Town of Chevy Chase
Absentee Ballot Ordinance

Resolution No.: 09-09
Introduced: October 14, 2009
Adopted: November 11, 2009
Effective Date: December 12, 2009

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; and

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; and

WHEREAS, Section 8-2(b) of the Town Code directs the Town Election Board to make recommendations for future elections; and

WHEREAS, following the May 2009 election the Town Election Board made recommendations for future elections including a recommendation that the provisions of the Town Code regarding absentee ballots be amended to delete specific references to the Town Manager so that a person who requests an absentee ballot can obtain an absentee ballot from any authorized Town staff member and to delete the requirement that an application for an absentee ballot must be made under the penalty of perjury as that requirement became unnecessary when the Council repealed the requirement that an applicant for an absentee ballot must have a reason for requesting an absentee ballot; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 11th day of November, 2009; and

WHEREAS, the Town Council finds that deleting specific references to the Town Manager; deleting obsolete language in; and adding clarifying language to Section 8-5 as hereinafter set forth would facilitate voting in Town elections and 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 SECTION 8-5 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO DELETE SPECIFIC REFERENCES TO THE TOWN MANAGER; TO DELETE AN OBSOLETE PROVISION WHICH REQUIRES THAT APPLICATIONS FOR ABSENTEE BALLOTS MUST BE MADE UNDER THE PENALTY OF PERJURY; AND TO ADD CLARIFYING LANGUAGE

SECTION 1. BE IT ORDAINED AND ORDERED, this 11th day of November, 2009, 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 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. Each [P]person[s] desiring an absentee ballot [will] individually shall apply for an absentee ballot in writing to the town [manager] office. [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 provided by the town.[,] [the form and content of which shall be prescribed by] [t]The election board shall prescribe the form and contents of the envelopes. 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 county 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.

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 11th day of November, 2009, 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:
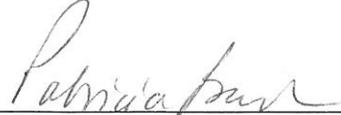
(1)   If any part or provision of this ordinance is declared by a court of competent
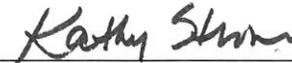
jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2)   This ordinance shall take effect on the <u>12th</u> day of <u>December</u>, 2009.

ATTEST: TOWN OF CHEVY CHASE

_____   _____
Patricia Burda, Secretary   Kathy Strom, Mayor
                                                                       Town of Chevy Chase

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