

Introduced: Mr. Roberts
1st Reading: July 11, 2005
Passed: August 8, 2005
Posted: August 9, 2005
Effective: August 18, 2005

ORDINANCE NUMBER 1260

AN ORDINANCE TO AMEND CHAPTER 8, "ELECTIONS," OF THE GREENBELT CITY CODE, IN ORDER TO REVISE SECTION 8-4, "ABSENTEE VOTING," AND SECTION 8-10, "LITERATURE," AND TO UPDATE AND CLARIFY OTHER LANGUAGE IN THE CHAPTER

WHEREAS, the City Council referred to the Greenbelt Board of Elections a question regarding increasing voter turnout; and

WHEREAS, the board proposed a plan to allow any qualified voter to vote by absentee ballot, subject to the requirements of the City Code but without having to provide any reason or justification for wanting to do so; and

WHEREAS, a Charter Amendment Resolution has been introduced to eliminate the restrictions on which citizens may cast absentee ballots; and

WHEREAS, an ordinance is now required to revise the Code in accordance with the amendment to the City Charter; and

WHEREAS, subsequent to the last municipal election, various other items were identified in the election code that needed updating or clarification. NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that Chapter 8, "Elections," be amended to read as follows:

Chapter 8

ARTICLE I.

IN GENERAL

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Sec. 8-4. Absentee voting.

~~————(a)—— Citizens of the city who are qualified voters shall have the privilege of voting in municipal elections of the city by absentee ballot, subject to the following regulations:~~

- ~~(1) Application shall be made in writing to the city clerk for an absentee ballot not earlier than twenty (20) days preceding a municipal election nor later than 12:00 noon of the day preceding such election. From 12:00 noon of the day preceding a municipal election and until two (2) hours before the closing of the polls on the day of election, any qualified voter who is unable to be present at the polls as a result of illness or accident occurring after the time for applying for an absentee ballot has passed; or required absence from the city for any reason of which the person becomes aware after the time for applying for an absentee ballot has passed, may apply for an emergency absentee ballot.~~
- ~~(2) All such ballots returned shall reach the office of the city clerk not later than two (2) hours before the closing of the polls on the day of election in order to be counted.~~
- ~~(3) The sealed envelope containing the returned ballot shall be so marked as to identify the sender, and his name shall be checked against the list of written applications for absentee ballots. If no written application has been filed, the ballot shall not be counted, but shall be destroyed.~~
- ~~(4) On election day during the two (2) hours preceding the closing of the polls, the city clerk shall deliver the absentee ballots to the place designated by the board of elections and shall make an accounting to the clerks appointed by the board of elections for the purpose of counting absentee ballots as to the number of absentee ballots issued and the number returned. The city clerk shall keep such record of the absentee ballots as is kept by the clerks of election at a regular voting place.~~
- ~~(5) Upon receipt of the absentee ballots, the clerks appointed by the board of elections for the purpose of counting absentee ballots shall open the outer signed and sealed envelope and remove the unmarked inner envelope and deposit it in the regular ballot box forthwith. Upon the closing of the polls, but not before, the clerks appointed by the board of elections shall open the unmarked envelopes and shall determine that no more than one (1) ballot is contained in each envelope prior to conducting the count. If an envelope should contain more than one (1) ballot, neither ballot shall be included in the count. The validity or invalidity of absentee ballots shall be determined by the board of elections on the same basis as is prescribed for elections of the State of Maryland.~~
- ~~(6) Upon the issuance of an absentee ballot, the city clerk shall cross that person's name off the voter registration list and mark "absentee ballot" next to it.~~
- ~~(7) An attempt will be made to supply the voter with an absentee ballot for the runoff election as soon as official copies are available, and the above regulations shall apply to such runoff election.~~
- ~~(8) No voter who has been issued an absentee ballot for an election shall be authorized to cast his ballot in any manner other than by casting the absentee ballot. Should an absentee ballot be lost or destroyed, without being returned to the city clerk, a second ballot may be issued, if there is sufficient time. Prior to~~

delivering the ballots to the judges of election, the city clerk shall verify that only one (1) ballot is being submitted for each absentee voter applicant. Should an absentee ballot be challenged by the city clerk or judge of election as to the ballot being cast by the person to whom it was issued or as to the ballot being obtained and returned in accordance with the provisions of this section, it shall not be cast but shall immediately be transmitted to the board of elections for a ruling and determination as to its being cast and counted.

~~(9) Whenever the city clerk and/or the board of elections determines from proof or investigation that any person who has marked and transmitted an absentee ballot has died before election day, such ballot of the deceased voter shall not be delivered to the clerks appointed by the board of elections, and such ballot shall not be counted. However, if prior to the time of such counting, the city clerk and/or board of elections shall not have determined that the absentee resident who marked a ballot had died before election day, such ballot shall be counted, and the fact that said absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.~~

~~(b) Any citizen of the city who is a qualified voter of the city and who is registered with the Prince George's County Board of Elections, but who would otherwise be prevented from voting in a municipal election or runoff election by reason of religious beliefs, physical condition or absence from the city on the day of an election, shall be entitled to vote by absentee ballot as provided by this section.~~

(a) Residents of the city who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by absentee ballot in municipal elections, as provided in this section.

(b) For purposes of this Code, an "absentee ballot" is a ballot not used in a polling place, and "election day" means the day of a municipal election.

(c) Voting by absentee ballot in municipal elections shall be as follows:

(1) Except for an emergency absentee ballot, as provided below, a voter may apply for an absentee ballot for a municipal election without stating a reason.

(2) Applications for absentee ballots shall be made in writing to the city clerk not earlier than 20 days nor later than 12:00 noon of the last day before election day.

(A) Applications shall include the voter's name and signature as they appear on the registration list, city domicile address, and telephone number. Each absentee ballot issued requires a separate application.

(B) A voter who has not been issued an absentee ballot but is unable to vote at a polling place because of illness or accident or required absence, where the voter suffers the illness or injury or learns of the required absence at a time when applying for an absentee ballot would be untimely or impractical, may be issued an emergency absentee ballot. An application for an emergency absentee ballot

shall give the reason why it is needed and all other information required for regular absentee ballots. Emergency absentee ballots shall be cast in the same manner as regular absentee ballots.

(C) A qualified voter domiciled in the city but residing outside the continental United States for the 30-day period ending on election day may apply for an absentee ballot by facsimile, if the application contains all information required of other absentee applicants and a certification that the voter meets the qualification, domicile, residency, and time requirements in this paragraph. No ballot may be cast by facsimile.

- (3) To be counted, an absentee ballot must reach the office of the city clerk not later than two hours before the polls close on election day.
- (4) To cast it, the voter must complete the absentee ballot, place it in a blank, sealed envelope, and then place the sealed envelope in the absentee envelope on which are written the voter's name as registered and signature. The voter shall mail or deliver the absentee envelope to the city clerk's office. The city clerk shall check it against the list of applications for absentee ballots. An absentee envelope that does not correspond to a name on the absentee ballot application list shall not be opened. Absentee envelopes that contain more than one blank, sealed envelope shall be kept by the city clerk, and those absentee ballots shall not be counted.
- (5) After the time has passed for receipt of absentee ballots on election day, as provided above, the city clerk shall deliver the sealed, blank envelopes to the clerks appointed by the board of elections for the counting of absentee ballots. The city clerk shall advise the absentee ballot clerks of the numbers of absentee ballots issued and absentee envelopes returned, and shall keep the same record of the absentee ballots as is kept by the clerks of election at their polling places.
- (6) Upon receipt of the sealed, blank envelopes, the absentee ballot clerks shall deposit them in the ballot box. The absentee ballot clerks shall open the sealed envelopes and determine that no envelope contains more than one ballot. Ballots in sealed envelopes that contain more than one ballot shall not be counted.
- (7) The city clerk shall furnish voters absentee ballots for runoff elections as soon as runoff ballot forms are available. Otherwise, absentee balloting for runoff elections shall be as provided in this section.
- (8) A voter for whom an absentee ballot has been issued may vote only by casting the absentee ballot. If an absentee ballot is lost or destroyed and not returned in the absentee envelope to the city clerk, a second ballot may be issued.
- (9) If an absentee ballot is challenged by the city clerk or an absentee ballot clerk for noncompliance with this section, it may not be counted until the board of elections determines that it is valid. Absentee ballot validity shall be determined by rules adopted by the board.

(10) If, before ballots are counted on election day, the city clerk or board of elections determines that a voter who cast an absentee ballot died before election day, then the ballot shall not be counted. But if, in a case of an absentee voter's death, neither the city clerk nor the board of elections determines until after ballots have been counted that the voter died before election day, then the ballot shall be counted, and neither the ballot nor the election may be held invalid because the voter died before election day.

Sec. 8-5. Appointment of judge of election and clerks.

(a) The council shall authorize by resolution the number of judges and election clerks that shall serve at each precinct for each election. Such resolution shall be adopted no later than at the second regular meeting of the council held in September preceding the regular council election and at least ten (10) days preceding a special election. If the council shall not adopt a resolution within that time, the number of judges and clerks last authorized by the council for a regular council election shall be the number authorized for the forthcoming election and the number last authorized for a special election shall be the number authorized for a forthcoming special election.

(b) The board of elections shall appoint the judges and clerks not less than seven (7) days preceding an election and may designate additional persons to be alternate judges and clerks should an appointed judge or clerk not be able to serve on election day. Alternate judges and clerks shall not receive compensation unless they are required to work as a judge or clerk or to attend any training sessions(s) for which a training stipend is paid to judges and clerks.

(c) Nothing herein shall prevent the board of elections ~~to~~ from appointing persons to serve as judges or clerks to fill any vacancy that occurs up to and including the time of election.

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Sec. 8-10. Literature.

~~———— (a) ——— Every person who publishes or distributes or causes to be published or distributed any pamphlet, circular, card, sample ballot, dodger, poster, advertisement or any printed, multigraphed, photographed, typewritten or written matter or statement or any matter or statement which may be copied by any device or method now known for printing or copying or which may hereafter be used for making copies of printed or written matter in any form whatever for publication or distribution, relating to or concerning any candidate for city elective office, including a write-in candidate, or for the acceptance or defeat of any city referendum unless such pamphlet, circular, card, sample ballot, dodger, poster, advertisement, or other form of publication herein described clearly indicates the name of the candidate or committee responsible for the literature and contains, but set apart therefrom, an authority line which shall include the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same, except that if the person, treasurer, or campaign manager has furnished his address to the appropriate board the literature need not contain an address.~~

~~———— (b) ——— Violations of this section shall be a misdemeanor.~~

Sec. 8-10. Campaign materials; authority line.

(a) For purposes of this Code, "campaign material" means any material that

(1) contains text, graphics, or other images;

(2) relates to a candidate, a prospective candidate, or the approval or rejection of a question; and

(3) is published or distributed.

(b) Except as otherwise provided in this section, each item of campaign material shall contain, set apart from any other message, an authority line that states the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same.

(c) The authority line need state only the name and title of the responsible person if:

(1) the name and address of the responsible person has been filed with the city clerk;

or

(2) the campaign material item is too small to include all the information specified in paragraph (b) of this section in a legible form.

(d) Campaign material that is published or distributed in support of or in opposition to a candidate without being authorized by the candidate shall include the following statement: "This message has been authorized and paid for by (name of payer or any organization affiliated with the payer), (name and title of treasurer or president). This message has not been authorized or approved by any candidate."

(e) Any person who violates this section shall be guilty of a misdemeanor and subject to the penalties in Chapter 1.

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ARTICLE II.

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

Sec. 8-21. Report required.

Each candidate for the office of councilman ~~member~~ and ~~his~~ the designated campaign treasurer shall file with the city clerk reports as specified below which shall list each contribution and expenditure of more than twenty-five dollars (\$25.00) in furtherance of the candidate's nomination and election. The reports shall also include a total amount of all contributions and expenditures including those of twenty-five dollars (\$25.00) or less. The reports shall include all

contributions received and expenditures made by the candidate himself, or, with the knowledge of the candidate or ~~his~~ the candidate's treasurer, by any other person. All reports filed shall be available for examination by any member of the public during the normal office hours of the city clerk.

Sec. 8-22. Deadline for filing report.

An interim report of campaign contributions received since the date of the last preceding regular election and prior to the third Friday preceding the election shall be filed no later than ~~12:00 noon~~ 5:00 p.m. on the third Monday preceding the election. A final report of campaign contributions received and not previously reported shall be filed no later than 5:00 p.m. of the Monday following the election.

Sec. 8-23. Form; affirmation of report.

The reports shall be made on forms provided by the city clerk and approved by the city solicitor. The reports shall be subscribed and sworn to (or affirmed) by the candidate, and ~~his~~ by the candidate's treasurer.

Sec. 8-24. Contributions not required to be reported.

The name of any person who shall pay or share in the paying of the total cost of an advertisement or printed matter in support of a candidate which prominently displays ~~his~~ the person's name and the names of all other persons who may be sharing in the cost and who has otherwise made no contribution to the candidate in excess of twenty-five dollars (\$25.00) shall not be required to be reported by the candidate or ~~his~~ by the candidate's treasurer as having made a campaign contribution. The name of any person who shall make a contribution on behalf of more than one (+) candidate shall not be reported if the contribution is shared equally by the candidates for whose benefit it is made and if the contribution amounts to not more than twenty-five dollars (\$25.00) for each candidate sharing in and benefiting from the contribution. Contributions made by the candidate or a member of his/her immediate family are not required to be reported.

Sec. 8-25. Appointment of campaign treasurer.

Each candidate for nomination ~~for, or election to,~~ the office of councilman, member ~~upon or before, and as a condition precedent to qualifying as a candidate,~~ shall appoint one campaign treasurer and shall file the name and address of the campaign treasurer, together with the treasurer's acceptance of the appointment in writing, with the city clerk. ~~Each treasurer so appointed shall accept the appointment in writing, on a form provided by, and returned to, the city clerk, prior to the filing of the person's name as treasurer.~~

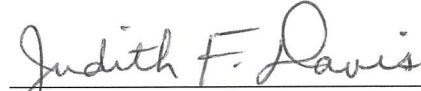
Sec. 8-26. Failure to appoint a treasurer or file reports.

Any candidate who fails to appoint a treasurer or file the interim reports as required herein shall be deemed unqualified and the board of elections shall remove that candidate's name

from the ballot prior to the election. Any candidate who fails to file the final report, if elected, shall not take office until such time as said report is filed.

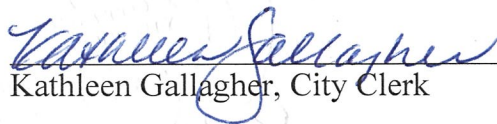
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PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of August 8, 2005.



Judith F. Davis, Mayor

ATTEST:



Kathleen Gallagher, City Clerk

Key:

Underscoring indicates language added to existing law.

~~Overstriking~~ indicates language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.