. to ~~7:00~~ **4:30** p.m. If the final filing date falls on a Saturday, Sunday or holiday, the ~~closest~~ **next** regular business day shall be recognized as the final candidate filing date.

§ 37-8 Emergencies.

B. If emergency circumstances, not constituting a declared state of emergency, interfere with the electoral process, the Board of **Town Commissioners** ~~Election Judges, after conferring with the Harford County Board of Elections,~~ may petition the Circuit Court for Harford County to take any action the court considers necessary to provide a remedy that is in the public interest and protects the integrity of the electoral process.

§ 37-12 Instructions and assistance in voting.

A. With the aid of the diagrams or other electronic equipment ~~authorized by the Harford County Board of Elections~~, the Board of Election Judges, if requested by a voter, shall instruct each voter before the voter enters the voting booth.

§ 37-13 Challenging right to vote; provisional voting.

C. A provisional ballot may be used to record a vote when there are questions about a given voter's eligibility that must be resolved before the vote can count. A voter can cast a provisional ballot if the voter states that he or she is entitled to vote. Whether a provisional ballot is counted is contingent upon the verification of that voter's eligibility, ~~which may involve the Election Judges reviewing Harford County Board of Elections records or asking the voter for more information.~~ Provisional ballots, therefore, are not counted until after the day of the election.

D. If the individual voter feels aggrieved because the voter has been removed or refused registration from the Town's voter registry because the voter failed to meet the qualifications of a voter set forth in Article V, Section 501, of the Town Charter, the voter may file a challenge ~~by completing a challenge form (supplied by Harford County Board of Elections) stating under oath the basis for the challenge~~ **in writing, under penalty of perjury, citing the reasons for the challenge**. A challenge filed after voter registration has been closed prior to an election may not be heard until after that election. Within five days of a challenge being filed, the Election Judges will schedule a hearing that shall be held no sooner than 10 days and no later than 15 days after the receipt of a challenge.

§ 37-14 Use of electronic voting system.

~~B. In accordance with Title 9 of the Election Law, Annotated Code of Maryland, the State Board of Elections has certified a uniform voting system for use in polling places throughout the state and a uniform voting system for absentee voting.~~

§ 37-16 Use of paper ballot.

If in any emergency the Board of Town Commissioners of Bel Air shall by resolution authorize an election to be conducted ~~without the assistance of the Harford County Board of Elections~~ by paper ballot, it shall be conducted in accordance with the provisions of Title 9, Subtitle 2, of the

Election Law, Annotated Code of Maryland, or with such other laws of the State of Maryland which may supersede Title 9, Subtitle 2, in the future.

§ 37-19 Voting equipment and materials.

A. The Town of Bel Air, to the extent possible, shall use the equipment and materials ~~provided by and in partnership with the Harford County Board of Elections (such as: paper ballots, ballot scanning units, ballot marking devices, and poll books)~~ **authorized by the State of Maryland**. If the ~~Harford County Board of Elections~~ **state or local election authority** shall not provide such equipment and materials, then the Board of Town Commissioners shall authorize by resolution the Board of Elections Judges to use alternate voting equipment and materials in accordance with the provisions of this chapter and under such rules and regulations as the Board of Election Judges may deem advisable.

§ 37-20 Procurement of voting equipment and materials.

A. The Town Administrator may contract with the ~~Harford County Board of Elections~~ **state or local election authority** to provide voting equipment, materials, software, services and assistance necessary for conducting each election.

§ 37-24 Contested elections.

A. ~~If, within 10 days after an election, t~~**T**he Board of Election Judges shall ~~receive notice in writing of any contest over the result of an election, the Board of Election Judges shall contact the Harford County Board of Elections to perform an audit on the voting equipment used for the election and/or~~ conduct a recount in accordance with Title 12, Contested Elections, of the Election Law, Annotated Code of Maryland or with such other laws of the State of Maryland which may supersede Title 12, in the future.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

INTRODUCTION: February 17, 2026
PUBLIC HEARING: March 16, 2026
ENACTMENT: TBD
EFFECTIVE: TBD

AYES: TBD

NAYS: TBD

ABSENT: TBD

Paula S. Etting, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk