

1 **..Title**

2 **Elections - Ballot Questions** – For the purpose of updating the procedures for ballot questions  
3 that may be requested for the 2025 election and beyond.

4 **..Body**

5 **CITY COUNCIL OF THE**  
6 **City of Annapolis**

7  
8 **Ordinance 19-24**

9  
10 **Introduced by: Mayor Buckley**

11  
12 **Referred to:**

13 Rules and City Government Committee

14  
15 **AN ORDINANCE** concerning

16  
17 **Elections - Ballot Questions**

18  
19 **FOR** the purpose of updating the procedures for ballot questions that may be requested for the  
20 2025 election and beyond.

21  
22 **BY** repealing and reenacting with amendments the following portions of the Code of the City  
23 of Annapolis, 2024 Edition:

24 **4.40**

25  
26  
27 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
28 **COUNCIL** that:

- 29 1. The Ballot Questions Chapter in the Elections Title of the City Code, § 4.40, is  
30 hereby repealed in its entirety; and
- 31 2. The following provisions are hereby enacted as the new Chapter 4.40 of the  
32 Elections Title to ensure compliance with the state's election law regarding ballot  
33 questions.

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**Explanation:**

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1 **Title 4 - ELECTIONS**  
2 **Chapter 4.40 - Ballot Questions**

3  
4 **4.40.010 - Purpose and Applicability.**

- 5 A. This chapter explains the process for including a ballot question on the city municipal ballot  
6 to be resolved by a popular vote of registered city voters.  
7 B. The provisions of this chapter apply to ballot questions for city municipal elections, for  
8 which provision is not made by state law.  
9 C. The board shall prescribe any forms required by this chapter.

10  
11 **4.40.020 - Eligibility for Inclusion on the Ballot.**

12 A ballot question qualifies to be on the ballot upon a determination by the board and the  
13 City Council that the applicable petition has satisfied all the requirements established by  
14 this chapter and all other applicable laws.

15  
16 **4.40.030 - Ballot Question Process.**

17 **A. Generally.**

- 18 1. **Getting on the Ballot.** A ballot question shall be put on the ballot in the following  
19 ways:  
20 a. By legislative action through a resolution adopted by the City Council per  
21 § 2.16.090;  
22 b. By petition as presented by registered voters of this City in accordance with  
23 this chapter;  
24 c. As permitted by Maryland state law; or  
25 d. As otherwise permitted in the City Charter or City Code.  
26 2. **Exceptions.** The ballot question process specified in this chapter shall not apply to  
27 the following types of ballot questions:  
28 a. **Recall.** A ballot question petition for recall, which shall be prepared in  
29 compliance with § 4.46.020;  
30 b. **Annexation.** A ballot question petition for annexation, which shall be  
31 prepared in compliance with § 2.52.030 and applicable Maryland state law;  
32 c. **Bonds.** A ballot question petition for bonds, which shall be prepared in  
33 compliance with Article VII, Section 11(c) of the City Charter; and  
34 d. **Other.** Any other ballot question petition otherwise governed by Maryland  
35 state law.

36 **B. Drafting the Ballot Question.**

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1 The ballot question shall be written by one or more voters who will be known as  
2 the petitioner(s) and shall be approved by the City Attorney as legally sufficient in  
3 accordance with § 4.40.050.

4 **C. Preparing the Petition.**

5 **1. Signatures Required.** The petitioners shall gather the required number of  
6 signatures as specified in this chapter.

7 **2. Petition Format.**

8 a. The petition shall be:

9 i. On separate papers,

10 ii. No more than 8 ½ inches in width and 14 inches in length;

11 iii. Bearing one or more signatures.

12 iv. Each side of a paper upon which signatures are to be affixed shall  
13 contain a complete text or an accurate summary of the ballot  
14 question approved by the City Attorney.

15 b. The signature of each person, the person's residence, and the ward in  
16 which the person is registered as a voter shall be appended to every  
17 petition (including an associated or related set of petitions).

18 c. The name of that person shall be printed or typed immediately below the  
19 signature of that person.

20 d. An affidavit, signed under penalty of perjury, shall be attached to every  
21 paper stating that the signatures are, to the petitioner's best knowledge and  
22 belief, genuine and bona fide, that each person is a registered voter of the  
23 City as set forth in the petition, and that at least one of the petitioners  
24 personally saw each person sign the paper.

25 e. The petition shall contain a blank space for the board verification and City  
26 Attorney verification in accordance with § 4.40.050.

27 **C. Gathering Signatures for Voter Ballot Question Petitions.**

28 **1. As a condition of ballot approval by the City Council, petitioners shall have**  
29 **signatures of:**

30 a. At least 10% of voters registered in the City of Annapolis; or

31 b. Such other percentage of voters as may be required by state law; and

32 c. Include the signatures of at least 250 registered voters from each of the  
33 City's eight election wards.

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- 1           2. The required percentage of voters shall be calculated based on the total number  
2           of registered voters in the City at the date the question is certified by the City by  
3           adoption of a resolution.

4           **D. Presenting the Petition for Inclusion on Ballot.**

5           Petitioners shall request that the completed petition be presented to the City Council by  
6           delivering the original completed petition with signatures to the City Clerk for  
7           verification and City Council action in accordance with § 4.40.050.

8           **E. Statement of Contributions and Expenditures.**

9           1. **Contribution and Expenditures Statement.** At the time of filing a petition with  
10           the City Clerk (including an associated or related set of petitions), the person,  
11           persons or associations which file the petition shall file with it, on a form approved  
12           by the board, a statement showing the contributions and expenditures for the  
13           petition.

14           2. **Certification.** This statement shall be certified by the person, persons or association  
15           that files the petition, giving:

- 16                   a. The name and post office address of every contributor to the expense of the  
17                   petition and the amount paid by each; and  
18                   b. The name and post office address of every person to whom, and for what  
19                   service, any money was paid or promised on account of the petition or  
20                   which is to be paid.

21           3. **Incomplete Statements.** If a certified statement of contributions and expenditures  
22           is not filed with the petition, the City Clerk shall treat the petition as invalid and  
23           shall not proceed to have it verified or presented to the City Council or to have the  
24           ballot question placed on any ballot.

25  
26           **4.40.050 – Ballot Question Petition Verification and Presentation to City Council.**

27           **A. Verification.**

28           1. **Legal Sufficiency.** The City Attorney shall review the ballot question drafted by  
29           the petitioner(s) and determine if it is legally sufficient.

- 30                   a. If a ballot question is determined to be legally sufficient, the petition may  
31                   be sent to the board for verification in accordance with this section.  
32                   b. If a ballot question is determined to be legally insufficient, the City Clerk  
33                   shall reject the petition until the petitioners can draft a legally sufficient  
34                   ballot question.

35           2. **Board Verification.** Once the City Attorney determines that the ballot question is  
36           legally sufficient, the board shall verify that each signature on a petition is  
37           legitimate and that each signatory is a registered voter.

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1 **3. Required Signatures.** Each petition shall contain a blank space for the board and  
2 City Attorney verification signatures following the board verification.

3 **a. Board.** An authorized board member shall specify on each petition the  
4 number of signatures verified by the board and shall sign the petition if  
5 requirements are met correctly.

6 **b. City Attorney.** The City Attorney shall also review the petition for legal  
7 sufficiency and shall sign the petition if it is sufficient.

8 **4. Send to City Council.** The board shall forward the petition with both verification  
9 signatures and the certified statement of contributions and expenditures to the  
10 City Council immediately upon completion of the petition verification process.

11 **B. City Council Review and Approval.**

12 1. The City Council shall review the petition, the board and City Attorney  
13 verification signatures, and the certified statement of contributions and  
14 expenditures to make a final determination of the petition's sufficiency.

15 2. If a verification signature is missing or a certified statement of contributions and  
16 expenditures is not filed with the petition, the City Council shall treat the petition  
17 as invalid and shall not proceed to have the ballot question placed on any ballot.

18 3. If the City Council determines that an insufficient number of registered voters  
19 signed a petition, then that petition shall be rejected as insufficient, and the  
20 proposed ballot question shall not appear on any ballot.

21 4. If the City Council determines that a sufficient number of registered voters signed  
22 a petition and all other requirements of this chapter have been satisfied, then that  
23 petition shall be declared approved. The proposed ballot shall be placed on the  
24 applicable ballot in accordance with § 4.24.100.

25 5. The City Council action shall issue its rejection or approval by adoption of a  
26 resolution.

27 6. In any proceeding to test the validity of any petition filed, the person, persons, or  
28 association certifying or otherwise submitting the petition shall be a party to the  
29 proceeding.

30 7. On any petition (including an associated or included set of petitions) submitted to  
31 the City Council, any question concerning the invalidity of any person's signature  
32 on the petition affects that signature only and does not affect or impair any other  
33 portion of the petition or petitions.

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1 **4.40.050 - Public Notification of Ballot Question.**

2 **A. Advertisement Required.** To the extent not otherwise provided by Maryland state law,  
3 the board shall advertise the title and a concise statement, prepared by the City Attorney,  
4 of every ballot question to be submitted for approval of the voters at the same time and in  
5 the same manner as is required for the election of candidates at the general election in  
6 accordance with § 4.24.070(B) and § 4.24.110.

7 **B. Online Notice.** The complete text of any ballot question shall be made available on the  
8 City website for public inspection and in the office of the board during normal business  
9 hours for 30 days preceding the election at which the question is to be voted upon.

10  
11 **4.40.060 - Violations and Penalties.**

12 A. It is unlawful for a person, as principal or agent, in circulating or in having charge or  
13 control of the circulation of or in obtaining signatures for any petition (including an  
14 associated or related set of petitions) to misrepresent or to make any false statements  
15 concerning the contents, purport or effect of the petition, to any person who signs, wishes  
16 to sign, is requested to sign, makes inquiry concerning the petition, or to whom the  
17 petition is presented for signature.

18 B. It is unlawful for any person:

19 1. To knowingly or willfully circulate, publish or exhibit any false statement or  
20 representation concerning the contents, purport or effect of the petition for the  
21 purpose of obtaining any signature to the petition or of persuading any person to  
22 sign it;

23 2. To refer to the City Council a petition to which is attached, appended or  
24 subscribed any signature which the person knows to be false or fraudulent or not  
25 the genuine signature of the person purporting to sign the petition or of the person  
26 whose name is attached, appended or subscribed to the petition;

27 3. To make a false affidavit;

28 4. To give, pay or receive any money or other valuable consideration or inducement  
29 for signing the petition or for securing the signatures on the petition;

30 5. To circulate or cause to be circulated a petition, knowing it to contain false,  
31 forged or fictitious names;

32 6. To knowingly sign a petition more than once;

33 7. To sign a petition, knowing at the time that the person is not qualified to sign it.

34 C. Each violation of this chapter is a separate offense and constitutes a misdemeanor  
35 punishable as provided in §1.20. If the offense warrants, it is also punishable under the  
36 laws governing perjury.

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1 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
2 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.

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