

ORDINANCE NO. O-10-14

AN ORDINANCE TO AMEND CHAPTER 6C OF THE CITY CODE ENTITLED "ELECTIONS" SO AS TO AMEND SECTION 6C-3 ENTITLED "SAME-ACCEPTANCE OR REJECTION," AND ADD SECTION 6C-3.05 ENTITLED "WRITE-IN CANDIDATES" AND TO FURTHER AMEND SECTION 6C-5 ENTITLED "TIME AND MANNER OF REPORTING-CANDIDATES" AND SECTION 6C-18.2 ENTITLED "FINANCIAL DISCLOSURE AND ETHICS STATEMENTS FILED"

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 6C of the City Code entitled "Elections" is hereby amended so as to amend Sections 6C-3, add Section 6C-3.05 and to further amend 6C-5 and 6C-18.2 to read as follows:

Sec. 6C-3. - Same—Acceptance or rejection.

If the board shall find, after review of the petition and after the public hearing, if any, that the candidate is eligible for election and that the petition bears the signatures of one hundred (100) qualified voters, the petition shall be accepted; otherwise, the petition shall be rejected. All candidates' names shall be placed upon the ballot after acceptance of the petition, ~~and no petition may be withdrawn by the candidate after the last date for filing petitions has expired.~~

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Sec. 6C- 3.05 Write-in candidates.

(a) A certificate of candidacy for a write-in candidate pursuant to section 29A of the city Charter shall be in such form as the city manager shall prescribe. The certificate of candidacy shall be filed no later than the earliest to occur of:

- (i) Three (3) days after the write-in candidate collects or expends a cumulative amount of two hundred fifty dollars (\$250.00) in support of such candidacy, or
- (ii) 5:00 p.m. on the Wednesday prior to the general election.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

- (b) Promptly after the receipt of a certificate of candidacy, the board of supervisors of elections shall review the certificate to determine whether the candidate is eligible for election to the office which he or she seeks. The write-in candidate shall be promptly notified in writing at the address shown on the certificate and by telephone or email, if possible, of the findings of the board. Write-in candidates' names shall be accepted on the ballot after approval of the certificate of candidacy.
- (c) Write-in candidates must comply with all campaign rules and regulations.

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Sec. 6C-5. Time and manner of reporting – Candidates.

- (a) The first report of a candidate in a general election shall be filed at the offices of the city board of supervisors of elections on or before the last day to file for elected office.
- (b) The second report of such a candidate shall be filed with the board twenty-nine (29) days before the election.
- (c) The third report of such a candidate shall be filed with the board fifteen (15) days before the election.
- (d) The fourth report of such a candidate shall be filed with the board eight (8) days before the election.
- (e) The fifth report of such a candidate shall be filed with the board fourteen (14) days after the election.
- (f) The next report of every candidate in a general election, whether elected or not, shall be filed on the last day of the month following the month in which the general election was conducted.
- (g) Thereafter, every candidate shall annually file by December 31 a report of any contributions received or expenditures made by the candidate or any other person on the candidate's behalf from the day of filing of the last prior report and any balance remaining in the account. No report shall be required after all receipts and disbursements have been entirely accounted for and no balance shall remain in the account.
- (h) The first report of a write-in candidate in a general election shall be filed with the candidate's certificate of candidacy and thereafter in accordance with the schedule of reports for candidates.
- (hi) The first report filed by any candidate shall include any balance remaining at the expiration of the last reporting period from any prior election and any contributions received and any expenditures made since the date of this last prior report, through the day immediately preceding the date of the filing of such first report. Each subsequent report by any candidate shall include all contributions received and expenditures made from the day of the filing of the last prior report through the day preceding the filing of the subsequent report.
- (ij) The board of supervisors of elections may extend the filing deadline of any

report required by this section due to exigent circumstances.

- (jk) Every such report shall be available for inspection by any person at the city offices during regular business hours.
- (kl) If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when city offices are open for regular business.
- (lm) Any candidate who shall fail to timely file a report required by this section shall be subject to a fine of one hundred dollars (\$100.00).

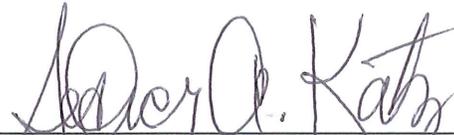
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Sec. 6C-18.2. Financial disclosure and ethics statements filed.

Candidates for elective office shall file a financial disclosure statement consistent with the requirements of section 7A-5(a) of the City Code at the time they file their ~~certificates~~ petition or certificate of candidacy.

All city officials and candidates for elective office subject to chapter 7A of the City Code, shall file a conflict of interest statement with the ethics commission disclosing any interest or employment, the holding of which would require disqualification from participation pursuant to section 7A-4, sufficiently in advance of any anticipated action to allow adequate disclosure to the public. Disclosure statements filed pursuant to this section shall be maintained by the ethics commission as public records available for public inspection and copying.

ADOPTED by the City Council this 3rd day of November, 2014.



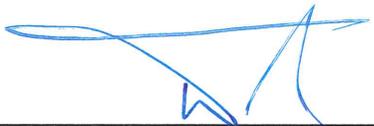
SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 3rd day of November, 2014. APPROVED by the Mayor of the City of Gaithersburg this 3rd day of November, 2014.



SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 3rd day of November, 2014; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 3rd day of November, 2014. This Ordinance will become effective on the 23rd day of November, 2014.



Tony Tomasello, City Manager