

1 **..Title**
 2 **Elections Code Updates** – For the purpose of amending and updating Chapters 4.08;
 3 4.20; 4.24; 4.32; 4.40 and 4.44 of the Code of the City of Annapolis concerning polling
 4 places; nominations and candidacy; voting and voting machines; board of canvassers;
 5 ballot question procedures; and matters generally relating to these amendments and
 6 updates.

7 **..Body**

8

9

**CITY COUNCIL OF THE
 City of Annapolis**

10

11

Ordinance 27-16

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13

Introduced by: Alderman Arnett

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15

16

Referred to

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Rules and City Government Committee

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19

20

AN ORDINANCE concerning

21

22

Elections Code Updates

23

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FOR the purpose of amending and updating Chapters 4.08; 4.20; 4.24; 4.32; 4.40 and
 25 4.44 of the Code of the City of Annapolis concerning polling places; nominations
 26 and candidacy; voting and voting machines; board of canvassers; ballot question
 27 procedures; and matters generally relating to these amendments and updates.

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BY repealing and re-enacting with amendments the following portions of the Code of
 the City of Annapolis, 2015 Edition

31

4.08.100

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4.08.110

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4.20.030

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4.20.050

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4.24.010

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4.24.030

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4.24.170

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4.32.010

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4.32.040

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4.40.080

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4.44.100

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**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS
 CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as
 follows:

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1
2 **Chapter 4.08 - BOARD OF SUPERVISORS OF ELECTIONS**

3
4 **4.08.100 - Polling places.**

5
6 The board shall arrange for, and the City Council, where practicable, shall provide a
7 suitable polling place that is:

- 8 A. Used by the County;
- 9 B. WHERE ONLY ONE POLLING PLACE IS PROVIDED IN A WARD, AS
10 NEAR TO THE CENTER OF THE VOTING POPULATION OF THAT WARD
11 AS POSSIBLE;
- 12 C. WHERE A POLLING PLACE IS PROVIDED BY PRECINCT, As near to the
13 center of the voting population of each OF THAT precinct as possible; and
- 14 ~~C~~D. To the extent practicable, IN libraries, schools, churches, fire halls, or any other
15 PUBLIC building ~~that is used by the public in general.~~

16
17 **4.08.110 - New polling places—Changed polling places.**

- 18
19 A. From time to time the board may designate new polling places in any precinct OR
20 WARD or change the location of any existing polling place.
- 21 B. Except in emergencies a new polling place may not be designated, nor may the
22 location of an existing polling place be changed, after the Tuesday which is
23 thirteen weeks prior to any primary election. Where possible and feasible, the
24 polling places utilized for the immediately preceding presidential election shall be
25 used.
- 26 C. Whenever the board designates a new polling place or changes the location of an
27 existing polling place, it shall:
- 28 1. Provide for and cause to be prepared additional sets of cards or loose-leaf pages as
29 may be required for transcribing the names of registered voters transferred to such
30 newly established polling place in any precinct, and to correct and transfer the
31 registration forms or cards of the registered voters affected by the change;
- 32 2. ~~Except in emergencies, notify~~ SEND NOTIFICATION BY MAIL TO the voters
33 affected by the change; ~~by mail~~
- 34 (a) within thirty days after the change IS MADE, IF THE CHANGE IS MADE
35 BETWEEN THIRTEEN AND TWENTY-SIX WEEKS PRIOR TO THE
36 PRIMARY ELECTION.
- 37 (b) WITHIN SIXTY DAYS AFTER THE CHANGE IS MADE, IF THE CHANGE
38 IS MADE MORE THAN TWENTY-SIX WEEKS PRIOR TO A PRIMARY
39 ELECTION.
- 40
41 3. In cases of emergency, the board shall notify the voters affected by the change of
42 polling place by whatever means are reasonable, as determined by the board. A
43 voter's registration may not be invalidated by the alteration or transfer, nor shall
44 the right of any voter be prejudiced by any error in filing or in making out the list
45 of voters or in making any change or transfer.
- 46

1
2 **Chapter 4.20 - NOMINATIONS AND CANDIDACY**

3
4 **4.20.030 - Certificate of candidacy—Filing.**

5
6 "Candidate" means an individual who seeks nomination for ANY MUNICIPAL
7 election, ~~or election, to City office or election to a party office.~~ An individual becomes a
8 candidate for office whenever any of the following occurs during an election cycle:

- 9
10 A. A ~~C~~certificates of candidacy shall be filed under oath with the board.
11 B. Except for certificates of candidacy filed by write-in candidates and as otherwise
12 provided in this chapter, A certificates of candidacy FILED UNDER OATH
13 shall be received BY THE BOARD ~~and filed in the office of the board~~ not later
14 than nine p.m. on the Monday which is seven weeks before the day on which the
15 primary election should be held under the primary election law. If the filing date
16 should occur on a legal holiday, THEN ~~the~~A certificates OF CANDIDACY
17 ~~must~~SHALL be received ~~and filed~~ BY THE BOARD not later than nine p.m. on
18 the next regular business day which is not a legal holiday.
19 ~~C. All persons except write-in candidates shall file their certificates of candidacy in~~
20 ~~person within the time specified by Subsection B of this section and at the place~~
21 ~~specified in this section. In the event that any person wishing to file a certificate~~
22 ~~of candidacy is unable to do so in person by reason of illness, or absence from~~
23 ~~the State for employment reasons for a period of one hundred twenty continuous~~
24 ~~days, that person shall file an affidavit setting out fully the facts as prevent that~~
25 ~~person from personally filing the certificate of candidacy and such affidavit must~~
26 ~~be filed with the certificate of candidacy.~~
27 ~~DC. The~~AN individual has received contributionS aggregating in excess of three
28 hundred dollars or made expenditures aggregating in excess of three hundred
29 dollars.
30 ~~ED The~~AN individual has given consent to another person to receive contributions
31 ~~of~~OR make expenditures on behalf of that individual and such person has
32 received contributions aggregating in excess of three hundred dollars or made
33 expenditures aggregating in excess of three hundred dollars.
34 ~~FE. After written notification by the board of Supervisors of Elections that any other~~
35 ~~person has received contributions aggregating in excess of three hundred dollars~~
36 ~~or made expenditures aggregating in excess of three hundred dollars on the~~
37 ~~individual's behalf, the individual fails to disavow such activity by letter to the~~
38 ~~Supervisors of Elections~~BOARD in care of the City Clerk within thirty days ~~of~~
39 AFTER receipt of the notification.
40 ~~GF. The aggregate of contributions received under Subsections AB., BC., and CD. of~~
41 ~~this section, in any combination thereof, exceeds three hundred dollars or the~~
42 ~~aggregate of expenditures made under Subsections AB., BC., and CD. of this~~
43 ~~section exceeds three hundred dollars.~~
44 G. THE FIRST DATE UPON WHICH A CERTIFICATE OF CANDIDACY
45 MAY BE OBTAINED AND FILED IS ONE YEAR PRIOR TO THE

1 DEADLINE TO FILE A CERTIFICATE OF CANDIDACY, AS DESCRIBED
2 BELOW IN PARAGRAPH H.

3 H. ALL PERSONS EXCEPT WRITE-IN CANDIDATES SHALL FILE THEIR
4 CERTIFICATE OF CANDIDACY IN PERSON WITHIN THE TIME
5 SPECIFIED BY SUBSECTION B OF THIS SECTION AND AT THE PLACE
6 SPECIFIED IN THIS SECTION. IN THE EVENT THAT ANY PERSON
7 WISHING TO FILE A CERTIFICATE OF CANDIDACY IS UNABLE TO DO
8 SO IN PERSON BY REASON OF ILLNESS, OR ABSENCE FROM THE
9 STATE FOR EMPLOYMENT REASONS FOR A PERIOD OF ONE
10 HUNDRED TWENTY CONTINUOUS DAYS, THAT PERSON SHALL FILE
11 AN AFFIDAVIT SETTING OUT FULLY THE FACTS PREVENTING THAT
12 PERSON FROM PERSONALLY FILING THE CERTIFICATE OF
13 CANDIDACY AND SUCH AFFIDAVIT MUST BE FILED WITH THE
14 CERTIFICATE OF CANDIDACY.

15
16
17 **4.20.050 - Filing fees.**

- 18
19 A. Each candidate for nomination to public office at any primary election shall
20 pay a nonrefundable fee as established by resolution of the City Council.
- 21 B. All payments shall accompany the certificate of candidacy and shall be made
22 payable to the City.
- 23 C. All candidates nominated in a manner other than by primary election,
24 whether or not their names appear on the primary ballot, shall pay the filing
25 fee in accordance with the provisions of this section for the respective office
26 which they seek.
- 27 D. FILING FEES MAY BE PAID BY CHECK, MONEY ORDER, OR
28 ELECTRONIC MEANS. PAYMENTS SHALL BE SUBMITTED NO
29 LATER THAN 4:00 P.M., MONDAY THROUGH FRIDAY, AT THE
30 FINANCE OFFICE.
- 31 ~~DE.~~ If a candidate pays a filing fee THAT IS RETURNED OR REJECTED FOR
32 INSUFFICIENT FUNDS AND CANNOT BE RESOLVED WITH GOOD
33 FUNDS PRIOR TO THE 9:00 P.M. CLOSING TIME FOR FILING A
34 CERTIFICATE OF CANDIDACY, ~~with a check which is returned for~~
35 ~~insufficient funds,~~ the candidate's name may not be placed on the ballot.
- 36 ~~EF.~~ IN CIRCUMSTANCES WHERE A CANDIDATE SEEKS A FILING FEE
37 WAIVER, BEFORE A WAIVER MAY BE GRANTED BY THE BOARD,
38 THE CANDIDATE SHALL SUBMIT A SWORN STATEMENT
39 CONCERNING THE CANDIDATE'S FINANCIAL CONDITION. THE
40 BOARD MAY CONDUCT A REASONABLE INVESTIGATION OF THE
41 FACTS CONTAINED IN THE SWORN STATEMENT AND IF
42 CONVINCED THAT THERE IS FINANCIAL HARDSHIP, THE BOARD
43 SHALL GRANT A WAIVER. ~~If a candidate establishes an inability to pay~~
44 ~~the fee, it shall be waived by the board. The board will require a candidate to~~
45 ~~file a sworn statement concerning the candidate's financial condition and may~~
46 ~~conduct an investigation of a candidate's financial status.~~

1
2
3 **Chapter 4.24 - VOTING AND VOTING MACHINES**
4

5 **4.24.010 - Policing.**
6

7 Each of the CHIEF jJudges has the authority to keep the peace and to cause any person to
8 be arrested for any breach of the peace, or for any breach of the election laws, or any
9 interference with the progress of an election, the canvass of the ballots or the
10 ascertainment and transcription of the votes recorded on the approved voting devices. It
11 shall be the duty of all officers of the law present to obey the order of any CHIEF jJudge,
12 and an officer making an arrest by the direction of any CHIEF jJudge shall be protected
13 in so doing fully as if a warrant had been issued to that officer to make such arrest.
14

15 **4.24.030 - Challengers and watchers.**
16

- 17 A. Each candidate, political party or other body of voters having a candidate,
18 candidates, principal or proposition appearing on the ballot, shall have the right to
19 designate a registered voter as a challenger and watcher at each place of registration
20 and election. Challengers and watchers shall be assigned to a position near the
21 judges, inside the registration or polling room, as to enable them to observe and hear
22 the name of each person as the person offers to register or vote. They shall be
23 protected in the discharge of their duty by the judges and the police, but a judge is
24 not required to assist any watcher or challenger in the performance of the watcher's
25 or challenger's duties.
- 26 B. A certificate signed AND DATED by any party or candidate shall be sufficient
27 evidence of the right of any challenger and watcher to be present in the registration
28 or polling room. THE CERTIFICATE FORM AS DESCRIBED IN PARAGRAPH G
29 OF THIS SECTION, SHALL BE PRESENTED TO THE CHIEF JUDGE
30 IMMEDIATELY UPON ENTRY TO THE POLLING OR REGISTRATION
31 LOCATION.
- 32 C. A challenger or watcher has the right to enter the polling place one-half hour before
33 the opening of the polls. A challenger or watcher has the right to enter or be present
34 at the polling place at any time the polls are open, and may remain in the polling
35 place until the returns are completed.
- 36 1. A CHALLENGER OR WATCHER MAY MAINTAIN A LIST OF
37 REGISTERED VOTERS WHO HAVE VOTED, OR INDIVIDUALS WHO HAVE
38 CAST PROVISIONAL BALLOTS, AND TAKE THE LIST OUTSIDE OF THE
39 POLLING PLACE; AND
- 40 2. A CHALLENGER OR WATCHER MAY TEMPORARILY LEAVE A
41 POLLING PLACE FOR THE PURPOSE OF SEEKING INFORMATION THAT
42 IDENTIFIES REGISTERED VOTERS WHO HAVE CAST BALLOTS OR
43 INDIVIDUALS WHO HAVE CAST PROVISIONAL BALLOTS.
- 44 D. It is unlawful for any challenger OR WATCHER to inquire or ascertain for which
45 candidate any voter intends to vote, or has voted, or to converse in the polling place
46 with any voter or to assist any voter in the preparation of the voter's ballot or in the

1 operation of the voting machine OR TO PHYSICALLY HANDLE AN ORIGINAL
 2 ELECTION DOCUMENT. Any challenger OR WATCHER who violates the
 3 restrictions of this subsection may lawfully be ejected by the CHIEF judges OF A
 4 POLLING PRECINCT and is subject to the punishment provided for in this title.

- 5 E. A challenger or watcher may be removed at any time by the same person who
 6 appointed the challenger or watcher.
- 7 F. Persons other than accredited challengers or watchers who desire to challenge the
 8 vote of any person shall be permitted to enter the polling place for that purpose, but a
 9 majority of the judges may limit the number of persons to be allowed in the polling
 10 place at any one time for that purpose; and all of these persons shall leave the polling
 11 place as soon as the right to vote of the person challenged by them has been decided.
- 12 G. The form for the certificate of a challenger and watcher shall be supplied by the
 13 board, party, candidate or other organization and shall be on a form prescribed by the
 14 board. THE BOARD SHALL INCLUDE IN THE PRESCRIBED FORM, THE
 15 RESTRICTIONS CONTAINED IN THIS SUBSECTION AND PUNISHMENT
 16 PROVIDED FOR IN THIS SUBSECTION IN THE EVENT OF NON-
 17 COMPLIANCE.
- 18 H. While at a polling place, a challenger or watcher shall wear an identification badge
 19 approved by the board.

20
 21 **4.24.170 - Time allowed for voting.**

22
 23 No voter shall remain within the voting machine booth longer than ~~two~~ FIVE
 24 minutes, if there are other voters awaiting an opportunity to register their vote, except that
 25 an additional one minute shall be allowed for each Charter amendment and referendum to
 26 be voted upon. However, before requiring any voter who has remained beyond the time
 27 permitted by this section to leave the voting machine booth, an election judge of each
 28 political party shall offer the voter the opportunity to receive assistance as may be
 29 permitted by Section 4.24.160(D). The time for voting permitted by this section shall be
 30 extended as necessary to allow the rendering of assistance as permitted by this section or
 31 Section 4.24.160.

32
 33 **Chapter 4.32 - BOARD OF CANVASSERS**

34
 35 **4.32.010 - Organization—Oath—Sessions.**

36
 37 On the ~~day~~TUESDAY following every primary, general or special election, the
 38 Board of Elections shall be reconstituted as the Board of Canvassers and shall meet at the
 39 office of the Board. The Board of Canvassers shall elect a chair and secretary from their
 40 number. Each member of the Board of Canvassers shall recite an oath, under the penalty
 41 of perjury, to truly canvass, add up and declare the votes as required by law. The Board
 42 of Canvassers has the same powers as the Board of Supervisors of Elections. All
 43 questions arising in the course of their proceedings shall be determined by a majority of
 44 the canvassers. All the sessions, deliberations and proceedings of the Board of
 45 Canvassers shall be public. All candidates and their counsel shall have the right to attend
 46 and inspect the original statements and returns, and all other documents and records.

1
2 **4.32.040 - Verification of voting machines.**
3

4 A. Procedure:

- 5 1. The ~~day~~TUESDAY after each election, the board, as a part of its canvass, shall
6 verify the votes cast on the voting machines. The ~~day~~TUESDAY after the
7 general election, the board shall inspect for votes cast for write-in candidates,
8 and a tabulation of all the votes cast shall become a part of the official canvass.
9 The board shall verify the votes cast as shown by the print-outs of each machine
10 used in each precinct in each election according to the technology used. The
11 verification shall be open to the public.
- 12 2. Upon completion of verification, the members of the board shall sign a
13 certification that every counter used in the election has been canvassed and
14 verified.
- 15 3. At the time of submitting the certified copies of returns, the board shall furnish a
16 copy of the certification.

17 B. If upon verification, it is found that the original returns incorrectly have been made
18 from any machine or machines, a statement in writing shall be prepared, giving in
19 detail as to each machine, the result of the verification. The statement shall be
20 witnessed by the persons present and shall be filed with the other returns of the
21 election. This return then shall supersede the returns filed by the judges of the
22 precinct in which the unofficial count was made.

23 C. If during the verification, any discrepancy cannot be reconciled, the board, after the
24 expiration of the time within which petition for recount may be made, shall provide
25 an examination and test of the machine to determine the cause, if any, of the
26 discrepancy in the returns from the machine and shall notify each candidate of the
27 time and place of the examination and test.

28
29 **Chapter 4.40 BALLOT QUESTION PROCEDURES.**
30

31 **4.40.080 - Publication of questions.**
32

33 A. To the extent not otherwise provided by State law, the board shall advertise the title
34 and a concise statement, prepared by the City Attorney, of every question to be
35 submitted for approval of the voters at the same time and in the same manner as is
36 required for the election of candidates at the general election.

37 B. The complete text of any question shall be made available ON THE CITY
38 WEBSITE for public inspection AND SHALL BE AVAILABLE in the office of the
39 board during normal business hours for thirty days preceding the election at which
40 the question is to be voted upon.

41
42 **4.44.100 - Reporting deadlines—Failure to file.**
43

44 A. A person may not become a candidate for public or party office in any election in the
45 City, a certificate of candidacy may not be accepted on a person's behalf, and a
46 person may not become a treasurer for a candidate or committee unless the person

1 has filed or had filed on the person's behalf all reports or statements required by
2 Section 4.44.080 and Subsection C of this section to be filed by that person, as a
3 candidate, chair or treasurer, during the five calendar years preceding the election in
4 which the person seeks to become a candidate or treasurer.

5 B. A late filing fee shall be assessed for forms not filed pursuant to Section 4.44.080 of
6 this Code.

7 1. For pre-election reports and affidavits not timely filed, a fee of twenty dollars
8 shall be assessed each day for the first six days ~~is~~ and ten dollars each day
9 thereafter.

10 2. For post-election reports not timely filed, a fee of ten dollars shall be assessed
11 each day.

12 3. The maximum assessable fee shall be two hundred fifty dollars per report and
13 shall be computed from the day immediately following the due date and include
14 the day of filing.

15 4. Fees assessed under this subsection shall not be paid directly or indirectly from
16 campaign funds and shall constitute a personal liability of the candidate and
17 treasurer if the campaign finance entity is a personal treasurer or chairman and
18 treasurer for all other campaign finance entities.

19 C. For the purposes of this section, the failure to provide all of the information called
20 for on the forms prescribed pursuant to Section 4.44.090, to the extent applicable, is
21 a failure to file under Section 4.44.100B of this Code if the board has notified the
22 candidate and treasurer, or chairman and treasurer, in writing, of the particular
23 deficiencies and a properly corrected report has not been filed within thirty days of
24 service of notice. After the thirtieth day, and in the absence of a filed corrected
25 report, all sanctions provided for in this section and in Section 4.48.210 shall be
26 applicable without the necessity of further notice to the candidate, chair or treasurer
27 under this subsection or Subsection B. of this section.

28 D. A person may not be deemed elected to any public or party office in this City, or
29 enter upon the duties of the office or receive any salary or emoluments from the
30 office, until all of the reports and statement of contributions and expenditures
31 required to be filed by the person pursuant to Section 4.44.080 of this Code have
32 been filed and assessed fees paid. A candidate may not be sworn in until the board
33 certifies that all the reports and statements required by those sections have been filed
34 and assessed fees paid.

35 E. The provisions of this section, and the provisions of Section 4.44.080 with respect to
36 the filing of reports or statements, are mandatory and not directory. However, a
37 candidate may not be disqualified for failure to file a report or statement if the failure
38 is found by a court of competent jurisdiction to be for just cause.

39
40
41 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY**
42 **THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date
43 of its passage.
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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments