

1 **..Title**

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

6 **..Body**

7
8 **CITY COUNCIL OF THE**
9 **City of Annapolis**

10 **Ordinance 20-24**

11
12 **Introduced by: Mayor Buckley**

13
14 **Referred to:**

15 Rules and City Government
16 Finance Committee

17
18 **AN ORDINANCE** concerning

19
20 **Elections - Surplus Funds and Reporting Deadlines**

21
22 **FOR** the purpose of updating candidate reporting deadline requirements and penalties for
23 municipal elections; moving fees from the City Code to the annual Fees Schedule; and
24 generally related to failure to file required campaign and election reports.

25
26 **BY** repealing and reenacting with amendments the following portions of the Code of the City
27 of Annapolis, 2024 Edition:

28 **4.44.040**

29 **4.44.100**

30
31 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
32 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

33
34 **Title 4 - ELECTIONS**

35 **Chapter 4.44 - Fair Election Practices**

36 **Section 4.44.040 - Anonymous contributions—Surplus funds.**

- 37 A. **Anonymous Contributions**. Any money or other thing of value received from any
38 unknown person or source by any treasurer or other persons or committee authorized to
39 incur obligations or to pay or defray obligations or expenses under the provisions of this
40 chapter, shall not be used for any political purpose whatsoever, but shall be paid by the

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1 treasurer, or other persons or committee receiving the money or thing, to the City to help
2 defray the expenses of the election.

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

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

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

13 14 15 Title 4 - ELECTIONS

16 Chapter 4.44 - Fair Election Practices

17 Section 4.44.100 - Reporting Deadlines--Failure to File

18
19 ~~A. A person may not become a candidate for public or party office in any election in the~~
20 ~~City, a certificate of candidacy may not be accepted on a person's behalf, and a person~~
21 ~~may not become a treasurer for a candidate or committee unless the person has filed or~~
22 ~~had filed on the person's behalf all reports or statements required by Section 4.44.080 and~~
23 ~~Subsection C of this section to be filed by that person, as a candidate, chair or treasurer,~~
24 ~~during the five calendar years preceding the election in which the person seeks to become~~
25 ~~a candidate or treasurer.~~

26 ~~B. A late filing fee shall be assessed for forms not filed pursuant to Section 4.44.080 of this~~
27 ~~Code.~~

- 28 ~~1. For pre-election reports and affidavits not timely filed, a fee of twenty dollars~~
29 ~~shall be assessed each day for the first six days and ten dollars each day thereafter.~~
- 30 ~~2. For post-election reports not timely filed, a fee of ten dollars shall be assessed~~
31 ~~each day.~~
- 32 ~~3. The maximum assessable fee shall be two hundred fifty dollars per report and~~
33 ~~shall be computed from the day immediately following the due date and include~~
34 ~~the day of filing.~~
- 35 ~~4. Fees assessed under this subsection shall not be paid directly or indirectly from~~
36 ~~campaign funds and shall constitute a personal liability of the candidate and~~
37 ~~treasurer if the campaign finance entity is a personal treasurer or chairman and~~
38 ~~treasurer for all other campaign finance entities.~~

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1 ~~C. For the purposes of this section, the failure to provide all of the information called for on~~
2 ~~the forms prescribed pursuant to Section 4.44.090, to the extent applicable, is a failure to~~
3 ~~file under Section 4.44.100B of this Code if the board has notified the candidate and~~
4 ~~treasurer, or chairman and treasurer, in writing, of the particular deficiencies and a~~
5 ~~properly corrected report has not been filed within thirty days of service of notice. After~~
6 ~~the thirtieth day, and in the absence of a filed corrected report, all sanctions provided for~~
7 ~~in this section and in Section 4.48.210 shall be applicable without the necessity of further~~
8 ~~notice to the candidate, chair or treasurer under this subsection or Subsection B. of this~~
9 ~~section.~~

10 ~~D. A person may not be deemed elected to any public or party office in this City, or enter~~
11 ~~upon the duties of the office or receive any salary or emoluments from the office, until all~~
12 ~~of the reports and statement of contributions and expenditures required to be filed by the~~
13 ~~person pursuant to Section 4.44.080 of this Code have been filed and assessed fees paid.~~
14 ~~A candidate may not be sworn in until the board certifies that all the reports and~~
15 ~~statements required by those sections have been filed and assessed fees paid.~~

16 ~~E. The provisions of this section, and the provisions of Section 4.44.080 with respect to the~~
17 ~~filing of reports or statements, are mandatory and not directory. However, a candidate~~
18 ~~may not be disqualified for failure to file a report or statement if the failure is found by a~~
19 ~~court of competent jurisdiction to be for just cause.~~

20
21 **A. Timely Reports Required.**

22 1. All reports or statements required in § 4.44.080 and § 4.44.100 must be filed by
23 the candidate, their chair or treasurer during the five calendar years preceding the
24 election in which the candidate seeks to participate.

25
26 2. A certificate of candidacy cannot be accepted on behalf of a person who has not
27 met this requirement, and a person cannot become a treasurer for a candidate or
28 committee without fulfilling the aforementioned filing requirement.

29 **B. Late Fees.**

30 1. **Assessment of Fees.** A late filing fee shall be assessed for forms not filed
31 pursuant to § 4.44. The fee amount is adopted annually by the City Council

32 2. **Daily Fees.** Fees for required election reports, including amended reports and
33 affidavits, not filed by the required deadline shall be assessed each day until filed.

34 3. **Maximum Fee.** The maximum assessable fee shall be computed from the day
35 immediately following the due date and include the day of filing.

36 4. **Payment Source.**

37 a. **Candidates and campaign finance entities cannot pay fees directly or**
38 **indirectly from campaign funds.**

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1 **b. These fees will be considered a personal liability of the candidate and**
2 **treasurer.**

3 **C. Failure to Provide Information.**

4 **1. Notice and Correction.** If the candidate or treasurer fails to provide all the
5 necessary information on the forms required by § 4.44.090, it will be considered a
6 failure to file, and late fees will be assessed per § 4.44.100.

7 a. The board will notify the candidate, treasurer, and treasurer in writing
8 about the deficiencies.

9 b. They will have 15 days from the notice to file an amended report.

10 **2. Sanctions.** Sanctions of this section and § 4.48.210 shall apply without further
11 notice to the candidate, chair or treasurer if an amended report is not filed.

12 **D. Consequences of Delayed Reports.**

13 **1.** A person may not be deemed elected to any public or party office in this City, or
14 enter upon the duties of the office or receive any salary or payments from the
15 office until all of the reports and statements of contributions and expenditures
16 required to be filed by the person pursuant to § 4.44.080 been filed and assessed
17 fees paid.

18 **2.** A candidate may not be sworn in until the board certifies that all the reports and
19 statements required by those sections have been filed and assessed fees paid.

20 **E. Mandatory and Exceptions.**

21 **1. Mandatory.** The provisions of this section and the provisions of § 4.44.080
22 concerning the filing of reports or statements are mandatory.

23 **2. Exceptions.**

24 a. **Court Rulings.** A candidate may not be disqualified for failure to file a
25 report or statement if a court of competent jurisdiction finds cause for the
26 failure.

27 b. **Fee Waiver.**

28 i. A candidate may seek a fee waiver.

29 ii. The candidate shall submit a sworn statement concerning the
30 candidate's financial condition and fill out a form provided by the
31 election board.

32 iii. The board may conduct a reasonable investigation of the facts in
33 the form and determine the need to grant a waiver.

34

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

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