



## Chapter 6C - ELECTIONS

### ARTICLE I. - IN GENERAL

#### Sec. 6C-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:

*Board:* Board of supervisors of elections for the city.

*Candidate:* Individual who seeks nomination for election, or seeks election, to city office.

*Contribution:* A gift, or promise of gift of money, donated to any candidate or representative.

*Contributor:* Any person who makes a contribution or expenditure, of cash or in-kind contribution, to or on behalf of a candidate.

*Election:* General, special or recall elections.

*Expenditure:* Any transfer, disbursement or promise of money or valuable thing (in-kind contribution), by a candidate, treasurer, or other agent of such candidate, or political committee to promote or assist in the promotion of the success or defeat of a candidate or proposition submitted to a vote at any election.

*Independent expenditure:* A cumulative expenditure of two hundred fifty dollars (\$250.00) or more by a person to assist in the promotion of the success or defeat of any candidate for city elective office that is not coordinated with any candidate or group of candidates.

*In-kind contribution:* Anything of value, other than a gift or promise of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate, political committee or proposition submitted to a vote of any election.

*Person:* A corporation, business, other legal entity or an individual.

*Political committee:* Any combination of two (2) or more persons who are not candidates formed in any manner, which independently collects or expends a cumulative amount of two hundred fifty dollars (\$250.00) or more to assist in the promotion of the success or defeat of any candidate for city elective office.

*Report:* A report of expenditures, loans, and contributions (in-kind or cash) received by any candidate or political committee.

*Surplus campaign funds:* Funds left in a candidate's account after the election is certified and all campaign debts, including all loans, have been paid.

*Treasurer:* Any person appointed by a candidate or political committee to receive or disburse money or other things of value to promote or assist in the promotion of any candidate or proposition.

(Ord. No. O-1-95, 1-3-95; Ord. No. O-16-98, 12-21-98; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18.](#))

### **Sec. 6C-1.1. - Petitions of candidates—Form.**

A petition of a candidate for elected office in the city pursuant to section 29 of the city Charter shall be in such form as the city manager shall prescribe. Such petition shall be signed by the candidate, shall bear the candidate's address and telephone number and shall state the period during which the candidate has been domiciled in the city. It shall also state the candidate's name as the candidate wishes it to appear on the ballot. The use of nicknames, titles, degrees or other professional designations shall not be permitted. Such petition shall also be signed by not less than one hundred (100) qualified voters of the city as required by section 29 of the Charter.

(Ord. No. O-8-77, § 6C-1; Ord. No. O-1-95, 1-3-95; [Ord. No. O-4-18, 8-20-18](#))

**Editor's note**— Section 6C-1.1 was renumbered from § 6C-1 by Ord. No. O-1-95, adopted Jan. 3, 1995.

### **Sec. 6C-2. - Same—Review by board.**

Promptly after the receipt of a petition, the board of supervisors of elections shall review the petition to determine whether the candidate is eligible for election to the office which he or she seeks and to determine whether the petition bears the signatures of one hundred (100) qualified voters of the city. The candidates shall be promptly notified of the findings of the board. In the event the board shall find that the candidate is not eligible for election to the office which he or she seeks, or that the petition does not contain the signatures of one hundred (100) qualified voters of the city, the board shall, at the request of the candidate, hold a public hearing at which the candidate shall have the opportunity to present evidence to show that the finding of the board is erroneous. The candidate shall also have the right, within the time specified in section 29 of the Charter, to file an additional petition or petitions with additional signatures of qualified voters, which petition or petitions shall be reviewed in the same manner by the board.

(Ord. No. O-8-77, § 6C-2; Ord. No. O-1-95, 1-3-95; [Ord. No. O-4-18, 8-20-18](#))

### **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.

(Ord. No. O-8-77, § 6C-3; Ord. No. O-1-82; [Ord. No. O-10-14, 11-3-14](#))

### **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:

- (1) 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

- (2) By 5:00 p.m. six (6) business days prior to the first scheduled early voting session for the general election.
- (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 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.

( [Ord. No. O-10-14, 11-3-14](#) ; [Ord. No. O-4-16, 7-5-16](#) ; [Ord. No. O-4-18, 8-20-18](#) )

### **Sec. 6C-3.1. - Powers and duties of the board of supervisors of elections.**

In addition to any power, duty or responsibility provided in the city Charter or this chapter, the board of supervisors of elections shall be in charge of all city elections. The board shall:

- (1) Issue and maintain all election records in a separate filing system provided by the city.
- (2) Provide for the nominations for elected city officers and verify the eligibility of election candidates, which includes reviewing and certifying petitions for office as outlined in this chapter, and verifying that such candidates are residents of the city.
- (3) Make recommendations to the mayor and city council concerning the number and location of election polling sites.
- (4) Provide, receive, review and certify that campaign reports from candidates are timely and complete as outlined in the elections code.
- (5) Coordinate city staff, with the approval of the city manager, to assist and support the board in its official duties.
- (6) Provide for voting by absentee ballot.
- (7) Validate the authenticity of returned absentee ballots.
- (8) Provide a poll watchers form and issue identification for poll watchers at polling sites
- (9) Select and train election judges to assist in the operation of the polling sites on election day. The board shall also oversee the operations of the polling sites.
- (10) Issue the official election ballot.
- (11) Certify all election results
- (12) Provide for recount of ballots.
- (13) Administer and enforce all election laws and regulations
- (14) Administrative review. The board shall investigate, conciliate complaints, hold hearings and make determination on any alleged violations of the elections provisions of the Charter, elections ordinance of the city [this chapter], or election regulations in accordance with section 6C-3.2 through section 6C-3.8. The board, when conducting administrative review, shall be granted the following powers to:
  - a. Investigate complaints filed with the board of matters of election practices or other matters within the jurisdiction of the board.
  - b. Dismiss complaints.

- c. Conciliate complaints.
- d. Summons concerned parties to hearings.
- e. Conduct hearings.
- f. Adopt rules and procedures for the conduct of hearings.
- g. Implement enforcement actions, which include cease and desist orders, and the ability to make recommendations to the city manager to impose civil penalties not to exceed one thousand dollars (\$1,000.00). The board shall have the power to seek judicial enforcement of its decisions by application to courts of competent jurisdiction for injunctions, mandamus and other appropriate judicial review when conducting an administrative review. The board may also refer complaints to the office of the state's attorney for prosecution as the circumstance may warrant.
- h. Hearings conducted by the board shall be open to the public; except, that either the complaining party or the respondent may request, in writing, a closed hearing which may be granted by the board if allowed by the Maryland Open Meetings Act. The board shall have the power to summon all witnesses it deems necessary. The hearing shall be held not less than seven (7) days, unless the board determines that emergency circumstances require an earlier hearing, and not more than thirty (30) days after service of the statement of charges and summons. The summons so issued must be signed by the chairperson of the board or a designee and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute violation of this chapter. The complaining party or parties and the respondent may, at their option, appear before the board in person or by duly authorized representative(s) and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath, or by affirmation. The board shall keep a full record of the hearing. If the hearing is public, the record shall be open to inspection by any person, and, upon request by any principal party to the proceeding, the board shall furnish such party a copy of the hearing record, if any, at such charges as are necessary to meet costs. The board may extend the time for any hearing and the issuance of any finding, opinion and orders. The board has the power to adopt rules and procedures with reference to the conduct and manner of these proceedings.

(Ord. No. O-17-98, 12-21-98; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#) )

### **Sec. 6C-3.2. - Filing procedure for complaints.**

Any person who is a qualified voter of the city believes that a violation of this chapter, a provision of the city Charter, or election regulations has occurred, may file a written complaint with the board of supervisors of elections. The complaint shall include all particulars of the allegation, and must be signed by the complaining party. Such complaint must be filed with the board within thirty (30) days of the date of the alleged violation.

(Ord. No. O-17-98, 12-21-98; [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-3.3. - Investigation of complaints.**

After the filing of any complaint, the board of supervisors of elections shall make such investigation as deemed appropriate to ascertain whether there are reasonable grounds to believe the allegation is true. The board may request the city manager's assistance in this investigation.

(Ord. No. O-17-98, 12-21-98)

**Sec. 6C-3.4. - Procedure when violation of chapter not found.**

If the board of supervisors of elections, in investigating a complaint, determines there are no reasonable grounds to believe that a violation of this chapter has occurred, the board shall issue a written order dismissing the complaint.

(Ord. No. O-17-98, 12-21-98)

**Sec. 6C-3.5. - Procedure when violation of chapter is found.**

If the board of supervisors of elections, in investigating a complaint, determines there are reasonable grounds to believe that a violation of this chapter has occurred, the board or their designee shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representative as the parties may choose to assist them. If a complaint is conciliated, the terms of the conciliation agreed to by the parties may be reduced to writing and incorporated into a consent agreement as needed.

(Ord. No. O-17-98, 12-21-98)

**Sec. 6C-3.6. - Board hearings generally.**

If there are reasonable grounds to believe a violation of law has occurred and the case has not been conciliated, the board shall, serve upon the person against whom the complaint has been filed (designated as the "respondent") a summons and statement of charges shall be served upon all interested parties along with a notice of the time and place of the hearing. The respondent or an authorized representative may file such statements with the board prior to the hearing date as deemed necessary in support of respondent's position.

(Ord. No. O-17-98, 12-21-98)

**Sec. 6C-3.7. - Board action when violation of chapter not found.**

If, at the conclusion of a hearing, the board determines, upon the preponderance of the evidence of record, that the respondent has not violated this chapter or any applicable election law, the board shall state and publish its findings and issue an order dismissing the complaint.

(Ord. No. O-17-98, 12-21-98)

**Sec. 6C-3.8. - Board action when violation of chapter found.**

If, at the conclusion of a hearing, the board determines, upon the preponderance of the evidence of the record, that the respondent has violated this chapter or any applicable election law or regulations, the board shall state and publish its findings and issue an order. Such order shall require the respondent to cease and desist from such unlawful conduct, and may require the respondent to take corrective action. In addition, the board may recommend the city manager the imposition of civil penalties not to exceed one thousand dollars (\$1,000.00) as defined in this chapter.

Any order of the board may be appealed to the Circuit Court of Maryland within fourteen (14) days of issuance. Failure to comply with an order of the board shall constitute a violation of this chapter subject to the penalties outlined in section 6C-19.

(Ord. No. O-17-98, 12-21-98; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#))

**ARTICLE II. - FINANCIAL CONTRIBUTIONS AND EXPENDITURES**

**Sec. 6C-4. - Reporting of contributions and expenditures—Candidates.**

Every candidate for election to any elective office provided for in the City Charter shall file with the board of supervisors of elections written reports in accordance with this article of all cash contributions received, or by any other person acting on the candidate's behalf and known to the candidate, for use in connection with the candidate's campaign for election, and any expenditures made, or known to have been made by any person other than the candidate on the candidate's behalf, in connection with such election. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided. The board may require such reports to be filed electronically utilizing software specified by the board. All expenditures, and any contribution or in-kind contribution shall include all items as defined in section 6C-1 of the elections code.

(Ord. No. O-4-78; Ord. No. O-16-98, 12-21-98; Ord. No. O-7-09, 6-15-09)

**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 forty-three (43) days before the election.
- (c) The third report of such a candidate shall be filed with the board twenty-two (22) 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.
- (i) 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.
- (j) The board of supervisors of elections may extend the filing deadline of any report required by this section due to exigent circumstances.
- (k) Every such report shall be available for inspection by any person at the city offices during regular business hours.
- (l) If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a city legal holiday, then such report shall be required to be filed on the next following day when city offices are open for regular business.
- (m) 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).

(Ord. No. O-4-78; Ord. No. O-12-80; Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09; Ord. No. O-28-10, 12-20-10; [Ord. No. O-04-13, 5-6-13](#); [Ord. No. O-10-14, 11-3-14](#); [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-6. - Reporting of contributions and expenditures—Political committees.**

Any political committee making independent expenditures in excess of two hundred fifty dollars (\$250.00) as defined in section 6C-1 to assist in the promotion of the success or defeat of any candidate for city elective office shall file with the board of supervisors of elections reports in accordance with this article of all monetary and in-kind contributions received and expenditures made. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided. The board of supervisors of elections may require such reports to be filed electronically utilizing software specified by the board. This report shall also identify the members of the political committee. Expenditures by a political committee may not be coordinated with any candidate

(Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-7. - Time and manner of reporting—Political committees.**

- (a) The first report of a political committee shall be due within three (3) days of collecting or expending the minimum amount required to establish a political committee to assist in the promotion of the success or defeat of any candidate for city elective office.

- (b) The second report of such a political committee shall be filed with the board forty-three (43) days before the election.
- (c) The third report of such a political committee shall be filed with the board twenty-two (22) days before the election.
- (d) The fourth report of such a political committee shall be filed with the board eight (8) days before the election.
- (e) The fifth report of such a political committee shall be filed with the board fourteen (14) days after the election.
- (f) The next report of such political committee shall be filed on the last day of the month following the month in which the general election was conducted.
- (g) Thereafter, every such political committee shall annually file by December 31 a report of any contributions received or expenditures made to assist in the promotion of the success or defeat of any candidate for city elective office. 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 filed by any such political committee 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 to assist in the promotion of the success or defeat of any candidate for city elective office 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 political committee 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.
- (i) Every such report shall be available for inspection by any person at the city offices during regular business hours.
- (j) If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a city legal holiday, then such report shall be required to be filed on the next following day when city offices are open for regular business.

(Ord. No. O-7-09, 6-15-09; [Ord. No. O-04-13, 5-6-13](#); [Ord. No. O-4-18, 8-20-18](#).)

#### **Sec. 6C-8. - Reporting of individual expenditures.**

Any person that expends a cumulative total of two hundred fifty dollars (\$250.00) or more to assist in the promotion of the success or defeat of any candidate for city office shall file reports of such expenditures with the board of supervisors of elections in accordance with this article. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided. The board may require such reports to be filed electronically utilizing software specified by the board.

(Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#).)

#### **Sec. 6C-9. - Time and manner of reporting—Individual expenditures.**

- (a) The first report of a person shall be due within three (3) days of collecting or expending the first two hundred fifty dollars (\$250.00) or more to assist in the promotion of the success or defeat of any candidate for city elective office.

- (b) The second report of such person shall be filed with the board forty-three (43) days before the election.
- (c) The third report of such person shall be filed with the board twenty-two (22) days before the election.
- (d) The fourth report of such person shall be filed with the board eight (8) days before the election.
- (e) The final report of such person shall be filed with the board fourteen (14) days after the election.
- (f) Each report shall include every expenditure made since filing the previous report through the day immediately preceding the date of the report.
- (g) Every such report shall be available for inspection by any person at the city offices during regular business hours.
- (h) If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a city legal holiday, then such report shall be required to be filed on the next following day when city offices are open for regular business.

(Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#).)

**Editor's note—** [Ord. No. O-4-18, adopted August 20, 2018](#) , amended § 6C-9 to read as set out herein. Previously § 6C-9 was titled "Time and manner of reporting—Individuals."

#### **Sec. 6C-10. - Failure to file report.**

Any candidate who shall fail to file the first report required by this article on or before the last day to file for elected office or who shall fail to file any report required by this article within two (2) business days of its due date may be fined in an amount not to exceed one thousand dollars (\$1,000.00) and may not be eligible for election and his or her name may not appear on the ballot for such election.

Any candidate elected to the office to which he or she seeks, who shall fail to file any report required by this article to be filed before a general election or fails to pay any fine imposed under this chapter shall not be administered the oath of office and permitted to serve until such report has been filed and the fine has been satisfied

(Ord. No. O-4-78; Ord. No. O-12-80; Ord. No. O-7-09, 6-15-09; Ord. No. O-28-10, 12-20-10, eff. 1-10-11; [Ord. No. O-4-18, 8-20-18](#).)

#### **Sec. 6C-11. - Custody of reports.**

All reports required by this article shall be retained by the city and maintained by the board of supervisors of elections in a separate filing system as provided by the city for not less than five (5) years after the election to which they pertain.

(Ord. No. O-4-78; Ord. No. O-16-98, 12-21-98; Ord. No. O-7-09, 6-15-09)

**Sec. 6C-12. - Restrictions on campaign contributions.**

- (a) No candidate may accept, in connection with any election for the position of mayor or a position on the city council, a contribution in cash in excess of five hundred dollars (\$500.00) or an in-kind contribution, or combination thereof, the value of which is in excess of five hundred dollars (\$500.00) from any one person. No person may contribute or promise to contribute in the aggregate, more than five hundred dollars (\$500.00) in cash, or in-kind contributions, valued at more than five hundred dollars (\$500.00), to any one candidate in connection with any one election. No person may contribute or promise to contribute in the aggregate, more than five hundred dollars (\$500.00) in cash, or in-kind contributions, or combination thereof, valued at more than five hundred dollars (\$500.00) per candidate, to any one political committee. No candidate shall accept any contribution in excess of twenty-five dollars (\$25.00) in cash unless it be by check, money order or other written or electronic instruments. No candidate or political committee shall accept any anonymous contributions. Any anonymous contribution received by a candidate or a political committee shall be promptly paid over to the city to be used for any lawful purpose.
- (b) The contributions of a candidate or the candidate's spouse to the candidate's own campaign are not subject to the limitations of this section, but monetary contributions must pass through the candidate's campaign account and be reported as required in other provisions of this chapter.
- (c) Any campaign contributions received by a candidate or political committee must be deposited in a separate account with a financial institution. Campaign contributions must not be commingled with any other funds.

(Ord. No. O-4-78; Ord. No. O-1-95, 1-3-95; Ord. No. O-16-98, 12-21-98; Ord. No. O-7-09, 6-15-09; Ord. No. O-11-09, 9-8-09; Ord. No. O-1-12, 3-5-12, eff. 3-26-12; [Ord. No. O-8-14, 8-18-14](#).)

**Sec. 6C-12.1. - Loans to candidates.**

- (a) A loan to a candidate is considered a contribution in the amount of the outstanding principal balance of the loan unless:
  - (1) The loan is from a financial institution or other entity in the business of making loans;  
or
  - (2) The loan is to a candidate and:
    - a. Repayment of the loan is personally guaranteed by the candidate; and
    - b. Repayment of the loan is required within one year from the date of the loan.
- (b) A loan by a candidate or the candidate's spouse to a candidate is exempt from the requirements of paragraph (a) of this section.
- (c) The total amount of all loans to a candidate for one election cycle shall not exceed ten thousand dollars (\$10,000.00).

(Ord. No. O-28-10, 12-20-10, eff. 1-10-11)

**Sec. 6C-13. - Prohibition on use of campaign contributions.**

No candidate or political committee may pay a fine issued for violations of this chapter with campaign contributions.

(Ord. No. O-7-09, 6-15-09)

**Sec. 6C-14. - Definition of election.**

For the purposes of the prior two (2) sections, a run-off election, if required, shall not be deemed as an election separate and apart from the general election which it follows.

(Ord. No. O-4-78; Ord. No. O-12-80; Ord. No. O-7-09, 6-15-09)

**Sec. 6C-15. - Requirements concerning advertising.**

Any broadcasting, publication or printing, including sample ballots, paid for by a candidate must purport on its face to be a paid political advertisement, and the candidate or candidates who paid therefor shall be identified in the broadcast, publication or printing.

(Ord. No. O-4-78; Ord. No. O-7-09, 6-15-09)

**Sec. 6C-16. - Restrictions.**

No person other than a candidate, treasurer or other agent of such candidate, or political committee or person filing reports pursuant to section 6C-8, shall make an expenditure to aid or promote the success or defeat of a candidate. No person may avoid the limitations on permitted campaign contributions, defined in section 6C-8, by making an expenditure to aid or promote the success or defeat of a candidate. However, any individual may pay for the cost of publishing his or her own personal views as to a candidate. A person shall be identified if campaign materials are prepared or authorized by a candidate, treasurer of the candidate, political committee or done in coordination with a candidate, a candidate's treasurer or political committee.

(Ord. No. O-4-78; Ord. No. O-1-95, 1-3-95; Ord. No. O-1-97, 1-6-97; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#).)

**Sec. 6C-17. - Contributors.**

Any corporation, business, other legal entity or a natural person shall have the right to make any contribution to or expenditure on behalf of a candidate, and any candidate may accept a contribution from the above named sources in accordance with chapter 6C of the City Code.

(Ord. No. O-4-78; Ord. No. O-16-98, 12-21-98; Ord. No. O-7-09, 6-15-09)

**Sec. 6C-18.1. - Disposition of surplus funds.**

After an election, a candidate or political committee may retain surplus funds or surplus funds may be disposed of as follows:

- (1) Returned, pro rata, to the contributors by the treasurer; or

- (2) Paid to a charitable organization registered pursuant to the Business Regulation Article, Section 6-401 of the Annotated Code of Maryland, as amended, or to a charitable organization exempt from such registration pursuant to the Business Regulation Article, Section 6-401 of the Annotated Code of Maryland, as amended; or
- (3) Paid to a local board of education or to a recognized nonprofit organization providing services or funds for the benefit of pupils or teachers; or
- (4) Paid to any public or private institution of higher education in the state for scholarship or loan purposes.

(Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#).)

### **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) at the time they file their petition or certificate of candidacy.

All city officials and candidates for elective office subject to chapter 7A, 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.

(Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09; [Ord. No. O-10-14, 11-3-14](#); [Ord. No. O-4-18, 8-20-18](#).)

### **Sec. 6C-19. - Violations; injunctive relief.**

Any person who willfully violates section 6C-3.8 of this chapter shall be guilty of a misdemeanor. Any person who willfully violates any other provision of this chapter shall be guilty of a municipal infraction and upon conviction may be fined in an amount not to exceed one thousand dollars (\$1,000.00). Any officer or employee of the city government who is convicted of a misdemeanor under the provisions of this chapter shall immediately upon conviction thereof cease to hold such office or employment.

In addition thereto, the city may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for enforcement of this chapter or to correct violations of this chapter, any court of competent jurisdiction shall have the right to issue restraining order, temporary or permanent injunctions or mandamus or other appropriate form of remedy or relief.

(Ord. No. O-4-78; Ord. No. O-16-98, 12-21-98; Ord. No. O-7-09, 6-15-09)

## **ARTICLE III. - ABSENTEE VOTING**

### **Sec. 6C-20. - Who may vote.**

Any qualified voter may choose to vote by absentee ballot rather than appear in person at the polls on election day.

(Ord. No. O-1-74, § 1; Ord. No. O-6-07, 5-7-07; Ord. No. O-7-09, 6-15-09)

**Sec. 6C-21. - Time for providing absentee ballots.**

The board shall have on hand, at least sixty (60) days prior to each election, for distribution to qualified absentee voters, an adequate supply of absentee ballots, envelopes and instructions for casting absentee ballots.

(Ord. No. O-1-74, § 2; Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09; Ord. No. O-4-18, 8-20-18 )

**Sec. 6C-22. - Absentee ballots.**

- (a) Absentee ballots may be cast by a qualified voter in person, by an authorized agent or by mail. For ballots cast in person or by an authorized agent, ballots will be accepted up to and including the time of the closing of the polls on election day. For ballots cast by mail, the ballot must be postmarked on or before election day and received on or before the close of business two (2) calendar days after the election.
- (b) All applications for absentee ballots shall contain the signature, the printed name, the current legal residential address within the incorporated limits of the city, any mailing address different from the residential address of the applicant and, if applicable, his or her authorized agent.
- (c) Upon receipt of the application, the board, or its designee, upon confirming that the applicant is a qualified voter, shall issue to the applicant, either in person or by mail, or in the case of a voter who is physically disabled, to his authorized agent, an absentee ballot, together with a ballot envelope on which the voter's name shall be written or typed, a return envelope and printed instructions for the casting of absentee ballots. In the event that such ballots, envelopes and instructions have not been printed at the time of receipt of such application, they shall be delivered or mailed to the applicant promptly after they become available.
- (d) Any absentee ballot that is not secured in person by the absentee voter or his authorized agent making application therefore shall be sent by first class mail to the approved applicant as expeditiously as possible, but not later than the close of business on the sixth day before the election.
- (e) Printed form applications for absentee ballots shall be maintained by the board and shall be provided by the board or its designee to any qualified voter upon approval of a request for an absentee ballot.
- (f) No absentee ballot shall be mailed to an applying absentee voter until the application is received with the signature of such applying absentee voter or if the applicant is physically unable to read and write his or her signature, then the applicant shall affix his or her mark to the application together with the signature of a witness to the act.
- (g) An absentee voter who is physically disabled may designate an authorized agent who is a registered voter in the city to secure an absentee ballot for the absentee voter in the event such voter is unable to secure an absentee ballot due to such physical disability. The authorized agent acting hereunder shall complete the absentee ballot application and also sign the application for the absentee ballot, certifying that he or she is acting as the authorized agent for the absentee voter for this purpose.

(Ord. No. O-1-74, § 3; Ord. No. O-9-80, § 1; Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-23. - Procedure for casting absentee ballots.**

- (a) An absentee voter shall cast his or her ballot by marking the ballot in accordance with instructions supplied, placing the ballot within the ballot envelope, signing the ballot envelope on the outside thereof and returning the ballot envelope to the office of the board of supervisors of elections prior to the closing of the polls.
- (b) Any otherwise qualified voter who is physically disabled and is unable to mark his or her absentee ballot and sign the required oath, due to his or her disability, may be assisted in executing the absentee ballot by any person who is also a qualified voter. Any person rendering assistance pursuant to this subsection shall execute a certification on the absentee ballot which shall include the signature of such person, the person's current address and telephone number and the statement that the person has assisted the voter in the preparation of the absentee ballot according to the voter's stated intention and with his or her consent.

(Ord. No. O-1-77; Ord. No. O-9-80, § 1; Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-24. - Record of applications.**

The board or its designee shall keep a record of each application for an absentee ballot showing the date of the receipt of the application and the name and address of the applicant. Such records shall also show the date of the delivery or mailing of the absentee ballot to the applicant or his or her agent and the date of the return of the ballot to the board office.

(Ord. No. O-1-74, § 4; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-25. - Procedure for counting absentee ballots.**

- (a) The board may designate a time while the polls are open or promptly after the closing of the polls, on the day of an election, to examine each absentee ballot envelope and shall determine from its records whether the person whose name is shown thereon is a qualified voter of the city and whether or not he or she has voted in person prior to the opening of the absentee ballots. If he or she is a qualified voter and has not voted in person on that day, the board shall open the ballot envelope and enter the votes of the absentee voter on a ballot and place the ballot in the ballot box. The board shall cause to be entered in its precinct register the fact that the voter whose name appears on such ballot envelope has voted by absentee ballot. If the board shall conclude that the person whose name is shown on such envelope is not a qualified voter, or that he or she has voted in person on that election day, such ballot shall not be placed in the ballot box and shall not be counted. If the board shall receive more than one absentee ballot from the same voter, the first ballot received shall be counted.
- (b) A vote on an absentee ballot for a person who has ceased to be a candidate shall not be counted, but such vote shall not invalidate the balance of such ballot.
- (c) Whenever the board shall determine, prior to the opening of a ballot envelope, that the person whose name is written or typed thereon has died before election day, the board shall not open such ballot envelope. The discovery by the board of the death of an absentee voter after his or her ballot has been placed in the ballot box, shall not invalidate the ballot cast by such deceased person or the election at which the ballot was cast.

(Ord. No. O-1-74, § 5; Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#).)

**Sec. 6C-26. - Contests.**

Any contest concerning eligibility for an absentee ballot or validity of an absentee ballot shall be decided by the board.

(Ord. No. O-1-74, § 6; Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09)

**Sec. 6C-27. - Penalty.**

Any person who shall cast or attempt to cast an absentee ballot in the name of any person other than himself or herself shall, upon conviction thereof, be subject to the penalty set forth in section 38 of the Charter.

(Ord. No. O-1-74, § 7; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#).)

**ARTICLE IV. - POLL WATCHERS[1]**

Footnotes:

--- (1) ---

**Editor's note**— [Ord. No. O-4-18, adopted August 20, 2018](#), amended the title of art. IV to read as set out herein. Previously art. IV was titled "Poll-Watchers and Challengers."

**Sec. 6C-28. - Authorization and designation.**

Each candidate or a body of voters having a principle or proposition appearing on the ballot shall have the right to designate one individual at given periods of time as a poll watcher at each polling site on election day. This individual shall be at least eighteen (18) years of age and be a registered voter in the county. Such persons shall be assigned to such position near the election judges, inside the polling site, as to enable them to see each person as that person obtains and casts their ballot. They shall be protected in the discharge of their duty by the election judges.

(Ord. No. O-7-80, § 1; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#).)

**Sec. 6C-29. - Base certification and form of certificate.**

The form for the certificate of a poll watcher shall be on forms prescribed and supplied by the board of supervisors of elections for the city, and must be filed in accordance with applicable regulations. A poll watcher identification badge issued by the board of supervisors of elections shall be sufficient evidence of the right of such poll watcher to be present in the polling site.

(Ord. No. O-7-80, § 1; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-30. - Rights; unlawful acts, challenges and appeals.**

- (a) A poll watcher has the right to enter the polling site one-half-hour before the opening of the polls. However, if a majority of the election judges present find that the presence of the poll watcher in a polling site before it opens will prevent the timely opening of the polling site, the judges may direct all poll watchers to leave the polling site. Election judges are not required to admit to a polling site before the opening of the polls any poll watcher who was not present at the polling site at least one-half-hour before its opening. A poll watcher has the right to enter or be present at the polling site at any time the polls are open, and may remain in the polling site until the returns are completed.
- (b) The rights and functions of [a] poll watcher shall be limited to challenging the identity, residence or other voter or registration qualification of a voter. The election judges shall promptly rule upon all such challenges. The decision of the election judges shall be subject to appeal to the board of supervisors of elections for the city and such appeal shall be noted in writing with the board within ten (10) days of the date of the election or decision of the election judges, whichever shall occur last.
- (c) It is unlawful for any poll watcher to inquire or ascertain for which candidate any voter intends to vote, or has voted, or to converse in the polling site with any voter or to assist any voter in the preparation of his or her ballot or in the operation of the voting machine. Any poll watcher who violates the restrictions of this article may lawfully be ejected by the judges and is subject to the punishment provided for in section 6C-19.

(Ord. No. O-7-80, § 1; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-30.1. - Voter assistance.**

- (a) *Assistance.* In addition to their other duties, election judges shall provide assistance to voters who have difficulty in voting due to a disability and request assistance. The city shall make appropriate provisions to make the polls accessible to disabled voters.
- (b) *Instructions.* With the aid of diagrams and a voting device, the election judges, if requested by the voter, shall instruct each such voter, before the voter enters the voting booth, on how to use the voting device, and shall give the voter opportunity to personally operate a voting device.
- (c) *Assistance to certain persons.* Any voter who requires assistance to vote by reason of 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) *Manner of giving assistance; further instructions.*
  - (1) Assistance in marking their ballots or operating a voting machine shall be given to voters who shall declare to the judges that by reason of 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 the judges shall be satisfied that the voter is unable to mark their ballot without assistance. The voter shall retire to one 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 one election

judge. Then and there the person whom the voter has selected, or in case the voter has selected no one, one 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 the judges.

- (2) 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 the voter 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 question. After giving such instructions, the judges shall retire and the voter shall forthwith vote.
- (e) *Person accompanying voter into booth or machine.* A voter may not be accompanied into a voting booth or voting machine by any person over the age of thirteen (13) years unless the voter has requested assistance.

(Ord. No. O-1-95, 1-3-95; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#))

#### **Sec. 6C-30.2. - Recount of ballots.**

- (a) *Time for petition for recount .* Within five (5) days after the certification of the election results by the board of supervisors of elections any candidate for elective office who has been defeated on the face of the returns by a margin of one percent or less of the total ballots cast may petition of the board for an appeal from and review of the action and decision of the judges in counting the ballots and for a recount of the ballots cast.
- (b) *Affidavit.* An original petition shall be filed with an affidavit or affidavits, made from personal knowledge, by candidates, watchers, challengers or other persons, setting forth acts of fraud, mistake, error or irregularity in making the count or returns by the judges, or setting forth that some of the returns and tally sheets of the election show on their faces ambiguity, error, fraud, mistake, or miscalculation by the judges.
- (c) *Powers of board.* The board of supervisors of elections shall have the power to review, recanvas, recount and recertify the result of the election.
- (d) *Procedure for recount.*
  - (1) The board of supervisors of elections, after receiving a petition, shall ascertain the votes recorded on the voting machines and to recount the ballots by:
    - a. Manually retabulating the election total reports for each polling place;
    - b. Rescanning all ballots using the same vote tabulation equipment that was used in the election; and
    - c. Manually retabulating all ballots.
  - (2) The review and recount of ballots shall be conducted with all possible expedition.
  - (3) The recount shall be conducted publicly, open to candidates and their representatives, other parties to the recount, the media and the general public.
  - (4) The city shall pay the cost of the recount.

- (e) *Correction of returns* . Whenever any review, recount and recanvas is completed, the board of supervisors of elections shall correct the returns and certifications and issue a corrected certification of the election results.

( [Ord. No. O-4-18, 8-20-18](#) )

## ARTICLE V. - RECALL OF ELECTED OFFICIALS

### Sec. 6C-31. - Procedures.

The mayor or a member of the city council may be recalled and removed from office in accordance with the following procedure:

- (1) A petition signed by at least twenty (20) percent of the qualified voters of the city must be presented to the mayor and city council at a regular city council meeting stating a desire to have the named elected official subjected to a reaffirmation by a vote of the qualified city electorate. A petition shall contain the name of only one elected city official. The qualified voters signing such petition shall sign the same as their names appear on the city's election records and under each signature shall be typed or printed each petitioner's name, current address and approximate length of residency in the city. At the bottom of each page of the petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose name appears thereon sign the same in his or her presence.
- (2) The petition shall state specifically the justification for recall of the mayor or, as the case may be, a councilman, for one or more of the reasons set forth in section 6C- 32.
- (3) Upon receipt of a petition, the mayor and council shall forthwith refer the petition to the board of supervisors of elections for the city for verification of the appropriate number of qualified voters' signatures and addresses. The board of elections shall return such petition with their written findings as to required voters' signatures and addresses by certification to the mayor and council at its next regular meeting; and at their meeting, if the petition is authenticated and certified by the board, the mayor and city council shall announce that:
  - a. Within thirty (30) days, a public hearing will be held on the petition, and that
  - b. Within forty-five (45) days a special election shall be held in order to allow all qualified voters of the city to vote on the petition.
- (4) The voting ballot will contain the official's name and the choice of "reaffirm" or "remove." In order for the official to be removed a majority of those voting must vote "remove."

The voting shall be conducted in the same manner as prescribed in the city Charter for regular city elections; and, if removal results, the vacancy will be filled as provided in section 35 of the city Charter.

(Ord. No. O-8-80, § 1; Ord. No. O-7-09, 6-15-09; [Ord. No. O-4-18, 8-20-18](#) )

**Sec. 6C-32. - Grounds for recall.**

The justification for the recall of the mayor or, as the case may be, a councilman, shall be for one or more of the following:

- (a) Failure to uphold the oath of office.
- (b) Conviction of a criminal offense of a felony category.
- (c) Engaging in illegal conduct involving moral turpitude, fraud, deceit or intentional material misrepresentation.
- (d) Engaging in conduct involving mismanagement or misappropriation of public funds, a gross abuse of public authority or a substantial and specific danger to public health, safety or welfare.
- (e) The coercion of any city employee into taking an illegal or improper action or taking any retaliatory action against any city employee because of that employee's disclosure of information relating to illegal and improper action in city government.
- (f) The inability to properly perform public duties due to a permanent or chronic physical or mental ailment or other incapacitating defect.
- (g) Gross negligence or incompetence in the performance of public duties.
- (h) Engaging in personal conduct injurious to the reputation and well-being of the government of this city and its citizens.
- (i) Failing or refusing to perform, or acting contrary to, an official duty or obligation imposed by the Charter or duly enacted law or ordinance.

(Ord. No. O-8-80, § 1; Ord. No. O-7-09, 6-15-09)