

Essay Question 1

Mort “Old Beetle” Daily is an 80-year-old resident of Walker County, just outside of an Army base town called Camp Swampy. Unlike his lazy son, Old Beetle grew up knowing the value of hard work, and continues to run the cash register at his Seven Sins store, where he sells cheap cigarettes, liquor, fireworks, adult novelties, and other such items. Old Beetle is a man of many opinions, which he is always ready to share with whoever comes into the shop.

Three years ago, the Camp Swampy Town Council established a fire zone extending three miles beyond the township limits, which required residents and businesses in the zone to pay a \$500 a year fire safety tax to cover the costs of providing fire safety services in the zone. Residents of the zone could not vote on the tax, though, because local Camp Swampy ordinances limited the vote to town residents. Old Beetle was against taxes generally, and especially hated the new fire tax. The reason he lived in the county was because he didn’t want to pay city taxes, and he told everyone who came into Seven Sins that the City didn’t have the right to impose the tax on him because he didn’t live in the city.

It is now an election year, and there is a measure on ballot to raise the tax to \$750. Old Beetle has waged a vigorous campaign against the measure, putting signs on his store windows and talking with customers, despite his fears that the tax would easily pass because there are so many more people who live Swampy Camp than live in the county.

On Nov. 3, three days before the general election, exhausted from his effort to defeat the tax hike, Old Beetle had a heart attack and fell into a coma. He was taken to the Swampy Camp Hospital and finally awoke at 5 p.m. on Election Day, Nov. 6. As he regained consciousness, he realized it was Election Day, called the Walker Count Election Authority and asked them to bring him a ballot. The head of the Authority, a retired Army sergeant, Orville “Sarge” Snorkel, said he could not vote from the hospital and would have to go to his proper polling place if he wanted to cast his ballot.

While he was woozy from the coma, Old Beetle managed to elude Nurse Buxley and other hospital staff, and took a cab to his polling place, Brigadier General Amos T. Halftrack Elementary School. Unfortunately for Old Beetle, he left his wallet at the hospital and the only identification he had was his Swampy Camp hospital wrist tag. Sarge refused to let Old Beetle vote. This enraged Old Beetle, who began wheezing and became lightheaded as he continued begging for a ballot. Sarge continued to refuse, and finally said too late: The clock had struck 7 p.m. and the polls were closed. Old Beetle fell to fainted upon hearing the news and had to be transported back to the hospital by ambulance.

Six months later, buoyed by a new stint in his heart, Old Beetle has come to you for help. In particular, he wants you to sue the county over the fire safety fee and the fact that he wasn’t allowed to vote. Please discuss the arguments he might make from an Election Law perspective, and their likelihood of success. Relevant law may be found in the attached Library File.