

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-41-09**

4
5 **Introduced by Alderman Israel**

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7 **Co-sponsored by Mayor Moyer**

LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
07/13/09	07/27/09	07/27/09	11/10/09
Referred To:	Meeting Date:	Action Taken:	
Rules & City Gov't	07/20/09	Favorable	

9
10 **AN ORDINANCE concerning**

11
12 **Absentee Voting – Technical Correction**

13
14 **FOR** the purpose of establishing qualifications for absentee voting in municipal
15 elections inadvertently repealed by Ordinance O-33-07 Revised Amended.

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18
19 **BY** repealing and reenacting with amendments the following portion of the
20 Code of the City of Annapolis, 2009 Edition:
21 Section 4.28.010
22 Section 4.28.020

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24 * * * * *

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26 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE**
27 **ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be
28 amended to read as follows:

29
30 **Chapter 4.28 ABSENTEE VOTING**

31
32 **4.28.010 Qualifications generally.**

33
34 ~~A. A registered voter who meets the qualifications set forth in this section and~~
35 ~~whose physical disability, or confinement, illness or accident that are serious in~~
36 ~~nature to cause confinement, will prevent the voter from being present and~~
37 ~~personally voting at the polls on any election day also is entitled to vote as an~~
38 ~~absentee voter under this chapter. The voter shall make application for an~~
39 ~~absentee ballot as provided in this chapter. The application shall be filed in the~~

1 office of the board not later than the close of business of the Tuesday preceding
2 any election. Upon receipt of the application, the board shall mail an absentee
3 ballot to the voter entitled to the ballot.

4
5 A. A registered voter may vote by absentee ballot if:

- 6 1. The voter is absent for any reason from the City on any election day;
- 7 2. The voter is unable to vote in person on any election day because of observing
8 a religious holiday;
- 9 3. The voter is an employee of the Elections Board, including any judge, who is
10 required to be absent from the precinct in which the employee is registered to
11 vote; or
- 12 4. The voter whose physical disability or confinement, illness or accident that are
13 serious to cause confinement, will prevent the voter from being present and
14 personally voting at the polls on any election day.

15 B. The voter shall make application for an absentee ballot as provided in this
16 chapter. The application shall be filed in the office of the board not later than the
17 close of business of the Tuesday preceding any election. Upon receipt of the
18 application, the board shall mail an absentee ballot to the voter entitled to the
19 ballot.

20
21 **4.28.020 Disabled voter assistance.**

22
23 ~~B. Any otherwise qualified~~ A registered voter who is blind, physically disabled or
24 who has impaired vision and is for one of these reasons unable to mark an
25 absentee ballot and sign the required oath, may be assisted in voting by any
26 person selected by the voter. Any person rendering assistance pursuant to this
27 subsection shall execute the certification included with the absentee ballot.

28
29 ~~4.28.020 Disability or confinement.~~

30
31 ~~A. A registered voter who meets the qualifications set forth in 4.28.010 and
32 whose physical disability, illness or accident that are serious in nature to cause
33 confinement, will prevent the voter from being present and personally voting at
34 the polls on any election day also is entitled to vote as an absentee voter under
35 this chapter. The voter shall make application for an absentee ballot as provided
36 in this chapter. The application shall be filed in the office of the board not later
37 than the close of business of the Tuesday preceding any election. Upon receipt
38 of the application, the board shall mail an absentee ballot to the voter entitled to
39 the ballot.~~

40 ~~B. Any otherwise qualified voter who is blind, physically disabled or who has
41 impaired vision and is for one of these reasons unable to mark an absentee
42 ballot and sign the required oath, may be assisted in voting by any person
43 selected by the voter. Any person rendering assistance pursuant to this
44 subsection shall execute the certification included with the absentee ballot.~~

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Staff Report

O-41-09, Absentee Voting – Technical Correction

Ordinance O-33-07 Revised Amended, “Revisions to the Election Code,” was enacted by the City Council on June 16, 2008. As part of the legislation, the City’s absentee ballot process was revised. During the legislative process, Section 4.28.010, addressing absentee voting qualifications, was inadvertently amended to limit absentee voting to those whose “physical disability, or confinement, illness or accident that are serious in nature to cause confinement” would prevent the voter from personally voting at the polls. Section 4.28.050, addressing the application for absentee ballot, further stipulates that only those who “meet[] the qualifications set forth in Section 4.28.010” will be furnished with an absentee ballot. This effectively limited absentee voting to the confined due to accident, illness, or physical disability.

Prior to passage of O-33-07 Revised Amended, Chapter 4.28 provided for absentee voting for those who were (1) employees of the Elections Board, including judges; (2) observing religious holidays; (3) absent from the City; and, (4) physically disabled or confined due to illness or accident. See ANNAPOLIS, MD., CODE § 4.28.010 *et seq.* (2006). The proposed ordinance restores the first three categories of individuals to Chapter 4.28, and is the only substantive change in the legislation.

The proposed ordinance strikes the current language from Section 4.28.020, as it is duplicative of Section 4.28.010. The new divisions clearly establish the qualifications for voting absentee, when absentee voter applications must be received by the Office of the Board of Elections, and what assistance is available to disabled voters.

Prepared by Seth B. Zirkle, City of Annapolis Office of Law, (410) 263-1184