

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 27, 2009

CALL TO PODIUM:

Fred Felton
Assistant City Manager

RESPONSIBLE STAFF:

Fred Felton
Assistant City Manager

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input checked="" type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:
Report from the Ad Hoc Elections Ordinance Review Committee

SUPPORTING BACKGROUND:
<p>On May 19, 2008 the Mayor and City Council appointed the Ad Hoc Elections Ordinance Review Committee with the charge to review the City's election ordinance and to provide recommendations to improve our elections process. The Committee has met regularly since being appointed.</p> <p>From the onset, the committee's key goal has been to make Gaithersburg's elections process as transparent as possible by ensuring potential voters knew what individuals and organizations were financing the various campaigns.</p> <p>After considerable discussion and debate, the committee is unanimously recommending certain changes to the elections ordinance, the City Charter, and City policies:</p> <p style="text-align: center;"><u>Elections Ordinance</u></p> <p><u>Campaign Finance</u></p> <ol style="list-style-type: none"> 1. Add two additional pre-election campaign finance reports. 2. Require campaign finance reports to be filed electronically utilizing software specified by the Board of Supervisors of Elections. 3. Allow candidate to keep campaign finance account open between election cycles and require annual report on the account. 4. Require estimated reporting of expenditure if actual data (invoice) is not available when finance report is due.

DESIRED OUTCOME:
Receive presentation and provide guidance.

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Supporting Background Page 2:

Political Committees

1. Define political committees as “any combination of two or more persons formed in any manner, which independently collects or expends a cumulative amount of \$250 or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office.
2. Political committees must act independently and may not coordinate with any candidate or group of candidates.
3. Political committees must file a campaign finance report within three days of collecting or expending the first \$250. Thereafter, they must file on the same schedule as candidates for office.
4. Any literature or signage paid for by a political committee must have language clearly identifying what organization paid for it.

Independent Expenditures

1. Define independent expenditure as “a cumulative expenditure of \$250 or more by an individual to assist in the promotion of the success or defeat of any candidate or slate of candidates for city elective office that is not coordinated with any candidate or group of candidates.”
2. Individuals who independently expend \$250 or more would be required to file a campaign finance report within three days of the first. Thereafter, they must file the same pre-election schedule as candidates for office. The final report of any individual making expenditures of \$250 or more is due on the last day of the day following the month in which the election was conducted.
3. Any literature or signage paid for by an individual must have language clearly identifying who paid for it.

Contributions

1. No person shall contribute more than \$500 (including in kind donations) to any candidate or political committee.
2. No person may contribute a cumulative total of more than \$1,000 (including in kind contributions) during any election cycle.
3. Candidates or political committees may not accept anonymous contributions. Any anonymous contribution received by a candidate or political committee shall be given to the City for any lawful purpose.

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Supporting Background Page 3:

BOSE Powers/Violations

1. In addition to having the authority to require respondents to cease and desist, the board would have the authority to order corrective action.
2. Respondents subject to BOSE orders would have the right to appeal to Circuit Court within 14 days.
3. Failure to comply with an order of the BOSE would be a misdemeanor rather than a municipal infraction.

Charter Amendment

1. Section 32 of the City Charter mandates that the board of supervisors of elections shall keep the polls open from 7:00 AM to 7:00 PM unless the Council, by resolution, shall fix longer or shorter hours. The Committee believes the BOSE should have the ability to extend the hours of the polls on Election Day if extraordinary circumstances warrant an extension.

City Policies

1. All campaign finance reports should be placed on the City's website in a searchable format as soon as possible after being filed.
2. The City should have a qualified lawyer on retainer to assist the BOSE in investigating complaints and interpreting the elections ordinance if the City Attorney should determine that it would be a conflict for the City Attorney to provide advice on a given matter.