Town of Chevy Chase
Absentee Ballots Ordinance

Resolution No.: 07-02
Introduced: February 27, 2007
Adopted: March 14, 2007
Effective Date: April 14, 2007

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary;

WHEREAS, Article 23A, Section 47(b) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances and to do all acts providing for voting by persons who are absentee voters, and to use any facilities to transmit and receive applications for absentee ballots, envelopes, instructions and printed matter to enable absentee voters to vote;

WHEREAS, the Town Council desires to remove impediments to voting and to encourage qualified absentee voters to vote;

WHEREAS, the national trend is to allow absentee ballots without any requirement that voters show "good cause;"

WHEREAS, the State of Maryland adopted legislation, effective February 17, 2006, to eliminate the "good cause" requirement for absentee voters and to permit individuals to vote by absentee ballot except as provided under an applicable federal law;

WHEREAS, the Town Council finds that some security measures are necessary to assure that absentee ballots are actually being cast by qualified voters;

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 14th day of March, 2007; and

WHEREAS, the Town Council finds that clarification and codification of the absentee ballot process as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 8 OF THE OF THE
TOWN OF CHEVY CHASE MUNICIPAL CODE TO CLARIFY
AND CODIFY THE ABSENTEE BALLOT PROCESS

SECTION 1. BE IT ORDAINED AND ORDERED, this 14th day of March 2007, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that Section 8-5 of Chapter 8 of the Town Code is hereby amended to read as follows:

Sec. 8-5. Absentee ballots.

Any qualified voter of the town may vote in person, or [, if either physically incapacitated or unavoidably absent at the time of the election, then] by absentee ballot. Persons desiring an absentee ballot will **apply for an absentee ballot** [request a ballot] in writing [from] **to** the town manager enclosing a self-addressed, stamped, return envelope, or appear in person at the town office to pick up an absentee ballot. **The application shall be made under penalty of perjury but without a formal oath.** Any absentee ballot to be counted must be received by the town manager or his representative by [5:00 p.m.] **the time the polls close** on election day. **Absentee ballots shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the election board. At a minimum,** [T]the term "absentee ballot" must appear in large block letters on the outside of the envelope **in which the absentee ballot is submitted. The name, address, and date of birth of the absentee voter must appear on the outside of the envelope.** All absentee ballots [will] **must** be delivered **in** unopened **envelopes** to the election board. [All absentee ballots will show on the ballot the local address of the absentee voter.] The election board or its approved tellers or judges will verify that the name of the absentee voter appears on the list of qualified voters obtained from the county supervisor of elections. If the absentee voter's name does not appear on the county list of qualified voters the ballot will be rejected as invalid.

(Code 1964, § 25(b))

State law references: Duty to provide for absentee ballots, Anno. Code of Md., Art. 23A, § 47.

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SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 14th day of March, 2007, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that:

(1)   If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2)   This ordinance shall take effect on the 14th day of April, 2007.

ATTEST: TOWN OF CHEVY CHASE

_____   _____
Kathy Strom, Secretary   Linna Barnes, Mayor
                                                            Town of Chevy Chase

Bold and Underline indicates new material
[ ] indicates material deleted
* * * indicates material unchanged