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..Title
Title 4 - Elections – For the purpose of amending and updating Chapters 4.28 and 4.44 of the Code of the City of Annapolis concerning absentee voting and fair election practices; and matters generally relating to absentee voting and fair election practices.

..Body

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 21-16

Introduced by: Alderman Littmann and Alderwoman Pindell Charles

Referred to
Board of Supervisors of Elections
Rules and City Government Committee

AN ORDINANCE concerning

Title 4 - Elections

FOR the purpose of amending and updating Chapters 4.28 and 4.44 of the Code of the City of Annapolis concerning absentee voting and fair election practices; and matters generally relating to absentee voting.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2015 Edition
4.28.010
4.28.030
4.28.050
4.28.060
4.28.090
4.28.100
4.44.130

BY repealing the following portion of the Code of the City of Annapolis, 2015 Edition
4.28.110

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:

1 **Title 4 - ELECTIONS**

2
3 **Chapter 4.28 - ABSENTEE VOTING**

4
5 **Section 4.28.010 – ~~Qualifications~~ APPLICATION FOR ABSENTEE BALLOT.**

6
7 A. ~~A registered voter may vote by absentee ballot if:~~

8
9 1. ~~The voter is absent for any reason from the City on any election day;~~

10 2. ~~The voter is unable to vote in person on any election day because of observing a~~
11 ~~religious holiday;~~

12 3. ~~The voter is an employee of the Elections Board, including any judge, who is~~
13 ~~required to be absent from the precinct in which the employee is registered to~~
14 ~~vote; or~~

15 4. ~~The voter whose physical disability or confinement, illness or accident that are~~
16 ~~serious to cause confinement, will prevent the voter from being present and~~
17 ~~personally voting at the polls on any election day.~~

18 BA. A REGISTERED VOTER MAY VOTE BY ABSENTEE BALLOT. The voter
19 shall make application for an absentee ballot as provided in this chapter. The
20 application shall be filed in the office of the board not later than the close of
21 business of the Tuesday preceding any election. Upon receipt of the application,
22 the board shall mail OR DELIVER an absentee ballot to the voter entitled to the
23 ballot.

24
25 **4.28.030 - Emergency ballot.**

26
27 A. After the Tuesday preceding an election and on the day of the election prior to the
28 time the polls close, any person registered and otherwise qualified to vote may
29 apply for an emergency absentee ballot if the person is notified after the time for
30 making application for an absentee ballot that, as a condition of employment, the
31 person is required to be absent from the City on the day of an election, ~~if the~~
32 ~~person is one described in Section 4.28.010(A),~~ if the person is unable to be
33 physically present at the polls as a result of illness or accident occurring after the
34 time of making application for an absentee ballot, or if the person is unable to be
35 present because of a death or serious illness in the person's immediate family
36 occurring after the time for making application.

37
38 B. The application shall be made setting forth the reason why the voter is unable to
39 be present at the polls on the day of the election.

40
41 C. Upon receipt of the application, the board, ~~if satisfied that the person, in fact,~~
42 ~~cannot be present at the polling place on the day of the election,~~ shall issue to the
43 applicant, or the applicant's duly authorized agent, an absentee ballot which shall
44 be marked by the voter, placed in a sealed envelope, and returned to the board.
45

- 1 D. If the applicant does not apply in person, the application shall designate a voter
 2 registered in the City as agent for the purpose of delivering the absentee ballot to
 3 the voter. An agent may so act for only one voter per election. The agent shall
 4 execute an affidavit under penalty of perjury that the ballot was delivered to the
 5 voter who submitted the application, was marked by the voter in the agent's
 6 presence, was placed in a sealed envelope in the agent's presence, and returned,
 7 under seal, to the board by the agent. The agent's affidavit shall be completed and
 8 signed in front of the voter. The voter shall certify under penalties of perjury that
 9 the agent signed the affidavit in front of the other and when the agent returns the
 10 affidavit of agent and oath of absentee voter to the board, the agent shall sign a
 11 form indicating that the agent personally secured that absentee vote and all
 12 requirements of the law were complied with in obtaining the absentee vote.
 13
- 14 E. In applying for an emergency absentee ballot, a voter may be assisted by another
 15 person, but in casting an emergency ballot, only an election judge will assist the
 16 voter, as provided in Section 4.28.020.
 17
- 18 F. Any emergency absentee ballot received by the board after the time for closing of
 19 the polls may not be counted.
 20
- 21 G. GIVEN THE TIMING OF EMERGENCY ABSENTEE BALLOT
 22 APPLICATIONS, THE BOARD IS UNABLE TO NOTIFY THE VOTER
 23 PRIOR TO ELECTION DAY AS TO WHETHER SUCH EMERGENCY
 24 APPLICATION IS ACCEPTED OR REJECTED. THE VALIDITY OF ALL
 25 SUCH EMERGENCY APPLICATIONS SHALL BE DETERMINED AT THE
 26 CANVASS.
 27

28 **4.28.050 - Application—Form.**
 29

- 30 A. Printed forms of applications for absentee ballots in accordance with the
 31 requirements of this title shall be provided by the board and shall be available
 32 upon request to a registered voter ~~who meets the qualifications set forth in Section~~
 33 ~~4.28.040~~. The board shall prescribe all forms and related affidavits and
 34 statements.
 35
- 36 B. On the application, the board may require the voter to furnish information from
 37 which eligibility may be verified.
 38

39 **4.28.060 - Application—REVIEW AND Rejection.**
 40

41 ~~Upon~~PROMPTLY AFTER receipt of an application, ANY MEMBER OF the
 42 board OR THE BOARD'S DESIGNATED STAFF OR THE ELECTION
 43 ADMINISTRATOR SHALL REVIEW ~~reject~~ the application ~~only upon the~~
 44 ~~unanimous vote of the board members present and voting provided that at least~~
 45 ~~two members are present. When~~IF an application is rejected, the board MEMBER
 46 OR ITS DESIGNEE OR THE ELECTION ADMINISTRATOR shall notify the

1 applicant of the reason for the rejection if it determines, upon inquiry, that the
2 applicant legally is not qualified to vote at the election as an absentee voter. THE
3 APPLICANT SHALL BE NOTIFIED OF THE REJECTION AND REASONS
4 FOR REJECTION AS SOON AS PRACTICABLE.
5

6 **4.28.090 - Sending and return of APPLICATIONS AND ballots.**
7

8 A. If the applicant is a registered voter per Section 4.16.020, the board, as soon as
9 practicable after receipt of the application, shall deliver to the voter at the office
10 of the board, or by ~~registered~~FIRST CLASS mail to the voter at an address
11 designated by the voter, an absentee voter's ballot and an envelope for the ballot.
12 Postage for transmitting ballot material to voters shall be paid by the board, and
13 postage for the return of ballots shall be paid by the voters. ~~If the ballots are to be
14 sent by mail, the determinations required in Section 4.28.060 shall be made in
15 such time as will allow for the sending and return of the ballots by regular mail or
16 airmail, depending on the mailing address, and including at least one secular day
17 for marking the ballots and completing the affidavit. All investigations shall be
18 concluded and any determinations made as to all absentee ballot applications not
19 later than five days before election day.~~

20
21 B. The board shall keep a record of applications for absentee voters' ballots, AS
22 WELL AS THE BALLOTS, as they are received, showing the date and time
23 received, the names and residences of the applicants. The board shall also keep a
24 record of the applications AND BALLOTS sent OR DELIVERED, including the
25 name of registered voter to whom ballot is sent, address to which absentee ballot
26 is sent, date absentee ballot sent, ~~certified mail receipt number associated with the
27 applicable absentee ballot,~~ number on the absentee ballot, and any other
28 information the board determines is necessary to maintain integrity in the
29 absentee ballot process. Those registered voters who present at the Board to pick
30 up their ballot shall sign a statement that they have received their ballot, to be
31 maintained by the board. These records shall be available for examination by any
32 registered voter on written application to the board.
33

34 C. After approval of an application for an absentee ballot and the mailing of an
35 absentee ballot to the applicant, the voter may not vote or be allowed to vote in
36 person at any polling place.
37

38 D. Not more than one absentee ballot shall be mailed to any one applicant unless the
39 board has reasonable grounds to believe that the absentee ballot previously
40 provided has been lost, destroyed or spoiled.
41

42 **4.28.100 - Canvassing of ballots.**
43

44 A. The board shall not open or unfold any provisional or absentee ballot at any time
45 prior to the closing of the polls.
46

1 B. At any time after the closing of the polls on election day and not later than the
2 canvass of the votes cast at the regular voting places in the City, the board shall
3 meet at the office of the board and shall proceed to count, certify and canvass the
4 absentee ballots contained in the ballot envelopes.

5
6 C. Timeliness of absentee ballots:

7
8 1. A ballot shall be considered as received timely, provided:

9
10 a. It has been received by the board prior to the closing of the polls on
11 election day; or

12 b. It was mailed before election day, the United States Postal Service, or
13 postal service of any other country, has provided verification of that fact
14 by affixing a mark so indicating on the covering envelope, and the board
15 receives the ballot from the United States Postal Service not later than the
16 close of business on the Wednesday following election day.

17 2. Any ballot received after the close of business on the first Wednesday
18 following election day may not be counted.

19
20 3. PURSUANT TO THIS SECTION, ANY MEMBER OF THE BOARD
21 OR THE BOARD'S DESIGNATED STAFF OR THE ELECTION
22 ADMINISTRATOR, SHALL KEEP A RECORD OF ALL ABSENTEE
23 VOTERS' BALLOTS AS THEY ARE RECEIVED, SHOWING THE
24 DATE AND TIME RECEIVED.

25
26 D. ALL BALLOTS ARE PRESUMED TO BE VALIDLY CAST, AND ALL
27 VOTES ARE PRESUMED TO BE VALID AND SHALL BE COUNTED,
28 NOTWITHSTANDING ANY DEFICIENCY IN THE MANNER IN WHICH
29 THE BALLOT AND/OR VOTE WAS SOUGHT, SENT OR PRESENTED TO
30 APPROPRIATE OFFICIALS, AND NO BALLOT OR VOTE SHALL BE SET
31 ASIDE UNLESS THERE IS CLEAR AND CONVINCING EVIDENCE, AS
32 UNANIMOUSLY DETERMINED BY THE BOARD OF CANVASSERS,
33 THAT SAID BALLOT AND/OR VOTE WAS IMPROPERLY CAST.

34
35 ~~DE. A ballot may not be rejected by the board except by the unanimous vote of the~~
36 ~~board members present and voting, provided at least two members are present.~~

37 This canvass shall be conducted by ward and precinct in accordance with the
38 applicable provisions of this title. All voters' applications, medical certificates,
39 notarial affidavits, certifications, ballot envelopes and ballots, to have voters'
40 applications and all documentation kept separately from ballots cast in polling
41 precincts, shall be kept separate and apart from ballots cast at the regular voting
42 places and retained for six months after the date of election at which they were
43 cast, unless, prior to that time, the board is ordered by a court of competent
44 jurisdiction to keep the same for any longer period. The board may appoint those
45 numbers of temporary judges as the board may deem necessary to adequately and
46 promptly carry out the provisions of this section.

1
2 EF. Any absentee ballot voted for a person who has ceased to be a candidate shall not
3 be counted for that candidate but the vote shall not invalidate the remainder of the
4 ballot.

5
6 FG. If the absentee resident who marked a ballot dies before election day, the ballot
7 shall be counted if the ballot is postmarked or received before the absentee
8 resident's death, and the fact that the absentee resident later may be shown
9 actually to have been dead on election day shall not invalidate the ballot or the
10 election.

11
12 GH. For the purposes of absentee ballots, if the board determines that the provisions
13 for filling out and signing the oath on the outside of the ballot envelope
14 substantially have been complied with and that the person signing the voter's oath
15 is entitled to vote under this title in any precinct of the City, and already has not
16 voted in the precinct on election day, they shall open the ballot envelope and
17 remove the ballot and place it in a ballot box or ballot boxes prepared for that
18 purpose. If an oath is unsigned, it is automatically excluded from the count. When
19 any ballot envelope is opened, the board shall enter in the appropriate register the
20 fact that the voter whose name appears on the envelope has voted, using the
21 initials "A.B." to indicate the vote has been by absentee ballot. If there is more
22 than one ballot in the ballot envelope, all shall be rejected. Absentee ballots may
23 be marked by any kind of pencil or ink.

24
25 HI. For the purposes of provisional ballots, if the board determines that the voter is
26 entitled to vote under this title in any precinct of the City and has not already
27 voted in the precinct on election day, they shall open the ballot envelope, remove
28 the ballot and place it in a ballot box or ballot boxes prepared for that purpose.
29 When any ballot envelope is opened, the board shall enter in the appropriate
30 register the fact that the voter whose name appears on the envelope has voted,
31 using the initials "P.B." to indicate the vote has been by provisional ballot. If there
32 is more than one ballot in the ballot envelope, all shall be rejected. Provisional
33 ballots may be marked by any kind of pencil or ink.

34
35 IJ. If the board receives from the same person, prior to the deadline for receipt of
36 absentee ballots, more than one absentee ballot, it shall count, certify and canvass
37 only the absentee ballot contained in the ballot envelope on which the voter's oath
38 was last executed, and if the oath on two or more of the ballot envelopes
39 containing absentee ballots are dated the same or if both are undated, none of the
40 ballots received from such persons shall be counted.

41
42 ~~4.28.110—Contests and appeals.~~

43
44 ~~Contests relating to registration, voting or the validity of any absentee ballot shall~~
45 ~~be decided by the board. No registration shall be denied and no ballot rejected~~

1 ~~except by unanimous vote of the board members present and voting, provided at~~
2 ~~least two members are present.~~

3
4
5 **Chapter 4.44 – FAIR ELECTION PRACTICES**

6
7 **4.44.130 - Prohibited practices.**

8
9 A. A person shall not:

- 10
11 1. Directly or indirectly, personally or by another, give or offer or promise to
12 any person any money, gift, advantage, preferment, aid, emolument or any
13 valuable thing whatever, for the purpose of inducing or procuring any
14 person to vote, or refrain from voting, for or against any person, or for or
15 against any measure or proposition at any election;
- 16 2. Directly or indirectly, receive, accept, request or solicit from any person,
17 candidate, committee, association, organization or corporation, any
18 money, gift, advantage, preferment, aid, emolument, or any valuable thing
19 whatsoever, for the purpose of inducing or procuring any person to vote,
20 or refrain from voting, for or against any person, or for or against any
21 measure or proposition at any election;
- 22 3. In consideration of any money, gift, advantage, preferment, aid,
23 emolument, or any valuable thing whatsoever, paid, received, accepted, or
24 promised to the advantage of that person or any other person, vote or
25 refrain from voting for or against any person, or for or against any
26 measure at any election;
- 27 4. Directly or indirectly, pay, give, contribute or promise any money or other
28 valuable thing, to defray, or towards defraying the costs or expenses of
29 any campaign or election, to any person, committee, company,
30 organization or association, other than to a treasurer; however, this
31 subsection does not apply to dues regularly paid for membership in any
32 political club if all money expended by the club or in connection with the
33 costs or expenses of any campaign or election will be paid out by the club
34 only through a treasurer as provided in this chapter, or to volunteered time,
35 personal vehicles, personal advertising or costs and expenses incident to
36 the expression of personal views in accordance with the provisions of
37 Section 4.44.060;
- 38 5. Directly or indirectly, personally or through another person, make a
39 payment, or promise of payment, to a treasurer, or candidate, in any other
40 name than the person's own; nor shall a treasurer or candidate knowingly
41 receive a payment, or promise of payment, and enter the same or cause the
42 same to be entered in the treasurer's accounts in any other name than that
43 of the person by whom the payment or promise of payment is made;
- 44 6. Being an employer, pay one's employees the salary or wages due in "pay
45 envelopes," upon which there is written or printed or in which there is
46 enclosed any political motto, device or argument containing threats,

1 express or implied, intended or calculated to influence the political
2 opinions or actions of the employees, or within ninety days of an election
3 put, or otherwise exhibit in the establishment or place where one's
4 employees are engaged in labor, any handbill or placard containing any
5 threat, notice or information that if any particular ticket or candidate is
6 elected or defeated, work in one's place or establishment will cease, in
7 whole or in part, the establishment be closed up or the wages of one's
8 employees reduced, or other threats, express or implied, intended or
9 calculated to influence the political opinions or actions of one's
10 employees;

- 11 7. Publish or distribute or cause to be published or distributed any pamphlet,
12 circular, card, sample ballot, dodger, poster, advertisement or any printed,
13 multigraphed, photographed, typewritten or written matter or statement or
14 any matter or statement which may be copied by any device or method
15 now known for printing or copying or which may be used for making
16 copies or printed or written matter in any form whatever for publication or
17 distribution, relating to or concerning any candidate, including a write-in
18 candidate, or prospective candidate for public or party office or for the
19 acceptance or defeat of any proposition unless the pamphlet, circular, card,
20 sample ballot, dodger, poster, advertisement or other form of publication
21 described in this subsection clearly indicates the name of the candidate or
22 committee responsible for the literature and contains, but set apart from
23 the name of the candidate or committee, an authority line which includes
24 the name and address of the person, treasurer or campaign manager
25 responsible for the publication or its distribution; except, that if the person,
26 treasurer or campaign manager has furnished the address to the
27 appropriate board, the literature need not contain an address, except that
28 this paragraph does not apply to a person exercising the rights described in
29 Section 4.44.060;
- 30 8. Being a candidate, make any payment, contribution, expenditure or
31 promote or incur any liability to pay, contribute or expend from personal
32 financial resources any money or thing in value in excess of that
33 authorized by this chapter;
- 34 9. Contribute, in any one election cycle, any money, ~~professional services~~ or
35 tangible thing of value greater than:
- 36
- 37 a. One thousand dollars to any candidate for Alderman; and
38 b. Two thousand five hundred dollars to any candidate for Mayor.

39

40 B. EXCEPTIONS. CONTRIBUTIONS BY A CANDIDATE TO THE
41 CANDIDATE'S OWN CAMPAIGN ARE EXEMPTED FROM THE
42 LIMITATIONS SET FORTH IN THIS SECTION.

43

44 C. Every person who is guilty of any prohibited practices described in this section
45 shall be punished as provided in Chapter 1.20 of this code for a misdemeanor, and

1 shall be ineligible for any public or party office, for the period of four years from
2 and after the time of the commission of the offense.

3

4

5 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY**
6 **THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date
7 of its passage.

8

9

10

EXPLANATION

11

CAPITAL LETTERS indicate matter added to existing law.

12

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

13

Underlining indicates amendments

14