



City of Annapolis
Signature Copy
O-20-24



..Title

Elections - Surplus Funds and Reporting Deadlines – For the purpose of updating candidate reporting deadline requirements and penalties for municipal elections; moving fees from the City Code to the annual Fees Schedule; and generally related to failure to file required campaign and election reports.

..Body

CITY COUNCIL OF THE
City of Annapolis

Ordinance 20-24

Introduced by: Mayor Buckley

Referred to:

Rules and City Government
Finance Committee

AN ORDINANCE concerning

Elections - Surplus Funds and Reporting Deadlines

FOR the purpose of updating candidate reporting deadline requirements and penalties for municipal elections; moving fees from the City Code to the annual Fees Schedule; and generally related to failure to file required campaign and election reports.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2024 Edition:

4.44.040

4.44.100

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Title 4 - ELECTIONS

Chapter 4.44 - Fair Election Practices

Section 4.44.040 - Anonymous contributions—Surplus funds.

- A. **Anonymous Contributions.** Any money or other thing of value received from any unknown person or source by any treasurer or other persons or committee

authorized to incur obligations or to pay or defray obligations or expenses under the provisions of this chapter, shall not be used for any political purpose whatsoever, but shall be paid by the treasurer, or other persons or committee receiving the money or thing, to the City to help defray the expenses of the election.

B. **Surplus Funds.** Prior to the time of filing the final report required by this chapter, any surplus funds remaining after payment of all campaign expenditures shall be:

1. Paid to the City central committee of the party of which the candidate is a member or for which the political committee is acting;
2. Paid to the City to help defray the expenses of the election in all other cases; or
3. Paid to charitable organizations in the City of Annapolis that are registered or exempt from registration under the Maryland Charitable Solicitations Act.

C. **Exceptions.** This section does not apply to any central committee or to any partisan organization or political committee ~~which~~ that has been declared to have an indefinite existence.

Title 4 - ELECTIONS

Chapter 4.44 - Fair Election Practices

Section 4.44.100 - Reporting Deadlines--Failure to File

- ~~A. A person may not become a candidate for public or party office in any election in the City, a certificate of candidacy may not be accepted on a person's behalf, and a person may not become a treasurer for a candidate or committee unless the person has filed or had filed on the person's behalf all reports or statements required by Section 4.44.080 and Subsection C of this section to be filed by that person, as a candidate, chair or treasurer, during the five calendar years preceding the election in which the person seeks to become a candidate or treasurer.~~
- ~~B. A late filing fee shall be assessed for forms not filed pursuant to Section 4.44.080 of this Code.~~
- ~~1. For pre-election reports and affidavits not timely filed, a fee of twenty dollars shall be assessed each day for the first six days and ten dollars each day thereafter.~~
 - ~~2. For post-election reports not timely filed, a fee of ten dollars shall be assessed each day.~~

Explanation:

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates a change to the City Code.

Underlining & black - copyediting or reformatting of existing Code section

Underlining & red - new matter added to the code.

3. ~~The maximum assessable fee shall be two hundred fifty dollars per report and shall be computed from the day immediately following the due date and include the day of filing.~~
 4. ~~Fees assessed under this subsection shall not be paid directly or indirectly from campaign funds and shall constitute a personal liability of the candidate and treasurer if the campaign finance entity is a personal treasurer or chairman and treasurer for all other campaign finance entities.~~
- C. ~~For the purposes of this section, the failure to provide all of the information called for on the forms prescribed pursuant to Section 4.44.090, to the extent applicable, is a failure to file under Section 4.44.100B of this Code if the board 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 days of service of notice. After the thirtieth day, and in the absence of a filed corrected report, all sanctions provided for in this section and in Section 4.48.210 shall be applicable without the necessity of further notice to the candidate, chair or treasurer under this subsection or Subsection B. of this section.~~
- D. ~~A person may not be deemed elected to any public or party office in this City, or enter upon the duties of the office or receive any salary or emoluments from the office, until all of the reports and statement of contributions and expenditures required to be filed by the person pursuant to Section 4.44.080 of this Code have been filed and assessed fees paid. A candidate may not be sworn in until the board certifies that all the reports and statements required by those sections have been filed and assessed fees paid.~~
- E. ~~The provisions of this section, and the provisions of Section 4.44.080 with respect to the filing of reports or statements, are mandatory and not directory. However, a candidate may not be disqualified for failure to file a report or statement if the failure is found by a court of competent jurisdiction to be for just cause.~~

A. Timely Reports Required**Filing Requirements.**

1. All reports or statements required in § 4.44.080 and § 4.44.100 must be filed by the candidate, their chair or treasurer during the five calendar years preceding the election in which the candidate seeks to participate.
2. A certificate of candidacy cannot be accepted on behalf of a person who has not met this requirement, and a person cannot become a treasurer for a candidate or committee without fulfilling the aforementioned filing requirement.

B. Late Fees.

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1. **Assessment of Fees.** A late filing fee shall be assessed for forms not filed pursuant to § 4.44. The fee amount is adopted annually by the City Council
2. **Daily Fees.** Fees for required election reports, including amended reports and affidavits, not filed by the required deadline shall be assessed each day until filed.
3. **Maximum Fee.** The maximum assessable fee shall be computed from the day immediately following the due date and include the day of filing.
4. **Payment Source.** Candidates and campaign finance entities can pay fees directly or indirectly from campaign funds.
 - a. ~~Candidates and campaign finance entities cannot pay fees directly or indirectly from campaign funds.~~
 - b. ~~These fees will be considered a personal liability of the candidate and treasurer.~~

C. Failure to Provide Information.

1. **Notice and Correction.** If the candidate or treasurer fails to provide all the necessary information on the forms required by § 4.44.090, it will be considered a failure to file, and late fees will be assessed per § 4.44.100.
 - a. The board will notify the candidate and treasurer in writing about the deficiencies.
 - b. They will have 15 days from the notice to file an amended report.
2. **Sanctions.** Sanctions of this section and § 4.48.210 shall apply without further notice to the candidate, chair or treasurer if an amended report is not filed.

D. Consequences of Delayed Reports.

1. A person may not be deemed elected to any public or party office in this City, or enter upon the duties of the office or receive any salary or ~~payments~~ from the office until all of the reports and statements of contributions and expenditures required to be filed by the person pursuant to § 4.44.080 been filed and assessed fees paid.
2. A candidate may not be sworn in until the board certifies that all the reports and statements required by those sections have been filed and assessed fees paid.

E. Mandatory and Exceptions.

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1. **Mandatory.** The provisions of this section and the provisions of § 4.44.080 concerning the filing of reports or statements are mandatory.
2. **Exceptions.**
 - a. **Court Rulings.** A candidate may not be disqualified for failure to file a report or statement if a court of competent jurisdiction finds cause for the failure.
 - b. **Fee Waiver.**
 - i. A candidate may seek a fee waiver.
 - ii. The candidate shall submit a sworn statement concerning the candidate's ~~financial condition~~ extenuating circumstances and fill out a form provided by the election board.
 - iii. The board may conduct a reasonable investigation of the facts in the form and determine the need to grant a waiver.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect upon passage.

ADOPTED this 25th day of November 2024.

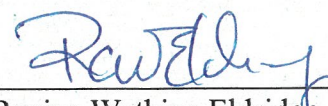
Aye: 9 Mayor Buckley, Alderman Huntley, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Gay, Alderman Savidge and Alderman Arnett

**THE ANNAPOLIS CITY
COUNCIL**


Gavin Buckley, Mayor

Date: 4-12-24

ATTEST


Regina Watkins-Eldridge, MMC,
City Clerk

Date: 12/15/24

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