Town of Chevy Chase
Absentee Ballots Ordinance

Resolution No.: 08-13
Introduced: October 14, 2008
Adopted: November 12, 2008
Effective Date: December 13, 2008

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, requiring a person who desires to vote by absentee ballot to provide a self-addressed, stamped, return envelope with an application for an absentee ballot or appear in person at the Town office to pick up an absentee ballot, imposes an impediment to voting by preventing applicants from submitting their requests by facsimile or other electronic means but does not provide a substantial benefit to the administration or security of an election; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 12th day of November, 2008; and

WHEREAS, the Town Council finds that elimination of the requirement that an applicant for an absentee ballot must enclose a self-addressed, stamped, return envelope with his or her application or appear in person at the Town office to pick up an absentee ballot is necessary for the good government of the Town; 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 SECTION 8-5 OF THE OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO ELIMINATE THE REQUIREMENT THAT AN ABSENTEE BALLOT APPLICANT MUST ENCLOSE A SELF-ADDRESSED, STAMPED, RETURN ENVELOPE WITH HIS OR HER APPLICATION OR APPEAR IN PERSON AT THE TOWN OFFICE TO PICK UP AN ABSENTEE BALLOT

SECTION 1. BE IT ORDAINED AND ORDERED, this 12th day of November, 2008, 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 by absentee ballot. Persons desiring an absentee ballot will apply for an absentee ballot in writing 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 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, 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 must be delivered in unopened envelopes to the election board. 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 12th day of November, 2008, 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
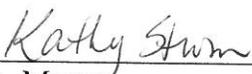
(2)   This ordinance shall take effect on the 13th day of December, 2008.

ATTEST: TOWN OF CHEVY CHASE

_____   _____
David Lublin, Secretary   Kathy Strom, Mayor
                                                Town of Chevy Chase

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