

ORDINANCE NO. C-5

ABSENTEE VOTING

AN ORDINANCE ESTABLISHING PROCEDURES
FOR ABSENTEE VOTING IN THE
ANNUAL MUNICIPAL ELECTION AND
PROVIDING PENALTIES FOR
VIOLATIONS THEREOF.

BE IT ORDAINED by the Town Council of Greenwood, in Council met, in the manner following, to wit:

Section 1. Casting Of Ballot Permitted - Any qualified voter of The Town of Greenwood who shall be unable to appear to cast his ballot at any Annual Municipal Election at the regular polling place in The Town of Greenwood, either because of being in the public service of the United States or of this State, or because such voter will be unavoidably absent from The Town of Greenwood on the day of the Annual Municipal Election, or because of sickness or physical disability, may cast an absentee ballot at such Annual Municipal Election, to be counted in the total votes cast in the Town of Greenwood.

Section 2. Affidavit Required - Any voter desiring to obtain an absentee ballot because of sickness or physical disability, shall cause an affidavit to be filed with the Town Manager of the Town of Greenwood, subscribed and sworn to before an officer authorized by law to administer oaths, by a person authorized to practice medicine or surgery under the laws of this State, and dated not more than thirty (30) days prior to the next ensuing Annual Municipal Election, to the effect that such voter is unable to go to the polling place in The Town of

Greenwood at the forthcoming Annual Municipal Election because of sickness or physical disability or that the sickness or physical disability of such voter will make it dangerous to the life or health of such voter to go to the polling place in The Town of Greenwood at the forthcoming Annual Municipal Election. Such affidavit shall be filed with the Town Manager of The Town Manager of The Town of Greenwood before the Town Manager shall mail or deliver to the voter the official ballot, envelopes or instructions as provided in this Ordinance. Any voter desiring to receive an absentee ballot because of his or her business or occupation, shall cause an affidavit to be filed with the Town Manager of The Town of Greenwood, subscribed and sworn to before an officer authorized by law to administer oath, by his or her employer, if any, or by the voter himself, if he or she is self-employed, and dated not more than thirty (30) days prior to the Annual Municipal Election, stating the nature of the voter's business or occupation, the reason why he or she cannot be in the Town of Greenwood on the day of the Annual Municipal Election, the expected location, including his or her address and telephone number, to be used for the purpose of challenge on election day, and the reason why such voter cannot and will not be present in The Town of Greenwood on the day of the Annual Municipal Election. Such affidavit shall be filed with the Town Manager of The Town of Greenwood before the official ballot, envelopes or instructions as provided in this Ordinance shall be mailed or delivered to such voter.

Section 3. Request For Ballot - Any voter who is qualified under Section 1 of this Ordinance to vote by absentee ballot and who desires to do so, shall not later than 12:00 noon local time on the second Friday in January, make a request to the Town Manager for an official ballot to be voted at the Annual Municipal Election. Such request, subject to the provisions of

Section 7, may be made by anyone on behalf of such voter, and such request shall be made to the Town Manager of The Town of Greenwood and the Town Manager shall act upon such request.

Section 4. Mailing Of Official Ballot By Town Manager - Upon receipt of a request from a voter, together with an affidavit, if required by the provisions of Section 2 of this Ordinance, the Town Manager of The Town of Greenwood, not more than thirty (30) days nor later than the Tuesday immediately preceding the Annual Municipal Election and within three (3) days after the ballots, envelopes, and instructions for absentee voters become available, shall mail to the voter, postage prepaid, an official ballot enclosed in an official envelope along with a voucher envelope marked "Voucher Envelope", a copy of the instructions to Absentee Voters and a carrier envelope marked "Carrier Envelope".

Section 5. Affidavit Form - There shall be printed on the face of each voucher envelope an affidavit in substantially the following form:

"I do solemnly swear (affirm) that I am a resident of The
Town of Greenwood and have resided there at least _____
years preceding the day of the Annual Municipal Election
at which this ballot is to be voted; that my local address
is _____,
in Greenwood".

"That I will be absent from The Town of Greenwood on the

day of the Annual Municipal Election because of () being in the Armed Services of the United States, () public services of this State, () nature of my business or occupation, () sickness or physical disability, () unavoidably absent from the Town, and for the reason indicated, I cannot appear at the polling place of The Town of Greenwood in which I am a qualified voter. I further swear (affirm) that I marked my ballot in secret".

"I, _____,
do solemnly swear (affirm), that I have not received or accepted or am not offered to receive or accept, paid or transferred or delivered or offered or promised to pay, transfer or deliver or contributed or offered to promise to contribute to another to be paid or used any money or other valuable things such as compensation, inducement or reward for the giving or withholding of a vote at this Annual Municipal Election".

Write Name Here

Print Name Here

"Subscribed and sworn (affirmed) before me this _____ day of _____, A.D. _____; and I hereby certify that the affiant did in such manner that I could not see mark such ballot, and that the affiant was not solicited or advised by me to vote for or against any candidate."

Notary Public

Section 6. Procedure By Voter Upon Receiving Ballot - The absentee voter shall make and subscribe to the affidavit printed on the voucher envelope before an officer authorized by law to administer oaths, and such voter shall thereupon in the presence of such officer and of no other person mark such ballot, but in such manner that the officer cannot know how the ballot is marked, and the ballot shall then and in the presence of the officer be deposited by the voter in the official envelope. The official envelope containing the ballot shall then be deposited in the voucher envelope, and the voucher envelope shall be securely sealed by the voter. Thereupon, the voucher envelope containing the marked ballot shall be enclosed in the carrier envelope received by the voter from the Town Manager, and after the voter has enclosed the voucher envelope containing the marked ballot in the carrier envelope, he shall securely seal the carrier envelope and mail it postage prepaid to The Town of Greenwood, or if more convenient, it may be delivered to the Town Manager of The Town of Greenwood, in person, to be received, in either case, by the Town Manager of The Town of Greenwood before 12:00 noon on the day before the Annual Municipal Election and not thereafter.

Section 7. Ballot Received After Required Time - The absentee voter shall return the marked ballot enclosed in the voucher envelope to the Town Manager of The Town of Greenwood before 12:00 noon on the day before the Annual Municipal Election, and any absentee ballot received by the Town Manager of The Town of Greenwood after 12:00 noon on the day before election, shall not be forwarded to the Board of Election, but the Town Manager shall endorse on the voucher envelope containing such ballot, the time such was received and shall retain all such envelopes unopened and so endorsed until the last day of January next after the Annual Municipal Election and longer if directed to do so by proper authority. No absentee ballot received after 12:00 o'clock noon on the day immediately preceding the date of the Annual Municipal Election shall be counted.

Section 8. Procedure By Officials Upon Receiving Ballot - Upon receipt of the carrier envelope from the absentee voter, the Town Manager of The Town of Greenwood shall open the carrier envelope and shall take therefrom the voucher envelope containing the ballot of the absentee voter. Neither the Mayor nor any member of the Town Council of The Town of Greenwood, nor any other person, shall open or attempt to open the enclosed voucher envelope containing the ballot of the absentee voter or to change or alter, or attempt to do so, the envelope or any writing, printing or anything whatsoever thereon. The Town Manager shall forthwith enclose the unopened voucher envelope in a special carrier envelope, the Town Manager having first written his or her usual signature on the special carrier envelope. The Town Manager shall forthwith securely seal the special carrier envelope, and, in ink, the Town Manager

shall write his or her full name thereon in the proper place as indicated in this Ordinance and shall safely keep the same at the Town offices until delivered as required in this Ordinance.

Section 9. Special Carrier Envelopes - The special carrier envelope in which the absentee ballots are placed when returned by the absentee voters shall have printed thereon the following:

"ABSENTEE VOTER BALLOT FOR THE TOWN OF GREENWOOD"

"This envelope contains an absentee voter's ballot and shall be opened only at the polls of The Town of Greenwood on the day of the Annual Municipal Election while said polls are open. This envelope and the enclosed voucher envelope shall be preserved by the Board of Election and at the close of the count shall be deposited in the box into which the ballots have been placed when read and returned therewith".

THE TOWN OF GREENWOOD

BY: _____
Town Manager

Section 10. Delivery Of Ballot To Board Of Election - When an absentee voter's ballot is received by the Town Manager, the voucher envelope containing the marked ballot, sealed in the special carrier envelope of The Town of Greenwood, shall be enclosed and sealed in a package and safely kept in his office until the day of the election and delivered unto the Board of Election after the opening of the polls on the election and at least one (1) hour before the closing of the polls. The Town Manager shall deliver all such absentee voters' ballots separately enclosed in a special carrier envelope to the Board of Election at the polls taking the receipt of the Board of Election for the delivery of such a ballot or ballots.

Section 11. Refusal Of Ballot By Board of Elections - The Board of Election shall refuse to receive any absentee voter's ballot from any person other than the Town Manager or a duly authorized agent of the Town Manager and none other than those ballots enclosed in the sealed package delivered by the Town Manager or his duly authorized agent to the Board of Election and shall refuse to receive and act upon any such ballot that is not enclosed in an envelope bearing the signature, in ink, of the Town Manager as required by Section 8 of this Ordinance.

Section 12. Procedure By Inspector Upon Receiving Ballot - At any time between the opening and closing of the polls on the day of the Annual Municipal Election, the inspector shall open the outer or carrier envelope only and ascertain the name of the absentee voter as appears by the executed affidavit of the absentee voter on the voucher envelope enclosing the marked ballot; whereupon he shall announce the absentee voter's name for the purpose of challenging and upon the determination that such person is a duly qualified voter of The Town of Greenwood and

that such voter has not voted in person in the Annual Municipal Election. He shall open the voucher envelope containing such absentee voter's ballot in such a manner as not to deface or destroy the number thereof or the affidavit thereon and take therefrom the official envelope containing the marked ballot and, without opening or permitting the official envelope to be opened or the contents examined, shall cause the two (2) Judges of Election to write their names on the official envelope, and the Clerk shall enter the name and address of the absentee voter on the poll list. The ballot shall then be voted by depositing same (still in its official envelope) in the ballot box provided for receipt of absentee ballots, and the proper notations of such vote shall then be recorded in the election records in the same manner as if the voter had appeared to cast his vote in person. All voucher envelopes from which ballots have been taken and voted, and all voucher envelopes containing ballots which have been rejected or endorsed as provided in Section 14 of this Ordinance shall be preserved by the Board of Election and at the close of the count, shall be placed in the ballot box.

Section 13. Vote Challenged - The vote of any absentee voter may be challenged for cause, and further, the vote of any absentee voter may be challenged on the ground that the affidavit filed by the voter in accordance with Section 2 of this Ordinance is false and, in the case of a voter who was allegedly absent from The Town of Greenwood because of his business or occupation, on the ground that he was not absent from The Town of Greenwood for the entire time that the polls were open on the day of the Annual Municipal Election. Upon challenge, proceedings shall be as in the case of other challenges.

Section 14. Rejection Of Vote; Death Of Voter - In case the affidavit of the absentee voter is found to be insufficient or the absentee voter is not a duly qualified voter of The Town of Greenwood or the voucher envelope is open or has been opened and resealed or it is evident that the voucher envelope has been tampered with or altered or such ballot has been forwarded to the polls by someone other than the Town Manager of The Town of Greenwood, such vote shall not be accepted or counted. If the voucher envelope has not been opened at the time the Board of Election decides that the altered ballot contained therein should be rejected for any of the foregoing reasons, it shall not be opened by the Board of Election, but they shall endorse thereon "rejected" (giving reason therefor) and the ballot rejected; the official envelope containing the ballot shall be replaced in the same voucher envelope from which it was taken and the election officers shall endorse on the voucher envelope "rejected" (giving reason therefor).

Whenever it is made to appear by due proof to the Board of Election that any absentee voter who has marked and forwarded his ballot has died, the voucher envelope containing the ballot shall not be opened, but shall be marked "rejected, dead" and shall be preserved and disposed of as other rejected ballots.

Section 15. Register Of Absentee Voters - The Town Council of Greenwood shall cause to be provided a Register of Absentee Voters, providing for the following entries:

Request received from _____
of _____
_____ in person _____
_____ on _____;

ballot and voucher envelope under _____ mailed to
applicant on _____
or ballot and voucher envelope delivered to _____
_____ of _____
_____ on _____;
marked ballot sealed in package of official ballots _____
_____; marked ballot forwarded to polls _____
_____; and such other entries as the Town Council of
The Town of Greenwood shall deem proper to prevent fraud and to make possible
the tracing and detection of any attempt to do so. The Town Council of The Town
of Greenwood shall also provide a space in the Register and shall note therein the
date on which it receives the affidavit of a person authorized to practice medicine
or surgery under the laws of this State as to the sickness or physical disability of
any voter of The Town of Greenwood and the name of such affiant. The Town
Manager of The Town of Greenwood shall compile from the Register a list of the
names and addresses of all applicants for absentee ballots and shall send current
and complete copies thereof, without cost, to all candidates on the ballots in the
forthcoming election. Such list shall be provided two (2) weeks prior to the date
of the Annual Municipal Election. Comparable information from the Register shall
also be made available to the candidates during the remaining two (2) weeks

before the Annual Municipal Election, such information to be recorded by the candidates from the daily records of the Town Manager, with the cooperation and assistance of the Town Manager.

Section 16. Violations And Penalties - (A) Whoever willfully makes a false affidavit under the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisoned for a period of not more than thirty (30) days, or both, and shall also pay the costs of prosecution.

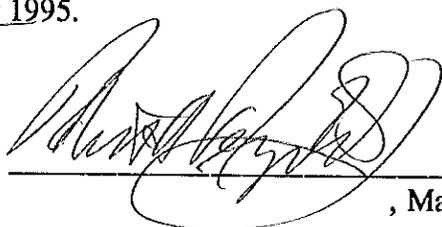
(B) Whoever, other than the Board of Election, on the day of the Annual Municipal Election and at the polls opens or attempts to open any sealed voucher or carrier envelope or whoever prints or causes to be printed an envelope identical or purportedly similar to the voucher envelope or either carrier envelope, other than the printing of such envelopes by the official printer selected by the Town Council of The Town of Greenwood for the printing of such envelopes pursuant to the provisions of this Ordinance, or whoever aids or abets or attempts to aid or abet any fraud in connection with any vote cast or to be cast, under the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisoned for a period of not more than thirty (30) days, or both, and shall also pay the costs of prosecution.

(C) Whoever fraudulently signs the name of a voter to the affidavit on any voucher or envelope or of the Town Manager of The Town of Greenwood on any carrier envelope

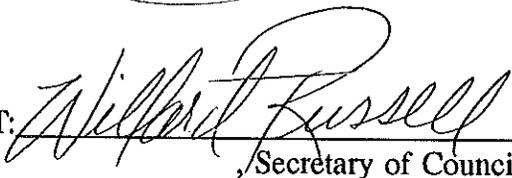
thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisoned for a period of not more than thirty (30) days, or both, and shall also pay the costs of prosecution.

(D) Whoever, being a member of the Board of Election or other public official of The Town of Greenwood, knowingly violates any of the provisions of this Ordinance and thereby aids in any way the illegal casting of a vote or attempting to cast a vote or whoever connives to nullify any provision of this Ordinance in order that fraud may be perpetrated shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred dollars (\$200.00), or imprisoned for a period of not more than thirty (30) days, or both, and shall also pay the costs of prosecution.

Approved this 7th day of February 1995.



, Mayor

ATTEST:  (SEAL)

, Secretary of Council