

Ordinance No. 10-13 ORDINANCE:

To amend Chapter 8 of the Rockville City Code entitled “Elections” so as to add Section 8-8, “Withdrawal of Candidacy” so as to add a provision to allow a candidate to withdraw from candidacy and to amend Section 8-81 entitled “Election Reports to be Filed by Candidate, Treasurer, and Committee Chairperson” so as to amend the filing deadline for election reports

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Chapter 8 of the Rockville City Code entitled “Elections” be amended by adding a new Section 8-8 entitled “Withdrawal of Candidacy” and by amending Section 8-81 entitled “Election reports to be filed by candidate, treasurer and committee chairperson” as follows:

SECTION 1. That Chapter 8 of the Rockville City Code entitled “Elections” be amended by adding a new Section 8-8 entitled “Withdrawal of Candidacy” to read as follows:

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.

SECTION 2. That Chapter 8 of the Rockville City Code entitled "Elections" be amended by amending Section 8-81 entitled "Election reports to be filed by candidate, treasurer and committee chairperson" to read as follows:

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 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 fifth Thursday immediately preceding any election which report shall be complete through and including the Friday preceding such Thursday; and

(2) By 5:00 p.m. on the second Monday [Thursday] immediately preceding an election which report shall be complete through and including the Sunday preceding such Monday [Thursday]; and

(3) Thirty (30) days after the election; 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 hand-delivered to the City Clerk. A receipt shall be issued for all hand-delivered reports.

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NOTE: [Brackets] indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance

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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 March 18, 2013.



Douglass A. Barber, City Clerk