

Ordinance No. 6-18

ORDINANCE:

To generally amend Chapter 8 of the Rockville City Code entitled "Elections" so as to change the main method of conducting elections from in-person voting to vote by mail and to make technical and other amendments

WHEREAS, historically from 2007 to 2015, voter turnout percentages in Rockville elections have consistently decreased despite measures taken to increase voter participation; and

WHEREAS, the City of Rockville Board of Supervisors of Elections (the "Board") has as one of its objectives to make recommendations to the Mayor and Council to increase voter participation in City of Rockville elections; and

WHEREAS, after careful study and thoughtful discussions, the Board decided to make a recommendation to the Mayor and Council to change the main method of voting in City of Rockville elections; and

WHEREAS, on November 6, 2017, the Board presented to the Mayor and Council a proposal to change the main method of voting in City of Rockville elections from in-person voting to vote by mail via a mail-in ballot ("vote by mail"); and

WHEREAS, on January 22, 2018, the Board provided additional information to the Mayor and Council regarding the Board's proposal to change the main method of conducting City of Rockville elections from in-person voting to vote by mail; and

WHEREAS, on February 5, 2018, the Mayor and Council held a public hearing on the Board's vote by mail proposal; and

WHEREAS, on February 26, 2018, the Mayor and Council directed staff to prepare the necessary City Code changes to implement the Board of Supervisors of Elections' proposal to change the main method of conducting City of Rockville elections from in-person voting to vote by mail;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 8 of the Rockville City Code entitled "Elections" is hereby amended to read as follows:

CHAPTER 8 - ELECTIONS

ARTICLE I. - IN GENERAL

Sec. 8-1. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

Absentee ballot means a paper ballot issued in accordance with section 8-42(a).

Board means the Board of Supervisors of Elections.

Campaign material means tangible material principally intended to promote the success or defeat of any candidate or candidates, principle or proposition, which has been, will be, or is sought to be submitted to a vote at any City election, including any pamphlet, circular, card, sample ballot, dodger, poster, advertisement, buttons, matchbooks, nail files, balloon or any other printed, multigraphed, photographed, typewritten, written matter or statement or any matter of statement which may be copied by any device or method 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 or prospective candidate for public office or for the acceptance or defeat of any proposition.

Candidate means an individual who seeks nomination for election, or election, to City office. An individual becomes a candidate for City office whenever any of the following events occur for an election cycle:

- (1) The individual has received contributions aggregating in excess of three hundred dollars (\$300.00) or made expenditures aggregating in excess of three hundred dollars (\$300.00).
- (2) The individual has given consent to another person to receive contributions or make expenditures on behalf of that individual and such person has received contributions aggregating in excess of three hundred dollars (\$300.00) or made expenditures aggregating in excess of three hundred dollars (\$300.00).
- (3) After written notification by the Board of Supervisors of Elections that any other person has received contributions aggregating in excess of three hundred dollars (\$300.00) or made expenditures aggregating in excess of three hundred dollars (\$300.00) on the individual's behalf, the individual fails to disavow such activity by letter to the Board of Supervisors of Elections in care of the City Clerk within thirty (30) days of receipt of the notification.
- (4) The aggregate of contributions received under paragraphs (1), (2), and (3), in any combination thereof, exceeds three hundred dollars (\$300.00) or the aggregate of expenditures made under paragraphs (1), (2), and (3), in any combination thereof, exceeds three hundred dollars (\$300.00).
- (5) The individual files a certificate of candidacy for any City office in accordance with the provisions of Article III, Section 3 of the City Charter.

Campaign committee means any combination of two (2) or more persons appointed by a candidate, or candidates, or any other person or formed in any other manner which has as a principal purpose to assist or attempt to assist in any manner the promotion of the success or defeat of any candidate, candidates, principle or proposition which has been, will be, or is being sought to be submitted to a vote at any City election. A campaign committee is not required to report campaign and election contributions and expenditures unless such campaign committee expends more than five hundred dollars (\$500.00) to aid or oppose the nomination or election of any candidate as provided in Section 8-73(b). A citizens's association, not otherwise a campaign committee, shall not be deemed a campaign committee if it simply conducts a forum, or sponsors a meeting, for candidates to present information and/or express their views on issues to citizens in the community.

Contributions means the gift, transfer or promise of gift or transfer of money or other thing of value to any candidate, or the candidate's representative, or a representative of any campaign committee to promote or assist in the promotion of the success or defeat of any candidate, campaign committee, principle or proposition submitted to a vote at any election.

~~*Early voting period* means the period of time as set forth in section 8-47(a).~~

Election means general, special, and recall elections.

Expenditure means any gift, transfer, disbursement or promise of money or valuable thing by any candidate, treasurer, or other agent of such candidate, or campaign committee to promote or assist in the promotion of the success or defeat of a candidate, campaign committee, principle or proposition submitted to a vote at any election.

General election day means the next Tuesday after the first Monday in the month of November in every fourth year beginning in the year 2015.

Independent expenditure means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

Political party means a party, any of whose candidates for presidential elector received votes in either of the last two (2) preceding elections at which presidential electors were selected. Political party shall include all National, State, County and local chapters, divisions and affiliated organizations.

Provisional ballot means a paper ballot issued in accordance with subsection 8-42(b).

Recall election day means the day on which a recall election is held as set forth in article III, section 6 of the City Charter and section 8-242 of the Rockville City Code.

Registration means the act by which a person becomes qualified to vote in any election in the City.

Special election day means the day on which a special election is held pursuant to article III, section 5 of the City Charter.

Treasurer means any person appointed by a candidate or campaign committee to receive or disburse money or other things of value to promote or assist in the promotion of the success or defeat of any candidate, principle or proposition.

Sec. 8-2. - Computation of time.

In computing the times for notice to be given, or for the performing of any other act under this article, Saturday, Sunday or a legal holiday shall be included, except when the day on which notice should be given or an act should be performed occurs on a Saturday, Sunday, or legal holiday, in which case the notice shall be given or the act performed on the next regular business day following such Saturday, Sunday, or legal holiday. In such computation the date of giving notice or performing any act and the day of registration or election shall be excluded.

Sec. 8-3. - Election districts.

(a) The City shall be and the same is hereby divided into ten (10) election districts, as shown on the map designated "Map of Election Districts," dated March 21, 2001, and described as follows:

- (1) *Election District No. 1.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of First Street and the centerline of the Baltimore and Ohio Railroad Right of Way and proceeding in a north-eastern direction on the centerline of First Street to its intersection with the centerline of Veirs Mill Road; thence west on the centerline of Veirs Mill Road to its intersection with the centerline of East Jefferson Street also known as Maryland Route 28; thence proceed west on the centerline of East Jefferson Street to its intersection with the centerline of Maryland Avenue; thence south and west on the centerline of Maryland Avenue to its intersection with the centerline of Falls Road also known as Maryland Route 189; thence in a south-western direction along the centerline of Falls Road to where it intersects the centerline of Interstate 270; thence in a south-eastern direction on the centerline of Interstate 270 to its intersection with the centerline of Wootton Parkway; thence in an eastern direction on the centerline of Wootton Parkway to its intersection with the centerline of Edmonston Drive; thence in an eastern direction on the centerline of Edmonston Drive to its intersection with the centerline of the Baltimore and Ohio Railroad Right of Way; thence on the centerline of the Baltimore and Ohio Railroad in a north-western direction to its intersection with the centerline of First Street, the point of beginning.
- (2) *Election District No. 2.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Veirs Mill Road also known as Maryland Route 28 and the centerline of the Baltimore and Ohio Railroad Right of Way; thence proceed west on the centerline of Veirs Mill Road to its intersection with the centerline of East Jefferson Street; thence proceed west on the centerline of East Jefferson Street to its intersection with

the centerline of Maryland Avenue; thence south and west on the centerline of Maryland Avenue to its intersection with the centerline of Falls Road also known as Maryland Route 189; thence in a south-western direction along the centerline of Falls Road to its intersection with the centerline of Interstate 270; thence in northern direction on the centerline of Interstate 270 to its intersection with a line extended toward the south-west from the westernmost block line of Block 9, Lots 6, 7, 9 as recorded in Plat Book B, Page 6, Subdivision of West End Park; thence along said Block line in a north-eastern direction on said block line of Block 9, Lots 6, 7, 9 of the Subdivision of West End Park to its intersection with the centerline of Nelson Street; thence on the centerline of Nelson Street in a northern direction to its intersection with a line extended from the westernmost lot line of Two Brothers Subdivision; thence on said westernmost line of Two Brothers Subdivision in an eastern direction to its intersection with the centerline of Nelson Street; thence on the centerline of Nelson Street in an eastern direction to its intersection with the centerline of College Parkway; thence in a northern direction on the centerline of College Parkway to its intersection with the centerline of Princeton Place; thence in an eastern direction on the centerline of Princeton Place to the northern lot line of Plat 12701, Montgomery College Rockville Campus; thence east on said lot line of Plat 12701, Montgomery College Rockville Campus to its intersection with the corporate limit of the City of Rockville; thence south on the corporate limit of the City of Rockville to a point where the projected centerline of Westmore Road intersects the centerline of the Baltimore and Ohio Railroad Right of Way; thence south on the centerline of the Baltimore and Ohio Railroad Right of Way to its intersection with the centerline of Veirs Mill Road, the point of beginning.

- (3) *Election District No. 3.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Veirs Mill Road and the centerline of First Street, proceeding in a northern direction on the centerline of First Street to a point where it turns into the centerline of Norbeck Road; thence in a north-eastern direction along Norbeck Road to its intersection with the corporate limit of the City of Rockville; thence along the corporate limit of the City of Rockville in a general direction of north and west to a point where the projected centerline of Westmore Road intersects the centerline of the Baltimore and Ohio Railroad Right-of-Way; thence south on the centerline of the Baltimore and Ohio Railroad Right-of-Way to its intersection with the centerline of Maryland Route 28 also known as Veirs Mill Road; thence east on the centerline of Veirs Mill Road to its intersection with the centerline of First Street, the point of beginning.
- (4) *Election District No. 4.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of First Street and the centerline of Veirs Mill Road and proceeding in a north-eastern direction on the centerline of First Street to a point where it turns into the centerline of Norbeck Road; thence continue in an eastern direction on the centerline of Norbeck Road to its intersection with the easternmost corporate boundary and thence along the corporate boundary in a general southern

direction to a point of intersection with the centerline of Veirs Mill Road; thence proceed in a western direction on the centerline of the Veirs Mill Road to its intersection with the centerline of First Street, the point of beginning.

- (5) *Election District No. 5.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of First Street and the centerline of the Baltimore and Ohio Railroad right-of-way and proceeding in a north-eastern direction on the centerline of First Street to a point where it intersects with the centerline of Veirs Mill Road thence continue in an eastern direction on the centerline of Veirs Mill Road to its intersection with the easternmost corporate boundary and thence along the corporate boundary in a general southern direction to a point of intersection with the centerline of the Baltimore and Ohio Railroad right-of-way; thence proceed in a north-western direction on the centerline of the Baltimore and Ohio Railroad right-of-way to its intersection with the centerline of First Street, the point of beginning.
- (6) *Election District No. 6.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Edmonston Drive and the centerline of the Baltimore and Ohio Railroad right-of-way and proceeding in a westerly direction on the centerline of Edmonston Drive to its intersection with the centerline of Wootton Parkway; thence in a western direction on the centerline of Wootton Parkway to its intersection with the centerline of Interstate 270 thence in a south-eastern direction on the centerline of Interstate 270 to its intersection with the southernmost corporate boundary; thence along the corporate boundary in a general eastern direction to its intersection with the centerline of the Baltimore and Ohio Railroad right-of-way; thence on the centerline of the Baltimore and Ohio Railroad in a north-western direction to its intersection with the centerline of Edmonston Drive, the point of beginning.
- (7) *Election District No. 7.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Maryland Route 28 and the centerline of Interstate 270 and proceeding in a north-western direction on the centerline of Maryland Route 28 to a point of intersection with a line extended from the westernmost lot line of Two Brothers Subdivision; thence on said westernmost line of Two Brothers Subdivision in a south-western direction to its projection with the centerline of Wootton Parkway; thence south on the centerline of Wootton Parkway to its intersection with the centerline of Scott Drive; thence west on the centerline of Scott Drive to its intersection with the corporate boundary of the City of Rockville; thence in a general south-eastern direction following the corporate boundary of the City of Rockville to its intersection with the centerline of Interstate 270; thence in a northern direction on the centerline of Interstate 270 to a point where it intersects the centerline of Maryland Route 28, the point of beginning.
- (8) *Election District No. 8.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of Maryland Route 28 and the centerline of Interstate 270 and proceeding in a

north-western direction on the centerline of Maryland Route 28 to a point of intersection with a line extended from the westernmost lot line of Two Brothers Subdivision; thence on said westernmost line of Two Brothers Subdivision in a south-western direction to its projection with the centerline of Wootton Parkway; thence south on the centerline of Wootton Parkway to its intersection with the centerline of Scott Drive; thence west on the centerline of Scott Drive to its intersection with the corporate boundary of the City of Rockville; thence in a general northern direction following the corporate boundary of the City of Rockville to its intersection with the centerline of Interstate 270; thence in a southern direction on the centerline of Interstate 270 to a point where it intersects the centerline of Maryland Route 28, the point of beginning.

- (9) *Election District No. 9.* All that part of the City lying within the following boundaries: Beginning at a point at the intersection of the centerline of West Gude Drive and the centerline of Hungerford Drive also known as Maryland Route 355; thence proceed west on the centerline of West Gude Drive to its intersection with the centerline of Interstate 270; thence south on the centerline of Interstate 270 to a point of intersection with a line extended toward the south-west from the westernmost block line of Block 9, Lots 6, 7, 9 as recorded in Plat Book B, Page 6, Subdivision of West End Park; thence along said Block line in a north-eastern direction on said block line of Block 9, Lots 6, 7, 9 of the Subdivision of West End Park to its intersection with the centerline of Nelson Street; thence on the centerline of Nelson Street in a northern direction to its intersection with a line extended from the westernmost lot line of Two Brothers Subdivision; thence on said westernmost line of Two Brothers Subdivision in an eastern direction to its intersection with the centerline of Nelson Street; thence on the centerline of Nelson Street in an eastern direction to its intersection with the centerline of College Parkway; thence in a northern direction on the centerline of College Parkway to its intersection with the centerline of Princeton Place; thence in an eastern direction on the centerline of Princeton Place to the northern lot line of Plat 12701, Montgomery College Rockville Campus; thence east on said lot line of Plat 12701, Montgomery College Rockville Campus to its intersection with the corporate limit of the City of Rockville; thence north on the corporate limit of the City of Rockville to its intersection with the centerline of Hungerford Drive; thence north on the centerline of Hungerford Drive to its intersection with the centerline of West Gude Drive, the point of beginning.
- (10) *Election District No. 10.* All that part of the City lying within the following boundaries: Beginning at a point on the corporate limit of the City of Rockville at the intersection of the centerline of Gude Drive and the centerline of Hungerford Drive also known as Maryland Route 355, proceeding in a north-westerly direction along the corporate limit of the City of Rockville to a point where the corporate limit of the City of Rockville meets Shady Grove Road; thence proceed in a south-western direction along the corporate limit of the City of Rockville to a point where the corporate limit of the City of Rockville intersects the centerline of Interstate 270; thence south on the centerline of Interstate 270 to a point where it intersects the centerline of West Gude Drive; thence in an

eastern direction on the centerline of West Gude Drive to its intersection with the centerline of Hungerford Drive, the point of beginning.

- (b) Newly annexed property will be assigned by the City Clerk to an election district or district(s) abutting the annexed property.

Sec. 8-4. - Board of Supervisors of Elections.

The Board of Supervisors of Elections shall be appointed and shall supervise elections in accordance with Article III of the City Charter. In addition to the duties set forth in the City Charter, the Board may make recommendations to the Mayor and Council annually prior to budget review, on ways to enhance voter participation. The City shall provide adequate staff assistance to the Board to enable the Board to fulfill its duties.

Sec. 8-5. - Election judges.

- (a) *Number, examination.* The Board shall appoint judges of election in numbers sufficient to provide at least three (3) judges to serve at each ~~polling place~~voting center. The Board may require the attendance of these persons before it for examination with respect to their qualifications.
- (b) *Qualifications.* Each judge must be a registered voter in the City and must be able to speak, read and write the English language. A person may not serve as a judge if said person is:
 - (1) A candidate for any other City office;
 - (2) The treasurer or campaign manager for any candidate for any City office; or
 - (3) The treasurer or campaign chairman of a campaign committee.
- (c) *Training.* Each judge must attend at least one (1) training session before each biennial-general election.
- (d) *Oath.* Each judge shall be required to take the oath prescribed by Article I, Section 96, of the Maryland Constitution before entering on the performance of the judge's official duties.
- (e) *Powers.* The election judges shall have the same powers as are given to judges of State and County elections pursuant to the Annotated Code of Maryland, Election Law Article. Each voter shall be offered assistance in casting his vote by an election judge on election day at the vote center.
- (f) *Compensation.* The compensation of election judges shall be fixed from time to time by the Mayor and Council.
- (g) Any decision of any election judge with respect to a person desiring to vote may be appealed to the Board while polls remain open. The Board shall be available during at least the last hour of each election day ~~and each day of the early voting period~~ for the purpose of hearing such appeals.

Sec. 8-6. - Voter registration.

- (a) The City shall, to the extent possible, use the County voting rolls. Registration with the County of persons eligible to vote in City elections shall be deemed registration with the City. Persons not registered with the County but eligible to vote in City elections shall be registered with the City pursuant to procedures to be adopted by the Board of Supervisors of Elections. Persons registered with the City pursuant to the foregoing sentence shall be removed from the City voting roll upon any subsequent registration with Montgomery County; upon losing eligibility to vote in City elections; or, as of the 1st day of January of the next calendar year, upon failing to vote in any City election in the preceding ~~five~~nine (9) year period. Registration with the County to vote in a City election will be closed forty-five (45) days before a City election. ~~City voter rolls shall be closed thirty (30) days before a City election.~~
- (b) ~~Once the County registration is closed, any person eligible to register to vote in any City election may register to vote and vote on an early voting day or on general election day at City Hall. Such registration must be done in person and may be done any day after the County registration closes up to and including on general election day at City Hall.~~
- (c) Any person who registers to vote in accordance with subsection (b) shall establish such person's identity, place of residence and qualifications at the time of such registration by:
- (1) Completing a County or City voter registration form;
 - (2) Submitting either:
 - a. A form or forms of identification which have been approved by the Board of Supervisors of Elections establishing the identity and place of residence of such person; or
 - b. An affidavit in a form which has been approved by the Board of Supervisors of Elections attesting to the identity and place of residence of the person desiring to register to vote which is executed by a person who:
 1. Is registered to vote;
 2. Registered to vote on a previous date;
 3. Is present with such individual; and
 4. Has personal knowledge of the actual residence of the individual seeking to register to vote.

Such affidavit shall be executed under the penalties of perjury.

~~(d) The effective period, for City elections, of any early voting day or general election day registration shall be the same as for registration made by any other method or procedure.~~

~~(de) The ballots of those registering on any early voting day or general election day shall be processed as a provisional ballot in accordance with subsection 8-42(b).~~

Sec. 8-7. - Preservation of ballots.

All ballots or official voting tallies of any City election shall be preserved for at least six (6) months from the date of the election. Absentee and provisional ballot applications, certifications, ballot envelopes, and ballots shall be kept separate from mail-in ballots and ballots cast in at the regular voting places center and retained for six (6) months after the election.

Sec. 8-8. - Withdrawal of candidacy.

Any candidate wishing to withdraw their candidacy must do so in person and in writing by filing a signed affidavit of withdrawal of candidacy with the City Clerk no later than the deadline for filing petitions for candidacy as set forth in Article III, Section 3 of the City Charter. Upon the timely filing of a signed affidavit of withdrawal of candidacy, the name of the person so withdrawing shall not be printed on the ballots unless the person files a new valid petition for candidacy by the deadline set forth in Article III, Section 3 of the City Charter. No candidate may withdraw his or her candidacy after the last date for accepting petitions has expired.

If a candidate dies prior to the deadline for filing a petition for candidacy has expired, that candidate's name shall not be printed on the ballots if a copy of the candidate's death certificate is filed with the City Clerk by the deadline for filing a petition for candidacy. If a candidate dies after the deadline for filing a petition for candidacy has expired, that candidate's name will remain on the ballot.

ARTICLE II. - TYPES OF ELECTIONS

Sec. 8-21. - General elections.

All general City elections shall be held at such dates and times as provided in Article III, Section 4, of the City Charter.

Sec. 8-22. - Special elections.

All special City elections shall be conducted by the Board of Supervisors of Elections in the same manner, as far as practical, as general City elections.

Sec. 8-23. - Advisory referenda.

By passage of a resolution at least ~~forty-five (45)~~ ninety (90) calendar days preceding any general election, the Mayor and Council may direct that an advisory referendum of City voters may be undertaken on the questions set forth in such resolution. Upon petition signed by persons qualified to vote in City elections equal in number to at least thirty (30) percent of the average number of ballots cast in the last three City elections, rounded up to the nearest multiple of 50, submitted to the City Clerk at least ~~forty-five (45)~~ ninety (90) calendar days preceding any general election, an advisory referendum shall be undertaken on the questions set forth in the petition. The results of such referendum shall be advisory only, and shall not be binding upon the Mayor and Council. Upon the passage of any such resolution or verification of a petition, it shall be the duty of the Board to place such questions on all City ballots or in a suitable place on all City voting machines, and to certify the results of the voting on such question(s) to the City Clerk by the close of business on the Monday following the

election, who shall record the results in the minutes of the Council. The Board shall verify the status of the signatures of any referendum petition as City voters and the fact that the petition was not substantively altered after it was signed, prior to placing the question(s) on the ballots or machines.

Sec. 8-24. - Recall elections.

Recall elections shall be conducted as provided in Article III, Section 6, of the City Charter.

ARTICLE III. - CONDUCT OF ELECTIONS

Sec. 8-41. - Election procedures generally.

- (a) (a)- City elections will be by mail-in ballot voting with one voting center at City Hall open on election day for in-person voting. The Board of Supervisors of Elections shall keep the voting center open from 7:00 a.m. to 8:00 p.m. on election day.
- (b) Mail-in ballots for the general election must be mailed or distributed no more than thirty (30) days and no less than twenty-five (25) days prior to the election to which they apply. Postage for transmitting the ballot material to the voter and postage for the return of ballots shall be paid by the Board.
- (c) The Board will mail at least four (4) notices and reminders to all registered voters in the City informing them of the mail-in ballot voting deadlines and the date, time and location of in-person voting on election day. The first notice will be mailed or distributed no later than ninety (90) days prior to the election. It shall be the duty of the Council to provide for each special and general election a suitable place for voting and suitable ballot boxes and ballots or voting machines, as required by the Election Law Article of the Annotated Code of Maryland, as amended, except that the
- (d) All ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of the Charter, arranged in alphabetical order by office with no party or principal designation of any kind.
- (e) (b) — A mail-in ballot shall be counted only if it is received by the City Clerk prior to the closing of the election polls. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 8:00 p.m. on election days and shall keep the polls open from 10:00 a.m. to 8:00 p.m. on early voting days.
- (f) A registered voter may obtain a replacement ballot if the original ballot was destroyed, spoiled, lost, or for any other reason not received by the registered voter. A registered voter who obtains a ballot in accordance with this subsection will be required to sign an affidavit, in a form approved by the Board, specifying the reason for requesting the replacement ballot.

(g) If the City receives more than one ballot from a registered voter, the first ballot received by the City will be the only ballot counted.

(h) Any mail-in ballot that contains a vote for a person who has ceased to be a candidate shall not be counted for that candidate but such vote shall not invalidate the remainder of the ballot.

(ei) In determining the vote cast for each candidate or question the Board of Supervisors of Elections shall verify the accuracy of the counts by such procedures as it deems appropriate. Notwithstanding the above, however, in the event that the Board of Supervisors of Elections initially announces that a candidate for Mayor or a candidate for Councilmember has lost an election by a margin of one-half ($\frac{1}{2}$) percent or less, the Board of Supervisors of Elections must conduct a manual recount of two (2) election districts chosen at random, if requested by any candidate so affected within forty-eight (48) hours of the initial announcement of the election results.

(ej) The Board of Supervisors of Elections shall announce the unofficial results of the election as soon as possible after tabulating the results. The tentative results shall be posted at City Hall and shall be announced on the City cable television channel.

(ek) All challenges to the results of an election shall be submitted to the Board of Supervisors of Elections within forty-eight (48) hours of the initial announcement of the results.

(fl) Within seven (7) calendar days after the election, the Board shall resolve all challenges and shall certify the results of the election to the City Clerk, who shall record the results in the minutes of the Council. The results shall be posted at City Hall and shall be announced on the City cable television channel.

(gm) Any person aggrieved by reason of such determination of the Board may appeal to the Circuit Court for the County, according to the Maryland Rules governing administrative appeals.

(hn) The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The four (4) candidates for Council with highest number of votes in the general election shall be declared elected as members of the Council. In case of a tie in the highest number of votes for Mayor, or in case of a tie in the votes for Council members wherein no candidate received the fourth highest number of votes, then, in either of such events, there shall be a runoff election between the candidates receiving the tie vote, to be held after thirty (30) days' notice, pursuant to applicable provisions of the City Charter and this chapter.

Sec. 8-42. - Absentee and provisional voting.

(a) *Absentee voting.*

- (1) Any qualified voter who may be unavoidably absent from the City during the mail-in ballot voting period ~~who is otherwise prevented from being present and personally voting at the polls on any election day~~ may vote as an absentee voter upon the provisions contained in this section.
- (2) This section applies to elections for all candidates, Charter amendments and other questions at any election held in any year.
- (3) Printed application forms for absentee ballots shall be provided by the Board.
- (4) An application for an absentee ballot shall be available for mailing or distribution on the first day of May in any year prior to the election to which they apply, and may be rejected only by a majority vote of the Board.
- (5) Absentee ballots shall be available for mailing or distribution thirty (30) days prior to the election to which they apply. ~~Applications for absentee ballots shall be accepted by the Board up to and including the time of closing of the polls on election day.~~ The City will not mail absentee ballots less than seven (7) days before an election. Absentee ballots may be obtained by an authorized agent for a voter who is unable to pick up the ballot.
- (6) Postage for transmitting the ballot material to the voter ~~shall be paid by the Board, and postage for the return of ballots shall be paid by the voter~~ Board.
- (7) Any absentee ballot voted for a person who has ceased to be a candidate shall not be counted for that candidate but such vote shall not invalidate the remainder of the ballot.
- ~~(8) When the Board has sufficient proof that an absentee voter has died before election day, that ballot shall not be counted unless such proof is received after counting is completed.~~
- (98) An absentee ballot shall be counted only if it is received by the City Clerk prior to the closing of the election polls.

(b) *Provisional voting.*

- (1) A voter shall be issued a provisional ballot if:
 - a. It is determined that the voter is not eligible to vote on the voting equipment; or
 - b. The voter registers to vote on the same day as casting a vote in accordance with subsection 8-6(~~b~~e); or
 - c. The individual votes during a period covered by a court order or other order extending the time for closing the polls. A provisional ballot cast under this subsection shall be separated and held apart from other provisional ballots cast by those not affected by the order; or

d. The individual receives a replacement ballot in accordance with subsection 8-41(f).

- (2) The provisional ballots shall be handled in accordance with procedures established by the Board of Supervisors of Elections.

Sec. 8-43. - Challengers or watchers.

Challengers or watchers may be selected by individual candidates who have been duly nominated as such, or by the presiding officer of the chief managing committee of any voluntarily associated group of candidates. Such challengers or watchers shall have the rights and be subject to the same limitations as set forth in the Election Law Article of the Annotated Code of Maryland.

Sec. 8-44. - Voter assistance.

(a) (a) Mail-in Ballot Voting. A registered voter who requires assistance to vote because of disability, inability to read, or inability to write, may authorize another person to mark the mail-in ballot and, if necessary, sign his or her name on the back of the return envelope. Any person assisting a registered voter to vote in this manner must fill out and submit a signed Certification of Person Assisting Mail-in Ballot Voter with the registered voter's mail-in ballot in accordance with the provisions provided with the mail-in ballot.

(b) Election Day Voting Center Assistance

- (1) *Physical assistance.* In addition to their other duties, election judges shall provide assistance to voters who, due to physical infirmity, have difficulty in voting. The City shall make appropriate provisions for handicapped voters including but not limited to providing ramps and otherwise making the polls accessible; and, pursuant to procedures established by the Board, provisions permitting handicapped persons to vote from any accessible location not greater than one hundred (100) feet from an entrance to the building of such person's polling place the voting center.

~~(b)~~ (2) Instructions. With the aid of diagrams and a voting device, the election judges, if requested by the voter, shall instruct each such voter, before he enters the voting booth station, regarding the marking of such voter's ballot, and shall give the voter opportunity to personally operate a voting device.

~~(c)~~ (3) Assistance to certain persons. Any voter who requires assistance to vote by reason of blindness, disability, or inability to read the English language or write may be given assistance by a person of the voter's choice, not to include the voter's employer or agent of that employer or officer or agent of the voter's union.

~~(d)~~ (4) Manner of giving assistance; further instructions.

- ~~(4)~~ (i) Assistance in marking their ballots or operating a voting machine shall be given to voters who shall declare under oath to the judges that by reason of blindness, disability or inability to read the English language or write they are unable without assistance to mark their ballots or operate the voting machine.

No ballot shall be marked under this section or voting machine operated until a majority of the judges shall be satisfied of the truth of the fact stated in such affidavit. Upon making and filing with the judges such affidavit, the voter shall retire to one (1) of the booths or voting machines with any person of the voter's choice, not to include the voter's employer or agent of that employer or officer or agent of the voter's union, or with two (2) election judges. Then and there the person whom the voter has selected, or in case the voter has selected no one, one (1) of the judges in the presence of the other shall mark the ballot or operate the voting machine as such voter shall direct. The only assistance which it shall be lawful for such person or for the judges to give the voter is to mark the ballot or operate the voting machine, as the voter shall direct, without prompting or suggestion from them or either of them.

(2)—(ii) If, however, any voter, after entering the voting machine booth, shall ask for further instructions concerning the manner of voting, then two (2) of the judges shall give him such instructions, but no such judge shall, in any manner, request or suggest, or seek to persuade or induce any such voter to vote for or against any particular ticket, for or against any particular candidate, or for or against any particular question. After giving such instructions, the judges shall retire and the voter shall forthwith vote.

(e)—(5) *Person accompanying voter into booth or machine.* A voter may not be accompanied into a voting booth or voting machine station by any person over the age of seventeen (17) ~~eleven (11)~~ years unless the affidavit required by subsection (b)(4)(e) of this section has been accepted by the election judges.

Sec. 8-45. - Electioneering.

No person shall electioneer or post any campaign material in any polling place voting center or within a 50-foot radius from the entrance and exit of the building where ballots are cast. The Board of Supervisors of Elections may modify the 50-foot requirement to accommodate unusual sites and/or weather conditions, provided that no electioneering or posting shall be allowed within the building where ballots are cast, and voter ingress and egress to the polling place voting center will not be impeded. ~~Polling places~~ The vote center and voting station(s) shall be frequently cleaned to ensure the removal of candidate paraphernalia.

Sec. 8-46. - Nonpartisan elections.

Candidates shall not run for office as the representative of or nominee of any political party.

~~Sec. 8-47. - Early voting.~~

(a)—~~Any qualified voter of the City of Rockville may vote on the Saturday or Sunday in the fourth full weekend in October immediately preceding the November election. The polls shall be open at City Hall from 10:00 a.m. to 8:00 p.m. on both days.~~

(b)—~~Same day voter registration shall apply to the early voting period in accordance with section 8-6.~~

- ~~(e) No votes cast during the early voting period shall be counted until the polls are closed on general election day at which time they shall be counted as described in section 8-41.~~

ARTICLE IV. - FAIR ELECTION PRACTICES

DIVISION 1. - GENERALLY

Sec. 8-61. - Applicability.

The provisions of this article shall apply to all elections in which ballots shall be cast pursuant to the provisions of this chapter.

Sec. 8-62. - Distribution of article, forms to candidates.

The City Clerk shall provide for the distribution of this article to all candidates for election to public office at the time such candidates file for election and shall prepare and include in such distribution to each candidate forms provided for in this article.

DIVISION 2. - CAMPAIGN FINANCING

Sec. 8-71. - Appointment of treasurer; resignation of treasurer; reports of candidate and treasurer; candidate joining slate.

- (a) (1) Each candidate for election to office, upon or before, and as a condition precedent to qualifying as candidate, shall appoint one (1) treasurer and shall file the name and address of the treasurer with the City Clerk as provided in subsection (c) of this section. A person who becomes a candidate by virtue of paragraphs (1), (2), (3) or (4) of the definition of candidate in section 8-1, shall appoint one (1) treasurer and shall file the name and address of the treasurer with the City Clerk as provided in subsection (c) of this section within fifteen (15) days after becoming a candidate. Every treasurer so appointed shall accept the appointment, in writing, prior to the filing of his name as treasurer. A treasurer, when accepting appointment, shall certify that the treasurer will serve until all duties have been performed or a successor is duly chosen. The City Clerk may not accept any certificate of candidacy, either finally or conditionally, unless the name of the treasurer has been filed with the Clerk previous to or simultaneously with the filing of the certificate of candidacy. The candidate and treasurer shall file campaign fund reports in accordance with section 8-81.
- (2) A treasurer who resigns shall do so on a form prescribed by the Board of Supervisors of Elections signed by him, filed with the City Clerk. The candidate immediately shall appoint and file a new treasurer in accordance with this section. The treasurer's resignation shall not be effective until a successor is registered with the City Clerk. A treasurer, when resigning, shall certify that the treasurer has served until all duties have been performed and a successor was duly chosen.

- (3) A member of the Board of Supervisors of Elections or any permanent, part-time, or temporary employee of the Board, during such person's tenure in office or employment, may not be a candidate or treasurer of any candidate, combination of candidates, or campaign committee, nor may any member or ~~employee~~ actively participate in a City political campaign. Membership in a political party, without further action in connection with a City political campaign, shall not be deemed to be actively participating in a City political campaign.
- (b) The form for appointment of a treasurer and the acceptance of such appointment by the treasurer shall be on a form prescribed by the Board of Supervisors of Elections.
- (c) A person may not serve as a treasurer unless the form described in subsection (b) of this section is filed with the City Clerk. Nothing in this subtitle shall either prevent the treasurer of any candidate from being the treasurer of another candidate or campaign committee. However, a candidate may not designate himself or herself as said candidate's own treasurer or act as treasurer of any other candidate or campaign committee. To be appointed or act as a candidate's treasurer in any election a person must be a registered voter in either the County of Montgomery or the City.

Sec. 8-72. - Candidates joining slates, designating campaign committees.

- (a) Any candidate, after filing the name of a treasurer as prescribed in subsection 8-71(a), may choose, at any time after the filing to join a group, combination or organization of candidates, commonly known as a "slate," at which time the candidate shall notify the City Clerk in writing, of the fact that said candidate has joined the slate and the date on which said candidate did so. The slate shall be deemed to be a campaign committee for all purposes of this chapter. Any candidate who has only engaged in fundraising on behalf of the candidate's slate and who has submitted a statement indicating that said candidate has joined such slate, may disclose these facts and not be subjected to the other disclosure requirements of this section.
- (b) A candidate may designate additional campaign committees in accordance with subsection 8-73(c) to serve as committees which will be authorized to accept contributions or make expenditures on behalf of the candidate. For each such authorized committee, the candidate shall file a written designation with said candidate's treasurer. The treasurer shall file such designations with the City Clerk.

Sec. 8-73. - Appointment of chairperson and treasurer by campaign committee; reports.

- (a) Every campaign committee, as defined in section 8-1 of this chapter shall appoint and constantly maintain a chairperson and a treasurer, whose names and residences addresses shall be filed with the City Clerk. The chairperson shall be a registered voter of the County of Montgomery or of the City of Rockville and be either a resident of the City or have a business address in the City. The treasurer shall be a registered voter of the County of Montgomery or of the City of Rockville. The treasurer shall receive, keep, and disburse all sums of money, or other valuable

things, which may be collected, received, or disbursed by the committee or organization or by any of its members for any purposes for which the committee or organization exists or acts. Unless the chairperson and treasurer are appointed and filed as required in this subsection, it is unlawful and a violation of this chapter for a campaign committee, or any of its members, to collect, or receive, or disburse money, or other valuable things, for such purposes. A chairperson or treasurer of a campaign committee who resigns or otherwise ceases to be chairperson or treasurer, as the case may be, shall notify the City Clerk on a form prescribed by the Board of Supervisors of Elections and signed by said chairperson or treasurer. A new appointment must be made and filed immediately in accordance with this section. The treasurer and chairperson shall file campaign fund reports in accordance with subsection (b) of this section and section 8-81 of this chapter.

- (b) If any committee, directly or indirectly, expends five hundred dollars (\$500.00) or more to aid or oppose the nomination or election of any candidate, regardless of the purpose for which the committee is formed, the treasurer of such committee shall report, on the form prescribed in section 8-82 of this chapter, a statement of contributions and expenditures to the treasurer appointed by the candidate being so aided, which statement shall be included in, or attached to, the statement of contributions and expenditures reported by the treasurer of the candidate as provided in sections 8-81 and 8-82 of this chapter, except that if the committee has on file a current campaign fund report with either the State of Maryland or Montgomery County, then the identification of that campaign report by the committee that received the contribution would be sufficient to comply with the terms of this subsection.
- (c) Any campaign committee authorized by a candidate to receive contributions or make expenditures shall be authorized in writing by the candidate and must register with the City Clerk.
- (d) If any campaign committee becomes inactive or chooses to disband, a written statement to this effect must be filed with the City Clerk not later than the day by which the next report of such campaign committee is due. Such report shall show that all funds collected by such committee have been disbursed pursuant to section 8-76(d)(1) through (4) and shall identify such disbursements subject to section 8-82 of this chapter. No such report may be filed until such campaign committee has complied with the requirements of section 8-81. Unless the City is so notified, reports will be required and will be subject to late fees.

Sec. 8-74. - Campaign depositories; petty cash fund.

- (a) Each candidate and campaign committee shall designate a campaign depository or depositories and all funds and contributions in furtherance of a candidacy or campaign committee shall, after receipt, be deposited by the treasurer in the designated campaign depository in an account properly identifying the name of and the existence of the political candidacy or campaign committee. Except as provided in subsection (b) of this section, a candidate or campaign treasurer may not pay any expense on behalf of a candidate, directly or indirectly, and a campaign committee

may not pay any expense of such campaign committee except by check from the designated depository.

- (b) A separate book or ledger shall be maintained for any petty cash expenditure. Expenditures from the petty cash fund shall be supported by vouchers retained by the treasurer and reported by category on the appropriate campaign fund report. The petty cash fund may not exceed two hundred fifty dollars (\$250.00) at any given time and the fund may be replenished only by check as provided in subsection (a) of this section. No more than twenty-five dollars (\$25.00) in the aggregate may be disbursed from the petty cash fund to any single recipient at any one time. This section does not authorize expenditures for any purpose which is unlawful under this chapter.

Sec. 8-75. - Expenditures by treasurer.

- (a) *Contributions and expenditures to pass through treasurer.* All contributions, money, or other valuable things collected, received or disbursed by any candidate or campaign committee for any purpose shall be paid over to and made to pass through the hands of the treasurer and, except as provided in subsection 8-74(b), shall be disbursed by such treasurer. It is unlawful for any candidate or any member of a campaign committee to make any expenditure or to disburse or expend money or any other valuable things for any purposes until the money or other valuable things so disbursed or expended shall have passed through the hands of the treasurer.
- (b) *Presentation of statement of moneys due.* Any statement of moneys owing by a treasurer shall be presented for payment to the treasurer within thirty (30) days after the election in connection with which the liability was incurred.

Sec. 8-76. - Books, records and receipts of treasurer.

- (a) *Account books.* Every treasurer shall keep detailed, full and accurate accounts in a proper book to be called "account books," to be provided and preserved by such treasurer, of all contributions, money or valuable things received by or promised to, and of all expenditures, disbursements and promises of payment or disbursements of money or valuable things made by the treasurer.

(1) The account books shall set forth the date, amount, name and address of:

- a. All persons from whom more than ten dollars (\$10.00) was received (whether in the form of contributions, loans or other receipts).
- b. All persons making in-kind contributions and the fair market value of the in-kind contribution, unless the in-kind contribution is food or beverage which is either:
 1. Served to a group of twenty-five (25) persons or less; or
 2. Costs less than one hundred dollars (\$100.00).
- c. All persons to whom disbursements were made, the check number, purpose, and amount of disbursement.

- (2) The account books shall set forth the amount and date of all contributions of ten dollars (\$10.00) or less.
- (3) The account books shall set forth the date, amount, name and address of all persons to whom any sum or thing of value is disbursed and the object and purpose for which the sum or thing of value was disbursed.

Books and records may be destroyed or discarded at any time after two (2) years from the date of filing the final report required by section 8-81 unless a court of competent jurisdiction orders their retention for a longer period.

(b) *Campaign contribution receipts.*

- (1) Upon receipt of a contribution, a "campaign contribution receipt," in a form prescribed by the Board of Supervisors of Elections, shall be issued and delivered either by mail, by email, or in person by the treasurer to each person or treasurer of a committee, group, or organization in whose name:
 - a. Contributions are made in the individual or cumulative amount of more than ten dollars (\$10.00);
 - b. Tickets are purchased for any dinner, testimonial, cocktail party, barbecue, crab feast or other campaign-related function in the individual amount of more than ten dollars (\$10.00) or in the cumulative amount of more than fifty dollars (\$50.00). Upon request, a receipt must be given for any lesser amount.
- (2) The treasurer shall retain a duplicate copy of all "campaign contribution receipts" with his books and records as required by subsection (a) of this section and report the information therein in the statement of contributions and expenditures required by sections 8-73 and 8-82.
- (3) The "campaign contribution receipt" issued to a contributor shall serve as evidence of a contribution by such contributor.

(c) *Anonymous contributions.* Except for contributions valued at ten dollars (\$10.00) or less, any money or other thing of value received from any unknown person or source by any treasurer, shall not be used for any political purpose whatsoever, but shall be paid by the treasurer so receiving the same, to the ~~treasurer of the~~ City's Director of Finance.

(d) *Disposition of surplus funds.* Prior to the time of filing the final report required by sections 8-73 and 8-81(a)(5), any surplus funds remaining after payment of all campaign expenditures shall be:

- (1) Returned, pro rata, to the contributors by the treasurer;
- (2) Paid to the City;
- (3) Paid to a charitable organization registered pursuant to Anno. Code of Md., Business Regulation Art.-44, § 6-401-103B, as amended, or to a charitable organization exempt from such registration pursuant to Anno. Code of Md., Business Regulation Art.-44, § 6-413103, as amended; or

- (4) In the case of continuing campaign committees, surplus funds may be carried forward to be used in the next election cycle provided such funds are reported as carry-forward receipts during the next election cycle.

Sec. 8-77. - Contributions and expenses of candidates; loans.

- (a) *Contributions and expenses.* The contributions of a candidate or the candidate's spouse to the candidate's own campaign are not subject to the limitations of subsection 8-78(d), but must pass through the hands of the candidate's treasurer and be reported as required in other provisions in this article. Personal expenses of the candidate for filing fees, telegrams, telephoning, travel, and board, shall not be considered contributions if paid for by the candidate or the candidate's spouse.
- (b) *Loans.* No loan may be made to the campaign of a candidate, or candidates; or accepted on behalf of the campaign without the express written consent of the candidate or candidates. Written consent constitutes the personal guarantee of the candidate or candidates for repayment of the loan only if it expressly so provides. A copy of the consent shall be furnished to the lender at the time of the loan and attached to the appropriate campaign fund report required by sections 8-81 and 8-82.

Sec. 8-78. - Contributions and expenses of persons not candidates.

- (a) *Restrictions.* No person (other than a candidate with respect to contributions to said candidate's own campaign committee promoting, exclusively, said candidate's own candidacy) shall, to aid or promote the success or defeat of any campaign committee or principle or of any proposition submitted to vote at any public election or of any candidate for election to public office, make a payment or contribution of money or property or incur any liability or promise any valuable thing to any person other than to the treasurer of a candidate or treasurer of a campaign committee in said candidate's or treasurer's official capacity except as provided in subsections (b) and (c) of this section. A contribution may be made directly to a candidate provided such candidate shall thereupon report such contribution to said candidate's treasurer.
- (b) *Exception for volunteering time and personal vehicle.* Nothing contained in this section shall limit or affect the right of any person to volunteer his time or personal vehicle for transportation incident to any election or to expend money for ~~property~~ legal expenses in maintaining or contesting the results of any such elections.
- (c) *Exception for expressing personal views, promoting candidate or proposition.* Nothing in this section shall preclude any person from expressing said person's own personal views on any subject, or making independent expenditures for hiring halls, holding receptions, buying newspaper space and radio or television time or otherwise promoting a candidate or proposition, independently from any campaign committee, provided that:
- (1) Coincident with such statement or advertising notice shall be given that the:
- a. Views so expressed are the person's own;

- b. Statement so made is a "paid political advertisement"; and
- c. Person responsible for the advertisement is clearly identified.

The requirements of this subsection (1) shall not apply to any individual producing, publishing, or distributing campaign material promoting the success or defeat of any principle or proposition submitted to a vote at any City election, provided that such campaign material is produced, published, and distributed independent of, and not in coordination with, any campaign committee or other entity.

- (2) All such independent expenditures must be reported, in accordance with the rules and filing dates pertaining to campaign committees under section 8-81, once they exceed twenty-five dollars (\$25.00).
- (d) *Limit of contributions.* It is unlawful for any individual, association, unincorporated association, corporation, or any other entity, either directly or indirectly, to contribute in any election cycle any money or thing of value greater than one thousand dollars (\$1,000.00) to any single candidate or campaign committee or to contribute money in excess of one hundred dollars (\$100.00) except by check, except that contributions may be made by any electronic method provided said contribution is recorded by the Treasurer and a receipt is provided to the contributor and a copy of the receipt is maintained by the Treasurer. Total contributions by a contributor to various campaign committees and candidates in any election cycle under this subsection shall not exceed two thousand dollars (\$2,000.00).
- (e) *Transfer of funds.*
 - (1) The following types of transfers are exempt from the limitations of one thousand dollars (\$1,000.00) and two thousand dollars (\$2,000.00) set forth in subsection (d) of this section:
 - a. From one (1) candidate's treasurer to another candidate's treasurer;
 - b. From the treasurer of a campaign committee to the treasurer of another campaign committee;
 - c. From a candidate's treasurer to the treasurer of a campaign committee;
 - d. From the treasurer of a campaign committee to a candidate's treasurer.
 - (2) No transfer of any kind, in any amount, is permitted if it is intended to conceal the true identity of the actual contributor or the identity of the intended recipient.
- (f) *Election cycle.* An election cycle shall begin on the first day of January in the year following a general election and end on December 31st of the year of a general election. Special elections shall not effect the commencement and conclusion of election cycles for purposes of the chapter. In the case of special elections, the Board shall prescribe a schedule for the filing of reports, which schedule shall be reasonably consistent with the intent of section 8-81 with respect to general elections.

Sec. 8-79. - Campaign communications by labor organizations, corporations, business associations.

A corporation, unincorporated business association, or labor organization, not otherwise a campaign committee may, without becoming thereby a campaign committee, make campaign communications to its stockholders or members, as the case may be, and executive or administrative personnel and their families on any subject, provided that:

- (1) The material is produced at the expense of the corporation, association, or labor organization; and
- (2) The material constitutes a communication of the views of the governing body of the corporation, association, or labor organization, and is not the republication or reproduction, in whole or in part, of any broadcast, transcript or tape or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents. A corporation, association, or labor organization may, under this section, use brief quotations from speeches or other materials of a candidate that demonstrate the candidate's position as part of the corporation's, association's, or labor organization's expression of its own views.

Sec. 8-80. - Payment for walk-around services on ~~early voting days and~~ election day.

- (a) *Prohibited.* No candidate, or campaign committee, or any person acting on behalf of any of the foregoing may at any time, directly or indirectly, pay or incur any obligation to pay, nor may any person receive, directly or indirectly, any sum of money or thing of value in return for a political endorsement or for walk-around services or any other services as a poll worker or distributor of sample ballots, performed on ~~any early voting day or~~ election day.
- (b) *"Walk-around services" defined.* For the purpose of this section, walk-around services include any of the following activities when performed for money on ~~any early voting day or~~ election day while the polls are open:
 - (1) Distributing to any person any item enumerated in paragraph 8-101(7);
 - (2) Communicating a voting preference or choice in any manner;
 - (3) Stationing any person or object in or along the path of any voter; or
 - (4) Electioneering as described in section 8-45 of this chapter.
- (c) *Exceptions.* This section does not apply to:
 - (1) Meals, beverages and refreshments served to campaign workers;
 - (2) Salaries of regularly employed personnel in campaign headquarters;
 - (3) Media advertising including but not limited to newspaper, radio, television, billboard, or serial advertising;
 - (4) Rent and regular office expenses; or

- (5) Cost of phoning voters or transporting voters to and from ~~polling place~~ the voting centers.

Sec. 8-81. - Election reports to be filed by candidate, treasurer and committee chairperson.

- (a) A candidate and the treasurer designated by that candidate, and the chairperson and every treasurer of a campaign committee, shall file the report or statement of contributions and expenditures as prescribed in accordance with section 8-62 with the City Clerk. ~~All reports or statements of contributions and expenditures shall be filed in duplicate.~~ It is the responsibility of the candidate and treasurer, jointly and severally, if it is the statement of a candidate; the chairperson and treasurer, jointly and severally if it is the statement of a campaign committee; and, in the case of a campaign committee which is a "slate" as described in section 8-72(a), the slate chairperson, treasurer and individual slate candidates, jointly and severally, if it is the statement of such "slate", to file all reports or statements in full and accurate detail. Except as provided herein, each report filed shall contain all contributions received and expenditures made through and including the ~~fifth~~seventh day immediately preceding the day by which that report is to be filed, except as otherwise provided in this section. The initial report filed in an election cycle shall contain all contributions so received and expenditures so made since the closing date of the last report in the preceding election cycle, except that to the extent that there is an outstanding deficit from the last preceding election cycle, contributions may be credited against said deficit and shown on the report required by subsection (a)(4) for the last preceding election until such contributions equal the amount of the deficit at which time further contributions will be included in the current election cycle even if there are remaining unpaid bills. Each subsequent report shall contain all contributions so received and expenditures so made since the end of the period for which the last preceding report is filed. Even if no contributions or expenditures have been made since the end of the period for which the last preceding report was filed, a statement to that effect must be filed on the forms prescribed pursuant to section 8-82 under the circumstances and at the times specified in this section. Each report will be posted on the City's website within twenty-four (24) hours of the respective filing deadline. The initial and subsequent reports shall be consecutively filed no later than the dates and times provided as follows:

- (1) By 5:00 p.m. on the ~~thirtieth day~~fifth Thursday immediately preceding any election which report shall be complete through and including the 35th day immediately preceding the election~~Friday preceding such Thursday~~; and
- (2) By 5:00 p.m. on the ~~Wednesday~~second Monday immediately preceding an election which report shall be complete through and including the ~~Sunday~~Tuesday preceding such ~~Monday~~Wednesday; and
- (3) By 5:00 p.m. on January 15 after the last day of the election cycle as defined in subsection 8-78(f) of this chapter which report shall be complete through and including the last day of the election cycle; and

- (4) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in subsection (a)(3) above or any subsequent report or statement is filed, annually on November 8th of every subsequent year until no cash balance, unpaid bill, or deficit remains; and
 - (5) If a cash balance or outstanding debts or deficits were reflected on the last preceding report, but have all been eliminated by the date on which the next report is due, and the campaign committee has dissolved, or all of a candidate's accounts have been closed, then a report clearly marked as "final" shall be filed on or before such date showing all transactions since the last report.
 - (6) If a candidate does not intend to receive contributions or make expenditures of three hundred dollars (\$300.00) or more, the candidate and his treasurer may jointly execute an affidavit to that effect on a form prescribed by the Board of Supervisors of Elections. If the candidate does not in fact receive contributions or make expenditures of three hundred dollars (\$300.00) or more, no further reports need be filed pursuant to this section. The affidavit shall be filed not later than the date by which the first report is due. If at any time the cumulative contributions to or expenditures by a candidate who has filed such an affidavit equal or exceed three hundred dollars (\$300.00), the candidate and the candidate's treasurer shall thereafter file all reports required by this section.
 - (7) Except for reports required by paragraphs (a)(1) and (a)(2) of this section, if a report is due on a Saturday, Sunday or legal holiday, the report shall instead be filed on the next business day.
 - (8) Reports required by paragraphs (a)(1) and (a)(2) of this section shall be electronically or hand-delivered to the City Clerk. A receipt shall be issued for all hand-delivered reports.
- (b) With respect to candidates for public office, election reports as specified below are required by all candidates for public office, whether or not the candidate's name appears on the ballot, or the candidate withdraws subsequent to filing his certificate of candidacy, or the candidate is unsuccessful in the election.
- (c) (1) The chairperson and the treasurer of any campaign committee which continues in existence from year to year, shall file the report or statement of contributions and expenditures as prescribed in accordance with section 8-82 with the City Clerk at each of the times and for the respective periods specified in subsection (a) of this section.
- (2) a. In any election year, on or before the dates specified in subsection (a) of this section, in lieu of the scheduled reports required to be filed under that subsection, a campaign committee which continues in existence from year to year may file an affidavit stating that since the date covered by the last report the committee has not been involved in raising or spending, and does not intend to raise or spend, money for that election.
- b. Until disbanded or reactivated, a campaign committee which continues in existence from year to year that files an affidavit under this paragraph shall

also file an annual report on November 8th of each subsequent year giving a statement of all contributions received and expenditures made since the end of the period for which the last preceding report is filed, as prescribed in section 8-82 with the City Clerk.

- c. If, subsequent to the filing of the affidavit provided in this paragraph, a campaign committee which continues in existence from year to year receives contributions or makes expenditures in connection with the election for which it filed the affidavit, the committee shall thenceforth file all scheduled reports on the dates specified in subsection (a) of this section. If the contributions were received or expenditures made before any scheduled reporting dates, the committee is liable for all of the penalties for the late-filing of each of the required reports.
- d. The form of the affidavit to be filed under this paragraph shall be as prescribed from time to time by the Board of Supervisors of Elections.
- (d) In the case of a newly formed campaign committee, the campaign committee is not required to file any reports under section 8-81(a) otherwise due on or before the date of formation of such campaign committee.
- (e) Each candidate, the treasurer of each candidate, and the chairman and treasurer of each committee shall be notified by the City Clerk, electronically or by first class mail and no more than twenty (20) nor less than ten (10) days prior to the applicable filing date, of each report that person is required to file. The notice shall include the filing date, the place for filing, the penalty for failure to file a timely report, and the telephone number and business hours of the office where the report is to be filed.
- (f) Except for the reports required by paragraphs (a)(1) and (2) of this section, any report shall be considered timely if it is mailed on or before the filing deadline, regardless of when it is actually received, if the United States Postal Service has provided verification of that fact by affixing a mark so indicating on either the envelope or any receipt therefor. Unless a report is mailed, the City Clerk shall provide a receipt for each report received.
- (g) Notwithstanding anything contained in this chapter to the contrary, an organization, including a campaign committee, may designate an affiliated campaign committee and the designating organization shall not be required to file any of the election reports of contributions and expenditures described in this section if:
 - (1) The designation is made on a form prescribed by the Board and consented to by the affiliated committee on said form;
 - (2) The affiliated committee has a treasurer and chairman different from the designating organization's treasurer and chairman;
 - (3) The designating organization does not provide any financial or other reportable contributions to the affiliated committee;
 - (4) The designating organization otherwise takes no action to assist or attempt to assist in any manner the promotion of the success or defeat of any candidate,

candidates, principle or proposition which has been, will be, or is being sought to be submitted to a vote in the current City election cycle after an organization designates an affiliated campaign committee.

- (5) The affiliated committee complies with all reporting requirements of this chapter for the election cycle.
- (h) The provisions of this section shall apply to all campaign committees, their chairpersons and treasurers, and treasurers for candidates for public office located outside of the geographic boundaries of the City with respect to all expenditures of funds with respect to City elections.
- (i) For purposes of this section, the failure to provide all of the information required by the forms prescribed in accordance with section 8-82, to the extent applicable, is a failure to file.
- (j) Within ~~ten (10)~~ three (3) business days after the deadline for the filing of any report which is required to be filed, the City Clerk shall compile a list of every candidate or committee which failed to file the report, which list shall be available to the public.

Sec. 8-82. - Forms for report of contributions and expenditures and schedule of receipts and disbursements.

The forms for the "Report or Statement of Campaign and Election Contributions and Expenditures" and the "Schedule of Receipts and Disbursements" shall be prescribed, from time to time, by the Board of Supervisors of Elections. If a candidate desires to use a form different from the form prescribed by the Board of Supervisors of Elections, such candidate shall obtain prior approval from the Board before utilizing such a different form.

Sec. 8-83. - Requirements of election reports and statements.

- (a) *Payment of late filing fee.* There is a late filing fee for each report or statement of expenditures and contributions which is not filed within the time prescribed in section 8-81. The fee is ten dollars (\$10.00) for each day or part of a day that a report is overdue. An additional fee of ten dollars (\$10.00) is due for each of the first six (6) days that a pre-election report is overdue pursuant to paragraphs 8-81(a)(1) and (2) and subsections 8-81(c) and (d). The maximum fee payable with respect to any single report is three hundred sixty dollars (\$360.00). The City Clerk shall receive an overdue report or statement even if any late filing fee due has not been paid but the report or statement shall not be considered officially filed until all fees have been paid. Upon the receipt by the Clerk of an overdue report or statement, no further late filing fees shall be incurred, notwithstanding the fact that the report or statement is not considered officially filed. The late filing fee is the joint and several personal liability of the candidate and treasurer as to the report of a candidate, or of the chairperson and treasurer as to the report of a campaign committee. A late filing fee may not be paid, directly or indirectly, from contributions to the candidate or campaign committee and, when paid, may not be treated as a contribution or an expenditure for purposes of this chapter.

- (b) *Prerequisites to becoming candidate or treasurer.* A person may not become a candidate for public office in any election in the City, a certificate of candidacy may not be accepted on his behalf, and he may not become a treasurer for a candidate or committee unless:
- (1) The person has filed or had filed on his behalf all reports or statements required by section 8-81 and subsection (d) of this section to be filed by him, as a candidate, chairman or treasurer during the five (5) calendar years preceding the election in which the person seeks to become a candidate or treasurer; and
 - (2) Any late filing fees due in connection with such reports and statements have been paid.
- (c) *Notice when report or statement is overdue.* The City Clerk shall promptly notify the Board of Supervisors of Elections of any report or statement required by section 8-81 to be filed which is more than thirty (30) days overdue. Whenever it learns that a required report or statement is more than thirty (30) days overdue, the Board of Supervisors of Elections shall issue a notice to the candidate and treasurer, if the report is the statement of a candidate, or to the chairperson and treasurer if the report is that of a campaign committee, to show cause why they should not be charged with a violation of the provisions of this article, unless the failure to file is remedied and late filing fees paid within thirty (30) days of service of the notice. Any candidate, chairperson, or treasurer who fails to file the report or statement and pay the late filing fee due within thirty (30) days after service of the show cause notice is guilty of a municipal infraction and subject to the penalties prescribed in section 8-111(b). Any such prosecution must be commenced within three (3) years of the date on which the report or statement was originally due.
- (d) *Failure to provide information called for.* For the purposes of this section, the failure to provide all of the information called for on the forms prescribed pursuant to section 8-82, to the extent applicable, is a failure to file if the Board of Supervisors of Elections has notified the candidate and treasurer or chairman and treasurer, in writing, of the particular deficiencies and a properly corrected report has not been filed within thirty (30) days of service of such notice. After the thirtieth day, and in the absence of a filed corrected report, daily late filing fees are thereafter payable, and all sanctions provided for in this section and in section 8-111 shall be fully applicable without the necessity of further notice to the candidate, chairman, or treasurer under this subsection or subsection (c) of this section.
- (e) *Successful candidates.* A person may not be deemed elected to any public office of the City or enter upon the duties of the office or receive any salary or emoluments therefrom until all of the reports and statements of contributions and expenditures required to be filed by the person pursuant to subsection 8-81(a) and subsection (d) of this section and due before the person may take office, have been filed. A candidate may not be sworn in until the Board of Supervisors of Elections certifies that all the reports and statements required to be filed by such candidate prior to taking office by subsection 8-81(a) and subsection (d) of this section have been filed. The oath of office may not be administered to a candidate until the official

administering the oath has received this certification from the Board of Supervisors of Elections.

- (f) *Withholding compensation.* If any person elected to public office has been notified pursuant to subsection (c) or (d) of this subsection and has failed to file a report or statement required by subsection 8-81(a) or subsection (d) of this section in the time required or failed to pay any late filing fee due, the Board of Supervisors of Elections shall cause an investigation to be undertaken and shall notify the elected official and afford him the opportunity to be heard. If the Board determines, after hearing, that a report or statement required by subsection 8-81(a) or subsection (d) of this section was not timely filed, that the official was notified pursuant to subsection (c) or (d) of this section, and that the failure to file has not been corrected and late filing fees have not been paid, then it shall direct the City Manager and City Clerk to withhold the compensation of the elected official until the report or statement is filed and all late fees paid and to withhold from future compensation payments a sum or sums which equal any amount previously paid to the elected official for a period during which his report or statement was in default.
- (g) *Distribution of late filing fees.* All late filing fees shall be paid to the City and shall be treated as a special fund and the City shall use the funds to defray the cost of voter education.
- (h) *Section mandatory; waiver of late filing fee.*
 - (1) The provisions of this section and the provisions of section 8-81 with respect to the filing of reports or statements are mandatory and not directory. However, no sanctions may be imposed for failure to file a report or statement or to pay a late filing fee if the failure is found by a court of competent jurisdiction to be for just cause.
 - (2) In addition, upon request of the person required to file, a late filing fee may be waived for just cause by the Board of Supervisors of Elections.
 - (3)
 - a. The decision of the Board to waive or not to waive a late filing fee shall be in writing and shall set forth the circumstances surrounding the late filing and the reasons for the decision.
 - b. The decision to waive or not to waive may be made without notice or hearing.

Sec. 8-84. - Preservation of reports, statements, accounts; inspection; certified copies.

The City Clerk shall receive, file and preserve all reports, statements and accounts relating to campaign contributions and expenditures which are required to be filed by this chapter. These reports, statements, and accounts shall be kept as part of the records of the City for a period of five (5) years regardless if the candidate is successful, unsuccessful, or resigns, or for a longer period if ordered by a court of competent jurisdiction. These reports, statements and accounts shall be subject and open to inspection by any citizen of the City during the hours in which the Clerk's office is open. In addition, the City Clerk shall make a permanent record of all election reports required

to have been filed by section 8-81 but which have not been filed. The permanent record shall include the name of the candidate or the committee, the treasurer, an identification of the missing report, and if a final report, a notation of the amount of any outstanding balance, bills or deficits as shown on the last report filed.

DIVISION 3. - CAMPAIGN PRACTICES

Sec. 8-101. - Prohibited practices.

The following persons shall be guilty of prohibited practices and shall be punished in accordance with the provisions of this section:

- (1) *Offering bribe.* Every person who shall, directly or indirectly, by himself or by another, give or offer or promise to any person any money, gift, advantage, preferment, aid, emolument or any valuable thing whatever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any City election.
- (2) *Accepting or soliciting bribe.* Every person who shall, directly or indirectly, receive, accept, request or solicit from any person, candidate, committee, association, organization or corporation, any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any City election.
- (3) *Acting on bribe.* Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any City election.
- (4) *Making contribution other than to treasurer.* No person shall, directly or indirectly, pay, give, contribute or promise any money or other valuable thing to defray or towards defraying the costs or expenses of any candidate or campaign committee to any person, committee, company, organization or association, other than to a treasurer.
 - a. This subsection shall not apply to dues regularly paid for membership in any campaign committee if all money expended by such committee in connection with the costs or expenses of any campaign or election is paid out only through its treasurer as provided in this article.
 - b. This subsection shall not apply to any contribution received by a candidate or the candidate's authorized agent provided that the candidate or authorized agent shall immediately turn the contribution over to the treasurer.
- (5) *Political contributions in false name.* Every person who shall, directly or indirectly, by himself or through another person make a payment or promise of

payment to a treasurer or candidate in any other name than his own, and every treasurer or candidate who shall knowingly receive a payment or promise of payment and entered the same or caused the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made.

- (6) *Coercing employees.* Every person who, being an employer, pays his employees the salary or wages due in pay envelopes, upon which there is written or printed or in which there is enclosed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees, or within ninety (90) days of an election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease, in whole or in part, his establishment will be closed up, the wages of his employees will be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees.
- (7) *Campaign literature.* 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, including a write-in candidate, or prospective candidate for public office or for the acceptance or defeat of any proposition unless such pamphlet, circular, card, sample ballot, dodger, poster, advertisement, or other form of publication described in this article clearly indicates the name of the candidate, person or campaign 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 the address to the City Clerk, the literature need not contain an address.

The requirements of this subsection (7) shall not apply to any individual publishing or distributing campaign literature promoting the success or defeat of any principle or proposition submitted to a vote at any City election, provided that such campaign literature is published and distributed independent of, and not in coordination with, any campaign committee or other entity.

- (8) *Contribution or expenditure in violation of section 8-77.* Every person who, being a candidate, makes any payment, contribution, expenditure or promotes or incurs any liability to pay, contribute or expend from his own personal financial resources any money or thing in value in a manner not authorized by section 8-77.

(9) Offenses relating to voting by mail-in ballot. Any person who knowingly commits, or aids or abets in committing, fraud in connection with any mail-in ballot vote cast, to be cast, or attempted to be cast.

Sec. 8-102. - Requirements concerning advertising; rates.

It is unlawful for any person, candidate, campaign manager, treasurer, or campaign committee to expend any money for printing, publication, or broadcasting of any campaign material unless such campaign material purports on its face to be a paid political advertisement and printed, published, or broadcast by the authority of the person, campaign manager or treasurer for the named candidate or campaign committee. This section shall not apply to communications by a campaign committee exclusively to its membership, or to communications by an individual acting independent of any campaign committee or other entity in promoting the success or defeat of any principle or proposition submitted to a vote at any City election.

Sec. 8-103. - Retention of samples of political matter published or distributed.

- (a) Each candidate or treasurer and every person who publishes or distributes or causes to be published or distributed campaign material, shall maintain for a period of one (1) year following each election a complete file of sample copies of all matter printed, published, or distributed by his authority.
- (b) Distributor includes any person, partnership, or corporation engaged in the distribution of circulars, pamphlets, and other advertisements by hand delivery or direct mail for profit but does not include salaried employees, agents or volunteers of the person, partnerships, or corporations.
- (c) A person subject to the requirements of subsection (a) is not required to maintain sample copies of billboards and placards.

DIVISION 4. - REMEDIES

Sec. 8-111. - Violation of chapter declared misdemeanor; penalty for violations.

- (a) *Misdemeanors.* Any person who violates Section 8-101(1), (2), (3), (5), ~~or (6)~~ or (9) of this chapter is guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars (\$1,000.00) or be imprisoned for not more than six (6) months, or both, in the discretion of the court.
- (b) *Municipal infractions.* Any person who violates any provision of this chapter other than those listed in subsection (a) above is guilty of a municipal infraction pursuant to Section 1-9 of this Code. A municipal infraction citation may be issued to such person by the Board of Supervisors of Elections or the Board's designee, and shall be prosecuted by the City Attorney.
- (c) *Ineligibility from holding office.*

- (1) Any person who is convicted of a misdemeanor under subsection (a) of this section shall automatically be ineligible for any elected or appointed public office in the City for a period of eight (8) years from and after the time of the commission of the offense.
- (2) If the board determines, after notice and a hearing at which evidence is taken and a transcript made, that a person found guilty of a municipal infraction under subsection (b) of this section knowingly and wilfully commits such violation or had knowledge of and consented to such violation by said person's agent, the Board may declare such person to be ineligible for any elected or appointed public office in the City for such period of time as the Board finds appropriate, but not be exceed eight (8) years. Any person aggrieved by reason of such determination of the Board may appeal to the Circuit Court for the County according to the Maryland Rules governing administrative appeals.
- (3) If a person holding public office in the City becomes ineligible for such position under this subsection (c), such person shall automatically be removed from office and the position shall be deemed vacant. Such vacancy shall be filled in the same manner as other vacancies in such office are filled.
- (d) If a different penalty is specifically prescribed for violation of any section in this chapter and expressly set forth therein, the specific penalty applies and the penalty set forth in this section does not apply.

Sec. 8-112. - Injunction.

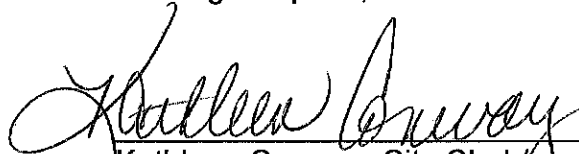
The Board of Supervisors of Elections, the Chairman of the Board of Supervisors of Elections, on behalf of the Board, or any aggrieved party having sustained a direct injury may seek an immediate injunction against any violation of the provisions of this chapter.

NOTE: ~~Strikethrough~~ indicates material deleted

Underlining indicates material added

* * * * *

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of April 9, 2018.


Kathleen Conway, City Clerk/
Director of Council Operations