



Legislation Details (With Text)

File #: O-18-21 **Version:** 1 **Name:**
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File created: 5/12/2021 **In control:** Rules & City Government Committee
On agenda: 7/12/2021 **Final action:** 7/12/2021
Title: Municipal Elections - Canvassing - For the purpose of modifying the day on which the Board of Canvassers shall convene following all municipal elections.
Sponsors: Gavin Buckley
Indexes: Rules and City Government Committee
Code sections:
Attachments: 1. O-18-21 First Reader, 2. O-18-21 Staff Report, 3. O-18-21 Fiscal Impact Note, 4. O-18-21 SIGNED

Date	Ver.	Action By	Action	Result
7/12/2021	1	City Council	adopt on second reader	Pass
7/12/2021	1	City Council	adopt on third reader	Pass
7/6/2021	1	Rules & City Government Committee	recommend favorably	Pass
6/14/2021	1	City Council	declare the public hearing closed	
5/24/2021	1	City Council	adopt on first reader	Pass
5/24/2021	1	City Council	refer	

Municipal Elections - Canvassing - For the purpose of modifying the day on which the Board of Canvassers shall convene following all municipal elections.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 18-21

**Introduced by: Mayor Buckley
Co-sponsored by:**

**Referred to
Rules and City Government**

AN ORDINANCE concerning

Municipal Elections - Canvassing

FOR the purpose of modifying the day on which the Board of Canvassers shall convene following all municipal elections.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis,

2021 Edition
4.28.100
4.32.010

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:

Title 4 - ELECTIONS

Chapter 4.28 - ABSENTEE VOTING

Section 4.28.100 Canvassing of ballots.

- A. The board shall not open or unfold any provisional or absentee ballot at any time prior to the closing of the polls.
- B. At any time after the closing of the polls on election day and not later than the canvass of the votes cast at the regular voting places in the City, the board shall meet at the office of the board and shall proceed to count, certify and canvass the absentee ballots contained in the ballot envelopes.
- C. Timeliness of absentee ballots:
 - 1. A ballot shall be considered as received timely, provided:
 - a. It has been received by the board prior to the closing of the polls on election day; or
 - b. It was mailed on or before election day, the United States Postal Service, or postal service of any other country, has provided verification of that fact by affixing a mark so indicating on the covering envelope, and the board receives the ballot from the United States Postal Service not later than 10:00 a.m. on the ~~date of the canvass~~ TUESDAY FOLLOWING THE ELECTION DAY.
 - 2. Any ballot not received in accordance with subparagraph 1 above shall not be counted.
- D. All ballots are presumed to be validly cast, and all votes are presumed to be valid and shall be counted, notwithstanding any deficiency in the manner in which the ballot and/or vote was sought, sent or presented to appropriate officials, and no ballot or vote shall be set aside unless there is clear and convincing evidence, as unanimously determined by the board of canvassers, that said ballot and/or vote was improperly cast.
- E. A ballot may not be rejected by the board except by the unanimous vote of the board members present and voting, provided at least two members are present and that they are not of the same major political party. This canvass shall be conducted by ward and precinct in accordance with the applicable provisions of this title. All voters' applications, medical certificates, notarial affidavits, certifications, ballot envelopes and ballots, to have voters' applications and all documentation kept separately from ballots cast in polling precincts, shall be kept separate and apart from ballots cast at the regular voting places and retained for six months after the date of election at which they were cast, unless, prior to that time, the board is ordered by a court of competent jurisdiction to keep the same for any longer period. The board may appoint those numbers of temporary judges as the board may deem necessary to adequately and promptly carry out the provisions of this section.
- F. Any absentee ballot voted for a person who has ceased to be a candidate shall not be counted for that candidate but the vote shall not invalidate the remainder of the ballot.
- G. If the absentee resident who marked a ballot dies before election day, the ballot shall be counted if the ballot is postmarked or received before the absentee resident's death, and the fact that the absentee resident later may be shown actually to have been dead on election day shall not invalidate the ballot or the election.
- H. For the purposes of absentee ballots, if the board determines that the provisions for filling out and

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

- I. For the purposes of provisional ballots, if the board determines that the voter is entitled to vote under this title in any precinct of the City and has not already voted in the precinct on election day, they shall open the ballot envelope, remove the ballot and place it in a ballot box or ballot boxes prepared for that purpose. When any ballot envelope is opened, the board shall enter in the appropriate register the fact that the voter whose name appears on the envelope has voted, using the initials "P.B." to indicate the vote has been by provisional ballot. If there is more than one ballot in the ballot envelope, all shall be rejected. Provisional ballots may be marked by any kind of pencil or ink.
- J. If the board receives from the same person, prior to the deadline for receipt of absentee ballots, more than one absentee ballot, it shall count, certify and canvass only the absentee ballot contained in the ballot envelope on which the voter's oath was last executed, and if the oath on two or more of the ballot envelopes containing absentee ballots are dated the same or if both are undated, none of the ballots received from such persons shall be counted.

Chapter 4.32 - BOARD OF CANVASSERS
Section 4.32.010 Organization-Oath-Sessions.

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

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

Explanation:

- UPPERCASE indicates matter added to existing law.
- ~~Strikethrough~~ indicates matter stricken from existing law.
- Underlining indicates amendments.