

1 **..Title**

2 **Non-Partisan Elections** - For the purpose of providing that elections for public office in the City
3 of Annapolis are non-partisan; eliminating municipal primary elections in the City of Annapolis;
4 removing the central committee election by parties provisions; removing certain reporting
5 requirements; removing nomination by petition provisions; removing certain recount provisions;
6 modifying appointment requirements for election judges; modifying certain definitions; making
7 this ordinance contingent on the taking effect of a Charter Amendment; and generally relating to
8 non-partisan elections.

9 **..Body**

10 **CITY COUNCIL OF THE**
11 **City of Annapolis**

12
13 **Ordinance 20-21**

14
15 **Introduced by: Alderman Paone**
16 **Co-sponsored by:**

17
18 **Referred to**

19 **Board of Supervisors of Elections**
20 **Rules and City Government Committee**
21 **90 day Rule: _____**

22
23 **AN ORDINANCE** concerning

24
25 **Non-Partisan Elections**

26
27 **FOR** the purpose of providing that elections for public office in the City of Annapolis are non-
28 partisan; eliminating municipal primary elections in the City of Annapolis; removing the
29 central committee election by parties provisions; removing certain reporting requirements;
30 removing nomination by petition provisions; removing certain recount provisions;
31 modifying appointment requirements for election judges; modifying certain definitions;
32 and generally relating to non-partisan elections.

33
34 **BY** repealing and re-enacting with amendments the following portions of the Code of the City
35 of Annapolis, 2021 Edition

36 4.04.010

37 4.08.040

38 4.08.050

39 4.08.060

40 4.08.070

41 4.08.090

42 4.08.110

43 4.16.040

44 4.20.010

45 4.20.020

46 4.20.030

- 1 4.20.050
- 2 4.20.130
- 3 4.20.150
- 4 4.20.170
- 5 4.20.180
- 6 4.20.190
- 7 4.20.200
- 8 4.20.210
- 9 4.20.250
- 10 4.24.030
- 11 4.24.060
- 12 4.24.070
- 13 4.24.090
- 14 4.24.160
- 15 4.24.170
- 16 4.28.090
- 17 4.28.095
- 18 4.28.100
- 19 4.28.110
- 20 4.32.010
- 21 4.32.060
- 22 4.44.020
- 23 4.44.030
- 24 4.44.040
- 25 4.44.060
- 26 4.44.080
- 27 4.44.100
- 28 4.44.110
- 29 4.44.130
- 30 4.44.140
- 31 4.44.150
- 32 4.48.030
- 33 4.48.120

34
35

36 **BY** repealing the following portions of the Code of the City of Annapolis, 2021 Edition

- 37 4.12.010
- 38 4.16.050
- 39 4.20.040
- 40 4.20.070
- 41 4.20.080
- 42 4.20.090
- 43 4.20.095
- 44 4.20.100
- 45 4.20.110
- 46 4.20.120

1 4.20.160

2 4.24.080

3
4
5 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
6 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
7

8 **Title 4 - ELECTIONS**

9 **Chapter 4.04 - GENERAL PROVISIONS**

10
11 **4.04.010 - Definitions.**

12
13 As used in this title, the following terms shall have the meanings indicated unless a contrary
14 meaning is clearly intended from the context in which the term appears:

15 "Approved voting device" means a paper ballot approved under Section 4.24.060 or a voting
16 device approved by the Anne Arundel County Board of Elections and the Maryland State Board
17 of Elections.

18 "Ballot" or "ballots" means paper ballots, absentee ballots, provisional ballots or the labels
19 which appear on the face of voting machines, whichever in context would be appropriate.

20 "Board" means the Board of Supervisors of Elections of the City and the respective members
21 of the board. However, where the responsibility for administering an election under this title has
22 been delegated by the City Council to the Board of Supervisors of Elections of the County, "board"
23 refers to that body where such construction would be reasonable.

24 "Campaign manager" means any person appointed or designated by any candidate or the
25 candidate's representative to exercise general overall responsibility for the conduct of a political
26 campaign.

27 "Candidate" means any person who files a certificate of candidacy for any public ~~or~~
28 ~~party~~office.

29 "Challenger" or "watcher" means registered voters designated by a candidate, ~~political party,~~
30 or other group to be in a precinct for the purpose of observing an election. These individuals may
31 observe the set up of the voting units, voting throughout the day, and the closing procedures.

32 ~~"Central committee" means the City governing body of a political party.~~

33 "Contributions" means the gift, transfer or promise of gift or transfer of money or other thing
34 of value to any candidate, or a candidate's representative, or a representative of any ~~political party~~
35 ~~or~~ partisan organization to promote or assist in the promotion of the success or defeat of any
36 candidate, ~~political party,~~ principle or proposition submitted to a vote at any election.

37 "Election" means any ~~primary,~~ general, special election or referendum election of the City.

38 "Election cycle" means that period of time beginning on the day after the day of a general
39 election as established by Article II, Section 5 of the Charter of the City of Annapolis and ending
40 on the day of the next general election as established by that charter provision. A Special Election
41 conducted pursuant to Article II, Section 7 of the Charter of the City of Annapolis shall constitute
42 a separate election cycle for those running in the Special Election.

43 "Expenditure" means any gift, transfer, disbursement or promise of money or valuable thing
44 by any candidate, treasurer or other agent of the candidate, ~~political party~~ or ~~partisan~~
45 ~~organization~~POLITICAL COMMITTEE to promote or assist in the promotion of the success or
46 defeat of any candidate, ~~political party,~~ principle or proposition submitted to a vote at any election.

1 "General election" means the election held on the first Tuesday after the first Monday in the
2 month of November, at which the voters of the City vote for candidates for Mayor and aldermen.

3 "Infamous crime" means any felony, treason, perjury, or any crime involving an element of
4 deceit, fraud or corruption.

5 "Judge" means any person who is a registered voter of the City of Annapolis or Anne Arundel
6 County designated as a judge of election and shall include book judges and machine attendants.
7 ~~Judges" refers to a combination of judges which shall, at all times, include judges affiliated with~~
8 ~~the majority party and the principal minority party.~~

9 "Majority party" means the principal political party to which the incumbent Mayor belongs,
10 if the incumbent Mayor is a member of one of the two principal political parties; if the incumbent
11 Mayor is not a member of one of the two principal political parties, "majority party" means the
12 principal political party whose candidate for Mayor received the highest number of votes at the
13 last preceding general election.

14 "Partisan organization" means any combination of two or more persons formed for the purpose
15 of assisting the promotion of the success or defeat of any candidate, political party, principle or
16 proposition to be submitted to a vote at any election.

17 "Party" or "political party" means an organized group of the electorate that attempts to control
18 government through the election of its candidates to office, and which polled three percent of the
19 entire vote cast in the City in the last presidential general election held in the City. "Party" or
20 "political party" shall also include any political party recognized as such by the Maryland State
21 Board of Elections or its successors.

22 "Person" means an individual, association, unincorporated association, corporation, or any
23 other entity.

24 "Political agent" means any person appointed by any candidate, a candidate's representative,
25 ~~a political party or partisan organization~~ POLITICAL COMMITTEE to promote or assist in the
26 promotion of the success or defeat of any candidate, ~~political party~~, principle or proposition
27 submitted to a vote at any election.

28 "Political committee" means any combination of two or more persons appointed by a
29 candidate or any other person or formed in any other manner which assists or attempts to assist in
30 any manner the promotion of the success or defeat of any candidate, candidates, ~~political party~~,
31 principle or proposition submitted to a vote at any election.

32 "Principal minority party" means the other of the two principal political parties.

33 "Principal political party" means a political party recognized by the State Board of Elections
34 which is required to nominate its candidates for public office in the primary elections.

35 "Provisional ballot" means a ballot distributed to an individual after the individual has
36 completed a temporary certificate of registration.

37 "Registration" means the act by which a person becomes qualified to vote in any election in
38 this City.

39 "Residence" means a place of fixed permanent domicile.

40 "Treasurer" means any person appointed by a candidate, political agent, OR political
41 committee, ~~or political party or partisan organization~~ to receive or disburse money or other things
42 of value to promote or assist in the promotion of the success or defeat of any candidate, ~~political~~
43 ~~party~~, principle or proposition submitted to a vote at any election.

44 "Unaffiliated" means any voter who has declined to affiliate with a political party.

45 Watcher. See "challenger" above.

1 "Write-in vote" means a vote cast, in a contest at a general election, for an individual whose
2 name is not on the ballot for that contest.

3
4 **Chapter 4.08 - BOARD OF SUPERVISORS OF ELECTIONS**

5 **4.08.040 - Employees.**

- 6
7 A. The Board shall be provided with employees necessary for the efficient performance of its
8 duties under this title. However, during any part of the employee's tenure in office or
9 employment, an employee may not hold any public ~~or party~~ office or be a candidate for any
10 public ~~or party~~ office; use the employee's official authority or influence for the purpose of
11 interfering with or affecting the result of an election; or take an active part in political
12 management or in political campaigns.
- 13 B. The City Attorney or his or her designee shall serve as legal advisor and representative of the
14 Board as Counsel to the Annapolis Board of Supervisors of Elections. The Board of
15 Supervisors of Elections shall be entitled to engage outside legal counsel from the filing
16 deadline for declaring candidacy in a municipal election until the Municipal Election results
17 are certified. Any such retainer agreement between the Board of Supervisors of Elections and
18 the Board's selected outside legal counsel shall be subject to review by the City Attorney for
19 legal sufficiency and the Finance Director for financial sufficiency.
- 20 C. The City Clerk shall act as Clerk to the Board. The City Clerk shall serve as or appoint another
21 City civil service employee to serve as the Election Administrator.

22
23 **4.08.050 - Judges of election.**

- 24
25 A. Every four years, the board shall appoint judges for each precinct and at large judges. In
26 making these appointments, the board may appoint judges without regard to political
27 affiliation; ~~provided, that at least a total of four judges represent the majority and principle~~
28 ~~minority parties. Moreover, of the judges affiliated with the majority and principal minority~~
29 ~~parties, there shall be an equal number. The board, in making these appointments, shall~~
30 ~~designate the persons intended by it to represent each political party.~~ The board may require
31 the appearance before it, persons proposed to serve as judges for examination with respect to
32 their qualifications.
- 33 1. The at large judges will be responsible for assisting those voting by absentee ballots
34 prescribed in Section 4.28.020 of this title if assistance is requested by the voter.
- 35 2. The at large judges will be governed by the same rules found in Section 4.24.160 of this
36 title.
- 37 B. Each judge shall be a registered voter in the City of Annapolis or Anne Arundel County.
- 38 C. A person who holds a public office or is a candidate for public ~~or party~~ office may not serve
39 as a judge.
- 40 D. The judges shall be appointed not later than the Tuesday which is four weeks prior to any City
41 ~~primary~~ GENERAL election. Unless excused for good cause by the board, they shall be bound
42 to serve in the position until the Tuesday which is four weeks prior to the next City ~~primary~~
43 GENERAL election.
- 44 E. Following their appointments, all judges shall appear at the Office of the Board. Each person
45 shall take and subscribe to the oath prescribed in Article 1, Section 9 of the Constitution of
46 Maryland. The oath shall be taken and subscribed to before one of the members of the board,

1 or any clerks especially designated by the board for this purpose, and commissions shall
2 thereupon be issued to the judges. In the discretion of the board, the oath may be taken and
3 subscribed to upon forms to be supplied by the board before any officer authorized by law to
4 administer oaths; and upon receipt of the form, duly executed, the board shall issue a
5 commission.

- 6 F. The board may fix the compensation of judges within the limits of the amounts authorized for
7 this purpose by the City Council.
- 8 G. Judges shall receive a course of instruction in their duties administered by the board.
- 9 H. While performing their duties, judges shall wear an identification badge supplied by the board.
- 10 I. The board shall promptly examine any complaints made to it regarding the fitness or
11 qualifications of any person found by it to be unfit or incompetent to serve as a judge. The
12 board shall have the authority to remove the judge if the complaint is found to be justified.
- 13 J. Judges may work a reduced shift on Election Day on a schedule approved by the Board.

14 15 **4.08.060 - Substitute election officials.**

- 16
17 A. If any judge is not present at the expiration of thirty minutes after the time for the opening of
18 the polls, the judge or judges present may fill the place of the absent judge. ~~If a substitute~~
19 ~~judge is appointed, the judge shall be a member of the same political party as the absentee.~~
20 One of the judges shall administer to the substitute the oath required of the judge originally
21 appointed.
- 22 B. A judge who is assigned to work the entire election day or is assigned to work a partial day
23 where the assigned shift includes closing the poll may not absent himself until all the ballots
24 cast have been counted and the returns completed. In case of absolute necessity, if any judge
25 in attendance is compelled to be absent, the judge shall appoint some fit person of the judge's
26 ~~political party~~ DISCRETION to act in the place of the judge until the judge's return, having
27 first administered to the substitute the same oath as the judge has taken.
- 28 C. Blank forms for the appointment of the substitute judges and the oath shall be supplied by the
29 board, and the oath, when administered, shall be preserved and returned by the judges to the
30 board.
- 31 D. The appointment and swearing in of all substitutes and the reason therefor, and the time when
32 each substitute began and ceased to serve, shall be noted by the judges on loose-leaf pages
33 inserted in the binders containing the precinct cards. A substitute shall cease to act whenever
34 the judge in whose stead the substitute was appointed returns to the polls.

35 36 **4.08.070 - Powers and duties generally.**

- 37
38 A. The board shall have charge of and make provisions for all municipal elections to be held in
39 the City, or any part of the City, including every general, ~~primary~~ and special election. The
40 board, by a unanimous vote, shall have authority to reschedule an election to a day within one
41 week of the day prescribed by Article II, Section 5 of the Charter in the event of severe weather
42 or the observance of a religious holiday. The board shall notify the public of any change in
43 the election schedule. In the case of severe weather, the board must act prior to the opening of
44 the polls. The board shall also have charge of and make provisions for all elections in which
45 persons residing outside of the boundaries of the City are to vote on a proposed municipal
46 annexation of land.

- 1 B. The board shall have power to make all necessary rules and regulations, not inconsistent with
 2 this chapter, with reference to the registration of voters and the conduct of elections, including
 3 special elections. Unless otherwise expressly provided in this chapter, all questions arising
 4 with reference to the rules and regulations as to the registration of voters and the conduct of
 5 elections shall be decided by a majority of the board.
 6 C. The board shall have power to summon judges and any witnesses involved and to require their
 7 appearance before them, and to administer oaths and record testimony from such judges and
 8 witnesses.

9
 10 **4.08.090 - Notice of elections and ~~nominations~~-CANDIDATES.**

11
 12 Except as otherwise provided by law, the board shall publish, for all elections, for two
 13 consecutive days prior to each election, in one or more newspapers of general circulation within
 14 the City, the time and place and names of the candidates for ~~nominations-ELECTION, or for~~
 15 ~~members of central committees of a political party.~~ The list of ~~nominations-CANDIDATES~~
 16 published by the board shall be arranged to the extent practicable, in the order and form in which
 17 they are to be printed upon the ballots. In the discretion of the board, notice may also be given by
 18 handbills set up in those public places in each precinct as the board determines.
 19

20 **4.08.110 - New polling places—Changed polling places.**

- 21
 22 A. From time to time the board may designate new polling places in any precinct or ward or
 23 change the location of any existing polling place.
 24 B. Except in emergencies a new polling place may not be designated, nor may the location of an
 25 existing polling place be changed, after the Tuesday which is thirteen weeks prior to any
 26 ~~primary-GENERAL~~ election. Where possible and feasible, the polling places utilized for the
 27 immediately preceding presidential election shall be used.
 28 C. Whenever the board designates a new polling place or changes the location of an existing
 29 polling place, it shall:
 30 1. Provide for and cause to be prepared additional sets of cards or loose-leaf pages as may
 31 be required for transcribing the names of registered voters transferred to such newly
 32 established polling place in any precinct, and to correct and transfer the registration forms
 33 or cards of the registered voters affected by the change;
 34 2. Send notification by mail to the voters affected by the change:
 35 a. Within thirty days after the change is made, if the change is made between thirteen
 36 and twenty-six weeks prior to the ~~primary-GENERAL~~ election.
 37 b. Within sixty days after the change is made, if the change is made more than twenty-
 38 six weeks prior to a ~~primary-GENERAL~~ election.
 39 3. In cases of emergency, the board shall notify the voters affected by the change of polling
 40 place by whatever means are reasonable, as determined by the board. A voter's
 41 registration may not be invalidated by the alteration or transfer, nor shall the right of any
 42 voter be prejudiced by any error in filing or in making out the list of voters or in making
 43 any change or transfer.
 44

45 **Chapter 4.12 - ~~CENTRAL COMMITTEES~~**

46 **~~4.12.010 - Election by parties.~~**

1 ~~The two leading political parties of the State in the City shall each elect a City Central~~
2 ~~Committee at the primary election. The respective central committees shall be composed of one~~
3 ~~member from each ward of the City and one member at large. Every person filing a certificate for~~
4 ~~election to the City central committee shall be a registered voter in the City and be affiliated with~~
5 ~~the party of the committee for which the person seeks election. The members of the City central~~
6 ~~committee shall serve for a period of four years and their duties shall be those as set forth in the~~
7 ~~Charter and this code. In the event of any vacancy, it shall be filled by the remaining members of~~
8 ~~the central committee. A membership list of both central committees shall be filed with the City~~
9 ~~Clerk. That list shall be updated if any changes occur.~~

10
11 **Chapter 4.16 - REGISTRATION OF VOTERS 4**

12 **4.16.040 - Deadlines.**

- 13
14 A. A person may not vote in a municipal election if the person registers after the fifth Monday
15 preceding the election.
16 B. A notification of change of address or name, ~~or request for party designation or change in~~
17 ~~party affiliation~~, received by the Board of Supervisors of Elections of the County after the
18 fifth Monday preceding a municipal election is not effective for that election.
19

20 **4.16.050 – Reports of registration.**

21 ~~Within fifteen days after the commencement of the five-week period before a primary election~~
22 ~~in which voters already registered are not allowed to affiliate with a party or change party~~
23 ~~affiliation for purposes of this chapter, the board shall prepare a report of registration setting forth~~
24 ~~the following information, as shown on the books of the board as of the date of the commencement~~
25 ~~of the five-week period:~~

- 26 A. ~~The name of each political party with which one or more registered voters in the City~~
27 ~~are then affiliated; and~~
28 B. ~~The total number of registered voters affiliated with each such political party.~~
29

30 **Chapter 4.20 - NOMINATIONS AND CANDIDACY**

31 **4.20.010 - General requirements and prohibitions.**

- 32
33 A. ELECTIONS FOR ANY PUBLIC OFFICE IN THE CITY OF ANNAPOLIS SHALL BE
34 NON-PARTISAN.
35 ~~A. Nominations for offices which are filled by elections under the provisions of this chapter may~~
36 ~~be made by primary election or petition.~~
37 ~~B. No certificate of nomination shall contain the name of more than one nominee for each office~~
38 ~~to be filled.~~
39 ~~CB. No person shall be a candidate for nomination for more than one office in any primary~~
40 ~~election, nor shall a person be a candidate for election to more than one office in any general~~
41 ~~election.~~
42 ~~D. No person shall file as a candidate for more than one public office at any primary election.~~
43 ~~E. No person shall file as a candidate for more than one party office at any primary election.~~
44 ~~F. A person may not simultaneously be a candidate for a political party's nomination to a public~~
45 ~~office and also a candidate for election to an office in that political party.~~

1 GC. Each candidate for public office under this chapter shall attest by oath in writing on the
2 certificate of candidacy that the person is not a candidate for any other public office.
3

4 **4.20.020 - Certificate of candidacy—Required.**
5

- 6 A. Each person seeking ~~nomination~~ to BE A CANDIDATE FOR any public office ~~or election to~~
7 ~~any party office at a primary election~~, shall file a certificate of candidacy ~~for nomination~~ in
8 the manner and at the time provided in this chapter. A person who is a candidate for any City
9 ~~or party~~ PUBLIC office must be a registered voter of the City or ward in which the person
10 seeks to be ~~nominated~~ ELECTED. ~~A candidate shall be affiliated with the party whose~~
11 ~~nomination or office the candidate seeks.~~ Before finally placing the name of a candidate on
12 the ballot at the ~~succeeding primary~~ GENERAL election, the board shall determine that the
13 candidate meets the registration and affiliation requirements of this code, the Charter and
14 Maryland law.
15 B. The use of titles, degrees or other professional designations on the certificate of candidacy is
16 prohibited.
17 C. Certificates of candidacy shall include a space in which candidates are to designate the listing
18 of their name as they wish it to appear on the ballot by designation of any given name or
19 names, plus the initial letter of other given name or names, if any, and surname.
20 D. Write-in candidates shall file certificates of candidacy as provided in this chapter.
21

22 **4.20.030 - Certificate of candidacy—Filing.**
23

24 "Candidate" means an individual who seeks ~~nomination~~ ELECTION for any municipal
25 election. An individual becomes a candidate for PUBLIC office whenever any of the following
26 occurs during an election cycle:
27

- 28 A. A certificate of candidacy shall be filed under oath with the board.
29 B. Except for certificates of candidacy filed by write-in candidates and as otherwise
30 provided in this chapter, a certificate of candidacy filed under oath shall be received by
31 the board not later than nine p.m. on the Monday which is seven weeks before the day on
32 which the ~~primary~~ GENERAL election should be held ~~under the primary election law~~. If
33 the filing date should occur on a legal holiday, then a certificate of candidacy shall be
34 received by the board not later than nine p.m. on the next regular business day which is
35 not a legal holiday.
36 C. An individual has received contributions aggregating in excess of three hundred dollars
37 or made expenditures aggregating in excess of three hundred dollars.
38 D. An individual has given consent to another person to receive contributions or make
39 expenditures on behalf of that individual and such person has received contributions
40 aggregating in excess of three hundred dollars or made expenditures aggregating in
41 excess of three hundred dollars.
42 E. After written notification by the board that any other person has received contributions
43 aggregating in excess of three hundred dollars or made expenditures aggregating in
44 excess of three hundred dollars on the individual's behalf, the individual fails to disavow
45 such activity by letter to the board in care of the City Clerk within thirty days after receipt
46 of the notification.

- 1 F. The aggregate of contributions received under Subsections B., C., and D. of this section,
2 in any combination thereof, exceeds three hundred dollars or the aggregate of
3 expenditures made under Subsections B., C., and D. of this section exceeds three hundred
4 dollars.
- 5 G. The first date upon which a certificate of candidacy may be obtained and filed is one year
6 prior to the deadline to file a certificate of candidacy, as described below in Paragraph H.
- 7 H. All persons except write-in candidates shall file their certificate of candidacy in person
8 within the time specified by Subsection B. of this section and at the place specified in this
9 section. In the event that any person wishing to file a certificate of candidacy is unable to
10 do so in person by reason of illness, or absence from the state for employment reasons
11 for a period of one hundred twenty continuous days, that person shall file an affidavit
12 setting out fully the facts preventing that person from personally filing the certificate of
13 candidacy and such affidavit must be filed with the certificate of candidacy.

14
15 **4.20.040 – Vacancy in nomination.**

- 16 ~~A. All vacancies which may exist with respect to a candidate for City Council, by reason of~~
17 ~~there being no candidate of a political party to file for the office in a primary election, may be~~
18 ~~filled by the City central committee. This section does not apply to political parties which are~~
19 ~~not required to nominate candidates by means of primary elections.~~
- 20 ~~B. In case of any vacancy which may exist in respect to a candidate for any officer elected by~~
21 ~~the voters by reason of there being no candidate of a political party to file for the same in the~~
22 ~~primary election, the central committee authorized to fill such vacancy shall file the certificate~~
23 ~~of nomination with the board not later than the fifth day after the date on which candidates~~
24 ~~may withdraw their candidacy before the primary election.~~

25
26 **4.20.050 - Filing fees.**

- 27
- 28 A. Each candidate for ~~nomination~~ to public office at any ~~primary~~ GENERAL election shall pay
29 a nonrefundable fee as established by resolution of the City Council.
- 30 B. All payments shall accompany the certificate of candidacy and shall be made payable to the
31 City.
- 32 ~~C. All candidates nominated in a manner other than by primary election, whether or not their~~
33 ~~names appear on the primary ballot, shall pay the filing fee in accordance with the provisions~~
34 ~~of this section for the respective office which they seek.~~
- 35 ~~DC.~~ Filing fees may be paid by check, money order, or electronic means. Payments shall be
36 submitted no later than four p.m., Monday through Friday, at the finance office.
- 37 ~~ED.~~ If a candidate pays a filing fee that is returned or rejected for insufficient funds and cannot be
38 resolved with good funds prior to the nine p.m. closing time for filing a certificate of
39 candidacy, the candidate's name may not be placed on the ballot.
- 40 ~~FE.~~ In circumstances where a candidate seeks a filing fee waiver, before a waiver may be granted
41 by the board, the candidate shall submit a sworn statement concerning the candidate's financial
42 condition. The board may conduct a reasonable investigation of the facts contained in the
43 sworn statement and if convinced that there is financial hardship, the board shall grant a
44 waiver.

45
46 **4.20.070 – Primary elections – Parties using.**

- 1 ~~A.— Any political party with which ten percent or more of the registered voters of this City are~~
2 ~~affiliated, as shown by the most recent statement of registration of the board compiled~~
3 ~~pursuant to this chapter, at the next succeeding primary election conducted under the~~
4 ~~provisions of this chapter, shall:~~
5 ~~1.— Nominate all its candidates for public office; and~~
6 ~~2.— Elect all members of the City central committees in the political party.~~
7 ~~B.— The board shall not print on the official ballot to be voted at any general or special election~~
8 ~~to be held the name or names of any candidate or candidates for election of any of the parties~~
9 ~~who are not so nominated.~~

10
11 **4.20.080— Primary elections— Conduct.**

- 12 ~~A.— Primary elections shall be held and conducted and determined in the manner and form~~
13 ~~provided by this title for general elections and subject to all regulations, requirements and~~
14 ~~provisions as prescribed by this title for general elections, insofar as the same are or may be~~
15 ~~applicable to primary elections, except as may be otherwise provided in this chapter.~~
16 ~~B.— The ballots in the primary election shall be cast, counted and canvassed, and the result of the~~
17 ~~election announced and certified as now provided in this title for general elections held under~~
18 ~~this title.~~
19 ~~C.— When only one candidate of any political party for such public office or position has so~~
20 ~~qualified to be placed upon the official primary election ballot at the expiration of the time~~
21 ~~allowed, the person's name and the name of the position for which the person is a candidate~~
22 ~~will be placed on the official ballot.~~
23 ~~D.— If there are no contested nominations for any public office and no contested elections to any~~
24 ~~party office of the parties required to nominate candidates at a primary election the primary~~
25 ~~election shall not be held. The candidates shall be deemed nominated or elected, as the case~~
26 ~~may be. If there is no contested nomination for Mayor or contested election for a City-wide~~
27 ~~party office, the primary election shall be held only in those wards in which there is a contested~~
28 ~~nomination for Alderman or a contested election for a party office. Unopposed candidates~~
29 ~~shall be deemed nominated or elected, as the case may be.~~
30 ~~E.— There shall be no names of write-in candidates in primary elections.~~

31
32 **4.20.090— Nomination by petition— Requirements.**

- 33 ~~A.— A person seeking the office of Mayor or Alderman who is registered as unaffiliated as defined~~
34 ~~in this title or who is not registered as a member of a political party that is recognized by the~~
35 ~~Maryland State Board of Elections may be nominated by petition, as provided in this section.~~
36 ~~B.— A candidate for public office seeking nomination by petition shall file a certificate of~~
37 ~~candidacy at the time and place and in the manner provided in this chapter and shall comply~~
38 ~~with all other applicable provisions of this title, in the same manner as candidates for~~
39 ~~nomination at a primary election.~~
40 ~~C.— In order to have the name of a proposed candidate placed on the ballot under this section, the~~
41 ~~candidate shall file with the board petitions signed by the number of voters specified in~~
42 ~~subsection D of this section. Petitions shall be filed as required by Section 4.20.100(A).~~
43 ~~D.— A candidate for Mayor shall file petitions bearing the signatures of not less than five hundred~~
44 ~~registered voters, of whom not less than fifty shall reside in each ward of the City. A candidate~~
45 ~~for Alderman shall file petitions bearing the signatures of not less than one hundred registered~~
46 ~~voters residing in the ward from which the candidate seeks nomination.~~

1 E.—The board shall prescribe the form of petitions filed under this section. The signatures shall
2 be on separate papers, bearing one or more signatures and being no more than eight and one-
3 half inches in width or fourteen inches in length. Each person shall append to his or her
4 signature the signer's residence, and the ward where the signer is registered as a voter, and
5 immediately below the signature of any signer there shall be either printed or typed the name
6 of the signer. Every paper shall be accompanied by an affidavit signed under penalty of
7 perjury, to the effect that the signer is, to the best knowledge and belief of the affiant a
8 registered voter of the City as set forth in the petition, and that the affiant personally saw the
9 person sign the paper.

10 F.—A person may not sign more than once for the same nominee for an office.

11
12 **4.20.095—Nomination by party rules.**

13 A.—A person seeking the office of Mayor or Alderman who is a member of a party that is
14 recognized by the Maryland State Board of Elections but not nominated by means of primary
15 elections may be nominated in accordance with the rules of that candidate's party.

16
17 **4.20.100—Nomination by petition—Filing—Verification.**

18 A.—The entire petition shall be filed with the board at the time of the filing of the certificate of
19 candidacy.

20 B.—Any paper which is to form a part of a petition filed pursuant to subsection A of this section
21 shall be submitted to the board. The board shall give to anyone submitting any paper a signed
22 receipt stating that the paper is on file with the board.

23 C.—The board shall verify all legitimate signatures of persons who are registered voters and who
24 have signed a petition pursuant to subsection A of this section. The board, immediately on
25 completion of the verification process, shall notify the candidate of the number of signatures
26 verified.

27 D.—On any petition, including an associated or included set of petitions, submitted to the board,
28 any question concerning the invalidity of the signature of any person on the petition affects
29 that signature only and does not affect or impair any other portion of the petition or petitions.

30 E.—Following the verification, a duly authorized employee of the board shall endorse on each
31 paper the number of signatures verified by the employee and shall endorse and sign the paper.
32 For the purpose of the endorsement, each paper shall contain a blank space for the
33 endorsement.

34 F.—The board shall determine the sufficiency of the number of registered voters signing petitions.

35 G.—If the required number of signatures is not properly appended to a petition required to be filed
36 by subsection A of this section, it shall be declared insufficient, and the name of the proposed
37 candidate shall not be placed on the ballot.

38
39 **4.20.110—Certificate of nomination.**

40 A.—All nominations shall be attested to by a certificate of nomination.

41 B.—If the nomination is by means of a primary election, the certificate shall be signed and
42 acknowledged by the board.

43 1.—Whenever only one candidate of any political party has qualified to be placed upon the
44 official primary election ballot at the expiration of time allowed, for any public office or
45 position, a certificate of nomination or selection shall be issued to that candidate.

2. ~~If after the expiration of time allowed by this title for candidates for public office or central committees to qualify for the purpose of having their names placed upon the official primary election ballot, it shall appear that only one set, or less than one set, of candidates of any such political party have so qualified, certificates of nomination or selection shall be issued to the candidates so qualified in a similar manner to that provided in this section for candidates nominated at primary elections.~~

C. ~~The certificate of nomination of any person nominated by petition shall contain the name of the person so nominated, the address of the nominee's residence, and the name of the office to which the person has been nominated.~~

4.20.120— Defeated primary candidates or ballot.

No person who has been defeated for the nomination for any office in a primary election shall have that person's name printed on the ballot at the succeeding general election as a candidate for any office, except that if a vacancy occurs in the party nomination of which the person was a candidate in the primary election, that person's name may be printed on the ballot for the general election as a candidate of that party if the person has been made the party nominee after a vacancy occurs in the manner provided by this chapter.

4.20.130 - Certificates—Filing.

The board shall receive, file, and preserve all certificates of candidacy ~~and of nomination~~. These certificates shall be kept as part of the records of the board for a period not to exceed five years or for at least one year beyond the length of the term of the public ~~or party~~ office for which every candidate to whom these certificates of candidacy ~~and of nomination~~ apply has offered their candidacies for ~~nomination or~~ election, regardless of whether the candidate is successful, unsuccessful, or resigns. Copies of these certificates shall be certified by the City Clerk under seal and shall be evidence in any court to the same extent as the original certificate.

4.20.150 - Declining nomination—Withdrawal.

A. Mandatory Provisions. The times designated in ~~subsections~~ SUBSECTION B ~~and C~~ of this section for ~~declining nominations and for~~ withdrawal of certificates of candidacy and for board offices to be open are mandatory.

B. Withdrawal.

1. Whenever any person who has filed a certificate of candidacy ~~for nomination~~ in any ~~primary~~ GENERAL election, in a writing signed by the person withdrawing, and acknowledged before a notary public or any other person empowered to take oaths, notifies the board within seven days after the filing date established in this chapter that the person desires to withdraw as a candidate ~~for such nomination~~, the certificate of candidacy shall be void. The name of the person so withdrawing shall not be printed upon the ballots to be used at the ~~primary~~ GENERAL election. The filing of a valid certificate of withdrawal of candidacy is a final act of withdrawal; and a person who files such a certificate of withdrawal may not reinstate the person's candidacy, unless the time limit for the filing of candidacies has not expired.

2. A certificate of withdrawal of candidacy shall be accepted until four-thirty on the last day for withdrawing.

1 3. The name of any person who files a certificate of candidacy, is opposed, and does not
2 withdraw shall appear on the ballot unless the candidate dies or is disqualified and the
3 death or disqualification is known to the board on or before the seventh day prior to the
4 filing deadline.

5 ~~C. Declining Nomination.~~

6 1. ~~Any person nominated for Mayor or Alderman may decline such nomination by notifying~~
7 ~~the board that the nomination is declined. The statement of declination shall be in writing,~~
8 ~~signed by the person nominated and acknowledged before a notary public or any person~~
9 ~~empowered to take oaths, and shall be filed with the board within ten days after the date~~
10 ~~of the primary election. If the person nominated complies with the provisions of this~~
11 ~~subdivision for declining nomination, the nomination shall be void; and the name of any~~
12 ~~person so withdrawing shall not be printed upon the ballots.~~

13 2. ~~A certificate of declination of candidacy shall be accepted until four thirty p.m., on the~~
14 ~~last day for declining.~~

15 3. ~~The name of any person nominated for public office shall appear on the ballot unless the~~
16 ~~nominee declines the nomination, dies or is disqualified, and a certificate of nomination~~
17 ~~to fill the vacancy so created is timely filed.~~

18
19 **4.20.160 – Filling vacancies.**

20 A. ~~Vacancies in nomination may be filled by the central committee of the political party to~~
21 ~~which the nominee belongs. The person filling the vacancy shall satisfy the requirements of~~
22 ~~Section 4.20.010. In the event of any vacancy occurring because of the declination,~~
23 ~~disqualification or death of any person nominated, or because of a tie vote in any primary~~
24 ~~election, except as provided in this section, the vacancy shall be filled at least thirty days~~
25 ~~before the election. Where the vacancy results from a tie vote, the nominee selected to fill the~~
26 ~~vacancy shall be one of the candidates receiving the tie vote.~~

27 B. ~~Notwithstanding any other provision of law, no certificate of nomination filling a vacancy~~
28 ~~may be filed within ten days of the day of the election.~~

29
30 **4.20.170 - Nomination or Election after declinationWITHDRAWAL, death or**
31 **disqualification.**

32
33 If the name of a candidate or nominee who has declined the NOMINATIONWITHDRAWN
34 AS PROVIDED IN THIS CHAPTER, died, or been disqualified appears on the ballot as provided
35 in this chapter, and receives a number of votes that would have been sufficient for nomination or
36 election had that candidate or nominee not declined the nominationWITHDRAWN, died or been
37 disqualified, the vacancy so created shall be deemed to have occurred after the day of the election.

38
39 **4.20.180 - Canvass, certification and declaration after declinationWITHDRAWAL, death or**
40 **disqualification.**

41
42 A. ~~If the death, declination or disqualification of a candidate occurs after the primary but before~~
43 ~~a certificate of nomination has been issued, the canvass and certification shall nevertheless~~
44 ~~proceed as if the death, declination or disqualification had not occurred. If the person who is~~
45 ~~certified as the nominee has died, declined or been disqualified, a new nominee may be named~~
46 ~~in the manner provided by law.~~

1 ~~B.~~—If the death, ~~declination~~ WITHDRAWAL or disqualification of a ~~nominee~~ CANDIDATE
2 occurs after the election but before the declaration of the results, the canvass and declaration
3 shall nevertheless proceed as if the death, ~~declination~~ WITHDRAWAL or disqualification has
4 not occurred. If the person who is declared elected has died, ~~declined~~ WITHDRAWN or been
5 disqualified, the resulting vacancy in the PUBLIC office shall be filled in the manner provided
6 by law.
7

8 **4.20.190 - Recount—Petition deadline.**
9

10 Within ~~ten days after the day of any primary election, or within~~ two days after the results of
11 the canvass are declared official, any candidate for a PUBLIC OFFICE ~~nomination or for member~~
12 ~~of a central committee~~ who has been defeated on the face of the returns, may petition the board for
13 an appeal from and review of the action and decision of the judges in counting the ballots, and for
14 a recanvass and recount of the ballots cast in any or all of the precincts of the City.
15

16 ~~4.20.200 - Recount—Affidavit and bond.~~
17

18 ~~The petition shall be filed with a bond and an affidavit or affidavits, made by officers of~~
19 ~~election or by watchers, challengers or other persons, setting forth acts of fraud, mistake, error or~~
20 ~~irregularity in making the count or returns by the judges, or setting forth that some of the returns~~
21 ~~and tally sheets of the primary election show on their faces ambiguity, error, fraud, or mistake or~~
22 ~~miscalculation by the judges. A judge of the circuit court for the County shall determine and set~~
23 ~~bond to be filed by the petitioner sufficient to pay the reasonable costs of the appeal, recount,~~
24 ~~review and recanvass.~~
25

26 ~~4.20.210 - Recount—Powers of supervisors.~~
27

28 ~~The board shall have jurisdiction and power to hear and determine any appeals, to review and~~
29 ~~correct the action of the judges and to recanvass, recount and certify the result of any primary~~
30 ~~election. For all the purposes of the review, recount and recanvass, the board shall act as and be~~
31 ~~judges for the counting of ballots.~~
32

33 ~~4.20.250 - Recount—Correction of returns.~~
34

35 ~~A.~~—Whenever any review, recount and recanvass is completed, the board shall correct the returns
36 and certificates which may have been made of the primary election by any Canvassing Board.
37 ~~B.~~—When a petition and affidavit or affidavits and bond for recounting are filed before the
38 completion of any canvass by the Canvassing Board, the board shall complete its canvass of
39 the original returns from each polling place but shall then recess until the recount and
40 recanvass herein provided for is completed. Thereupon the board shall make its certificate
41 conform to the action and finding and to the certificate given by the board sitting as judges on
42 the recount or counterappeal.
43

44 **4.24 – VOTING AND VOTING MACHINES**

45 **4.24.030 - Challengers and watchers.**
46

- 1 A. Each candidate, ~~political party~~ or other body of voters having a candidate, candidates,
2 principal or proposition appearing on the ballot, shall have the right to designate a registered
3 voter as a challenger and watcher at each place of registration and election. Challengers and
4 watchers shall be assigned to a position near the judges, inside the registration or polling room,
5 as to enable them to observe and hear the name of each person as the person offers to register
6 or vote. They shall be protected in the discharge of their duty by the judges and the police, but
7 a judge is not required to assist any watcher or challenger in the performance of the watcher's
8 or challenger's duties.
- 9 B. A certificate signed and dated by any ~~party~~ or candidate shall be sufficient evidence of the
10 right of any challenger and watcher to be present in the registration or polling room. The
11 certificate form as described in Paragraph G. of this section, shall be presented to the Chief
12 Judge immediately upon entry to the polling or registration location.
- 13 C. A challenger or watcher has the right to enter the polling place one-half hour before the
14 opening of the polls. A challenger or watcher has the right to enter or be present at the polling
15 place at any time the polls are open, and may remain in the polling place until the returns are
16 completed.
- 17 1. A challenger or watcher may maintain a list of registered voters who have voted, or
18 individuals who have cast provisional ballots, and take the list outside of the polling place;
19 and
- 20 2. A challenger or watcher may temporarily leave a polling place for the purpose of seeking
21 information that identifies registered voters who have cast ballots or individuals who have
22 cast provisional ballots.
- 23 D. It is unlawful for any challenger or watcher to inquire or ascertain for which candidate any
24 voter intends to vote, or has voted, or to converse in the polling place with any voter or to
25 assist any voter in the preparation of the voter's ballot or in the operation of the voting machine
26 or to physically handle an original election document. Any challenger or watcher who violates
27 the restrictions of this subsection may lawfully be ejected by the Chief Judge of a polling
28 precinct and is subject to the punishment provided for in this title.
- 29 E. A challenger or watcher may be removed at any time by the same person who appointed the
30 challenger or watcher.
- 31 F. Persons other than accredited challengers or watchers who desire to challenge the vote of any
32 person shall be permitted to enter the polling place for that purpose, but a majority of the
33 judges may limit the number of persons to be allowed in the polling place at any one time for
34 that purpose; and all of these persons shall leave the polling place as soon as the right to vote
35 of the person challenged by them has been decided.
- 36 G. The form for the certificate of a challenger and watcher shall be supplied by the board,
37 ~~party~~, candidate or other organization and shall be on a form prescribed by the board. The
38 board shall include in the prescribed form, the restrictions contained in this subsection and
39 punishment provided for in this subsection in the event of noncompliance.
- 40 H. While at a polling place, a challenger or watcher shall wear an identification badge approved
41 by the board.

42
43 **4.24.060 - Voting machines—Provision—Specifications.**

- 44
45 A. The board shall provide for approved voting devices in each precinct for each election
46 conducted under the provisions of this title as the board deems advisable or necessary.

- 1 B. The Board shall adopt for each City election the latest procedures concerning the use of voting
2 machines and devices as developed and issued by the Anne Arundel County Board of
3 Elections. The Board may make only those changes necessary to accommodate features
4 unique to the City. Such procedures used shall address the security, delivery, inspection, and
5 preparation of machines and materials. However, for ~~special primary elections and~~ special
6 general elections held to fill not more than two vacant aldermanic, non-mayoral positions, the
7 Board may make a determination that the use of paper ballots will be more appropriate than
8 using a voting machine or device approved by the County and State. Following such a
9 determination to use paper ballots, the following procedures concerning the use of paper
10 ballots are to be followed. If any conflict exists between the procedures given in this section
11 and procedures given elsewhere in this Title, the procedures in this section shall govern.
- 12 1. When the ballots are printed, they are in pads of twenty-five or fifty or one hundred. Each
13 sheet of paper in the pad consists of a ballot and a stub. A ballot gets torn off its stub
14 when the ballot is given to a voter. Each stub is individually numbered with a unique
15 serial number. The ballots do not have serial numbers. Records are kept to show what
16 serial numbers are delivered to each polling place.
 - 17 2. Upon receiving the ballots, the election judges shall count them to verify that the polling
18 place has received the correct quantity of ballots, and that the serial numbers are correct
19 according to what was supposed to be received. The election judge also prepares each
20 ballot by writing his or her initials in a designated place on the back of each ballot.
 - 21 3. Before voting begins, all election judges shall look into the ballot box to make sure it is
22 empty.
 - 23 4. When a voter arrives at the polling place, the voter's name is looked for in the list of
24 registered voters. If the voter's name is found, the election judge official tears off a ballot
25 from a pad, folds the ballot correctly with the side for marking votes on the inside and
26 initials on the outside. The election judge then hands the folded ballot to the voter.
 - 27 5. The voter goes into a booth and marks the ballot using the pen provided by the election
28 judges. After marking the ballot, the voter folds it again so that the votes are on the inside
29 and the election judge's initials are on the outside. The voter places the ballot into the
30 locked ballot box in front of an election judge.
 - 31 6. When the polling place is closed at the end of the day, the ballot boxes are transported to
32 the Election Office ~~at 145 Gorman Avenue~~ where the ballot boxes shall be immediately
33 opened and the ballots are counted. Everyone looks into the ballot box to make sure that
34 it is empty and all ballots have been taken out.
 - 35 7. The number of voted ballots must be exactly the same as the number of voters' names
36 Also, the number of ballots used must be exactly the same as the number of ballots that
37 were removed from their stubs on the ballot pads. Any difference must be accounted for
38 such as ballots destroyed or incorrectly completed.
 - 39 8. Counting of the ballots shall be completed using a tally sheet with pencil strokes. A pencil
40 stroke is a mark that a person makes with a pencil on paper. For each five pencil strokes,
41 the first four are vertical lines which look like the letter "I" or the number "1." The fifth
42 pencil stroke is made at an angle across the first four, to create a grouping of five. Each
43 canvasser shall have a tally sheet with the candidates' names, and several blank lines
44 following the name of each candidate. For each candidate there is also a "total box" where
45 the total count of votes for that candidate must be filled in. One canvasser reads aloud the
46 names of the candidates selected on each ballot. For each vote for a candidate, the other

1 canvassers make a pencil stroke on a line following that candidate's name. After all the
2 ballots are read, the total number of pencil strokes for each candidate is written in the
3 "total box" for that candidate.

4 9. When the canvass of all voting has been completed, the judges then shall prepare in ink,
5 a general return sheet reporting the number of voters voting and the vote cast for each
6 candidate. The result of the votes cast shall be announced distinctly and audibly one time
7 by one of the canvassers who shall read the names of each candidate and the number of
8 votes received at each polling place.

9 10. The canvass of votes is not completed until any absentee ballots which have been received
10 in a timely manner have been counted, i.e. postmarked, the day before the election and
11 received the day after the election.

12
13 **4.24.070 - Ballots and ballot labels—General specifications.**

14
15 A. The board shall provide ballots for every election in which any voter in the City shall
16 participate, which shall contain:

17 1. The name of every candidate who has filed ~~or has been nominated~~ in accordance with the
18 provisions of this chapter; and, when applicable,

19 2. A description of every Charter amendment or other question which is to be submitted to
20 the vote of the people.

21 B. No less than twenty-five days before any election, the form and arrangement of all ballots to
22 be used in the election, showing the offices, names of candidates, charter amendments and
23 questions, shall be prepared by the board and made available for inspection by any registered
24 voter. Following five days of public display, a court may not entertain a suit or grant injunctive
25 relief to any party seeking to challenge the form or arrangement of the ballots or the wording
26 of a charter amendment or question on a ballot. If the ballot titles of charter amendments and
27 questions are certified prior to twenty-five days before the election, they shall be made
28 available for inspection by any registered voter.

29 C. If any mistake is discovered, the board shall correct it without delay. If the board declines or
30 refuses to make the correction, then upon the sworn petition of any qualified voter who would
31 have the right to vote for a candidate or question at the approaching election, the circuit court
32 for the County, by order, may require the board to correct the error or to show cause why the
33 error should not be corrected.

34 D. A correct list of the names of the candidates for the designated PUBLIC offices shall be
35 furnished on demand by the boards to the candidates or their authorized agents.

36 E. The ballots shall be printed in plain clear type in black ink and, ~~except in primary elections,~~
37 upon clear white materials, of such size and arrangement as to fit the construction of the
38 machine. ~~For primary elections the ballots may be printed upon clear material or material of~~
39 ~~different colors, in the discretion of the board.~~

40
41 **~~4.24.080—Ballots and ballot labels—Party designation.~~**

42 ~~A candidate for Mayor or Alderman who is affiliated with a political party as recognized under~~
43 ~~the Annotated Code of Maryland will have that party designation included on the ballot. A~~
44 ~~candidate for Mayor or Alderman who is not affiliated with a political party shall be classified~~
45 ~~under the heading "Unaffiliated" on the ballot as required under the Annotated Code of Maryland.~~

1 **4.24.090 - Ballots and ballot labels—Candidates.**
2

- 3 A. In all elections, the names of the candidates for every PUBLIC office shall be arranged
4 alphabetically on the ballots ~~of their party~~ according to their surnames, under the designation
5 of the office. The use of titles, degrees or other professional designations on the ballot is
6 prohibited.
- 7 B. All candidates for the same PUBLIC office, as far as possible, shall be placed in one column
8 or in one row on the ballots. However, another column, row, or punchcard side, as appropriate,
9 may be used for the printing of names, if the required number of spaces assigned to each ~~party~~
10 ~~or~~ PUBLIC office is exhausted. If two or more columns or rows are used for the names of
11 candidates for the same office, the same number of names, so far as possible, shall be printed
12 in each column or row. The initial letters of the given names of the several candidates shall be
13 printed, if columns are used, directly beneath each other in a vertical line, and, if rows are
14 used, directly across from each other on the same horizontal line. ~~The respective party~~
15 ~~designations of these several candidates shall be printed, if paper ballots are used, directly~~
16 ~~beneath each other, and, if voting machines are used, to the left or above.~~
- 17 C. The titles of PUBLIC offices may be arranged horizontally or vertically on the ballots, with
18 the names of candidates for an office arranged longitudinally under or transversely opposite
19 the title of the office. The titles of offices shall be so arranged that:
20 1. There first appears the title of Mayor; AND
21 2. There next appears the title of Alderman; ~~and~~
22 3. ~~The titles of party offices follow the titles of public offices on all ballots.~~
- 23 D. ~~The party designation of each candidate, properly separated from the candidate's name, shall~~
24 ~~be included on all ballots at any election; provided, however, that the party name shall consist~~
25 ~~of one word only.~~ The ballots shall be arranged so that exact uniformity, to the extent
26 practicable, will prevail as to size and face of printing of all candidates' names ~~and party~~
27 ~~designation.~~
- 28 E. ~~The names of all candidates of a political party shall appear on the ballots in adjacent rows or~~
29 ~~columns containing generally the names of candidates nominated by such party. In primary~~
30 ~~elections the names of candidates seeking nomination by a particular party shall be segregated~~
31 ~~on the voting machines in adjacent rows or columns by parties. In both primary and general~~
32 ~~elections, the candidates of the majority party shall be placed in the first rows or columns, the~~
33 ~~principal minority party shall be in the succeeding rows or columns to be followed by other~~
34 ~~parties in order of highest voter registration, and thereafter unaffiliated.~~
- 35 FE. Above the group of names of the candidates for each PUBLIC office, and upon a separate line
36 immediately underneath the designation of the office, there shall be printed in bold, plain
37 roman capitals of twelve-point pica type, an appropriate direction or instruction to the voter
38 informing the voter of the number of persons for whom the voter lawfully may vote for the
39 particular office mentioned immediately above each such direction.
- 40 GF. The Board shall make provision for write-in votes.
41

42 **4.24.160 - Instruction and assistance in voting.**
43

- 44 A. With the aid of the diagrams authorized by this chapter and the mechanically operated model,
45 the judges, if requested by the voter, shall instruct the voter, before the voter enters the voting

1 machine booth, regarding the operation of the machine, and shall give the voter opportunity
2 personally to operate the model.

3 B. No assistance in marking ballots or operating the voting machine shall be given, except to
4 voters who are unable to read the English language or write or who are blind, have impaired
5 vision or are otherwise incapable from physical disability from marking the ballot or operating
6 the voting machine.

7 C. Assistance in marking their ballots or operating a voting machine shall be given to voters who
8 declare under oath to the judges that by reason of inability to read the English language, or to
9 write or because of blindness, impaired vision or other physical disability they are unable,
10 without assistance, to mark their ballots or operate the voting machine. No ballot shall be
11 marked under this section or voting machine operated until a majority of the judges shall be
12 satisfied of the truth of the facts stated in the affidavit. Upon making and filing with the judges
13 the affidavit, the voter shall retire to one of the booths or voting machines with any person
14 whom the voter may select or with two judges ~~of opposite political parties~~. Then and there the
15 person whom the voter has selected, or in case the voter has selected no one, one of the judges
16 in the presence of the other, shall mark the ballot, operate the voting machine or write in a
17 voter's choice as the voter shall direct. The only assistance which the person or the judges may
18 give the voter is to mark the ballot or operate the voting machine, as the voter directs, without
19 prompting or suggestion from them, or either of them.

20 D. If, however, any voter, after entering the voting machine booth, asks for further instructions
21 concerning the manner of voting, then ~~two of the judges~~ A JUDGE ~~of the opposite political~~
22 ~~parties~~ shall give the voter instructions, but no judge, in any manner, shall request, or suggest,
23 or seek to persuade or induce any such voter to vote any particular ticket, or for any particular
24 candidate, or for or against any particular question. After giving instructions, the
25 ~~judges~~JUDGE shall retire, and the voter shall vote.

26 E. A voter may not be accompanied into a voting booth or voting machine by any person over
27 the age of five years unless the affidavit required by subsection C of this section has been
28 accepted by the election judges.

29
30 **4.24.170 - Time allowed for voting.**

31
32 No voter shall remain within the voting machine booth longer than five minutes, if there are
33 other voters awaiting an opportunity to register their vote, except that an additional one minute
34 shall be allowed for each Charter amendment and referendum to be voted upon. However, before
35 requiring any voter who has remained beyond the time permitted by this section to leave the voting
36 machine booth, an election judge ~~of each political party~~ shall offer the voter the opportunity to
37 receive assistance as may be permitted by Section 4.24.160(D). The time for voting permitted by
38 this section shall be extended as necessary to allow the rendering of assistance as permitted by this
39 section or Section 4.24.160.

40
41 **4.28 ABSENTEE VOTING**

42 **4.28.090 - Sending and return of applications and ballots.**

43
44 A. If the applicant is a registered voter per Section 4.16.020, the board after receipt of the
45 application, shall deliver to the voter at the office of the board, or by First Class mail to the
46 voter at an address designated by the voter, an absentee voter's ballot and an envelope for the

1 ballot. Postage for transmitting ballot material to voters shall be paid by the board, and postage
2 for the return of ballots shall be paid by the voters. The deadline for submitting an application
3 for a ballot to the election office is four thirty p.m. on the Friday prior to the ~~primary or~~ general
4 election.

- 5 B. The board shall keep a record of applications for absentee voters' ballots, as well as the ballot
6 envelopes, as they are received, showing the date and time received, the names and residences
7 of the applicants. The board shall also keep a record of the applications and ballots sent or
8 delivered, including the name of registered voter to whom ballot is sent, address to which
9 absentee ballot is sent, date absentee ballot sent, number on the absentee ballot, and any other
10 information the board determines is necessary to maintain integrity in the absentee ballot
11 process. Those registered voters who [are] present at the board to pick up their ballot shall
12 sign a statement that they have received their ballot, to be maintained by the board. These
13 records shall be available for examination by any registered voter on written application to the
14 board.
- 15 C. After approval of an application for an absentee ballot and the delivery of an absentee ballot
16 to the applicant, the voter may not vote or be allowed to vote in person at any polling place.
- 17 D. Not more than one absentee ballot shall be delivered to any one applicant unless the board has
18 reasonable grounds to believe that the absentee ballot previously provided has been lost,
19 destroyed or spoiled.

20
21 **4.28.095 - Provisional ballots.**

- 22
- 23 A. The Board shall prescribe all forms required to comply with this section.
- 24 B. The Election Administrator shall maintain a full record of provisional ballot voting Including
25 for each voter who votes using a provisional ballot including the action taken with regard to
26 the registration.
- 27 C. The Board shall establish guidelines for the administration of provisional ballot voting. The
28 guidelines shall provide for:
- 29 1. The temporary certificate registration process;
 - 30 2. Ballot security, including storage of returned ballots;
 - 31 3. The canvass process;
 - 32 4. Notice of the canvass to candidates, ~~political parties~~, campaign organizations, new media,
33 and the general public;
 - 34 5. Observers of the process;
 - 35 6. Review of voted ballots and envelopes for compliance with the law and for machine
36 tabulation acceptability;
 - 37 7. Standards for disallowance of ballots during the canvass; and
 - 38 8. Storage and retention of ballots.
- 39 D. In general, if an individual is eligible under Subsection E of this section, the individual shall
40 be issued and may cast a provisional ballot at a polling place on election day; or at office of
41 the Election Administrator after the close of registration and before the closing of the polls on
42 election day. Under Federal law, every voter who claims to be registered and eligible to vote
43 must be given an opportunity to vote.
- 44 E. An individual is eligible to cast a provisional ballot if:
- 45 1. The individual declares in a written affirmation submitted with the provisional ballot that
46 the individual is a registered voter in the City and is eligible to vote in that election;

- 1 2. If the individual's name does not appear on the precinct register; an election official
2 asserts that the individual is not eligible to vote; or the individual does not have the
3 necessary identification; and
- 4 3. In addition to the individuals who cast provisional ballots under Subsections (E)(1) and
5 (E)(2) of this section, any individual who appears to vote during a period covered by a
6 court order or other order extending the time for closing the polls shall cast a provisional
7 ballot. A provisional ballot cast under this subsection shall be separated and held apart
8 from other provisional ballots cast by those not affected by the order.
- 9 F. Completion of provisional ballot. Before an individual casts a provisional ballot, the
10 individual shall complete and sign the provisional ballot application prescribed by the board;
11 and the election official issuing the ballot shall give the individual written information
12 advising the individual that, and describing how, the individual will be able to ascertain
13 whether the vote was counted and, if it was not counted, the reason it was not.
- 14 G. Assistance in Casting Provisional Ballot.
 - 15 1. In general, a voter who requires assistance in casting a provisional ballot by reason of
16 disability, inability to write, or inability to read the ballot may be assisted by any
17 individual other than:
 - 18 a. A candidate who is on that ballot;
 - 19 b. The individual's employer or an agent of the employer; or
 - 20 c. An officer or agent of the individual's union.
 - 21 2. An individual rendering assistance under this section shall execute a certification as
22 prescribed by the Election Board.
- 23 H. Instructions; Envelopes.
 - 24 1. Instructions. A provisional ballot shall be accompanied by instructions, prescribed by the
25 Election Board, for marking and returning the ballot.
 - 26 2. Envelopes; Electronic. When voted, a provisional ballot shall be enclosed in an envelope
27 designated "provisional ballot/return envelope"; and stored in an electronic format, as
28 specified by the Election Board.
- 29 I. Penalty for Violations. A person violating this section is guilty of a misdemeanor and, upon
30 conviction, shall be punished as provided in Chapter 1.20 of this code. If it is suspected that
31 the person who falsified the ballot is an illegal alien, a referral shall be made to State's
32 Attorney. A person convicted of a violation of this section is ineligible to serve as Mayor,
33 Alderman, election judge, Board member, or employee of the Board for a period of four years
34 following the conviction.

35
36 **4.28.100 - Canvassing of ballots.**
37

- 38 A. The board shall not open or unfold any provisional or absentee ballot at any time prior to the
39 closing of the polls.
- 40 B. At any time after the closing of the polls on election day and not later than the canvass of the
41 votes cast at the regular voting places in the City, the board shall meet at the office of the
42 board and shall proceed to count, certify and canvass the absentee ballots contained in the
43 ballot envelopes.
- 44 C. Timeliness of absentee ballots:
 - 45 1. A ballot shall be considered as received timely, provided:
 - 46 a. It has been received by the board prior to the closing of the polls on election day; or

- 1 b. It was mailed on or before election day, the United States Postal Service, or postal
2 service of any other country, has provided verification of that fact by affixing a mark
3 so indicating on the covering envelope, and the board receives the ballot from the
4 United States Postal Service not later than 10:00 a.m. on the date of the canvass.
- 5 2. Any ballot not received in accordance with subparagraph 1 above shall not be counted.
- 6 D. All ballots are presumed to be validly cast, and all votes are presumed to be valid and shall be
7 counted, notwithstanding any deficiency in the manner in which the ballot and/or vote was
8 sought, sent or presented to appropriate officials, and no ballot or vote shall be set aside unless
9 there is clear and convincing evidence, as unanimously determined by the board of canvassers,
10 that said ballot and/or vote was improperly cast.
- 11 E. A ballot may not be rejected by the board except by the unanimous vote of the board members
12 present and voting, provided at least two members are present ~~and that they are not of the~~
13 ~~same major political party~~. This canvass shall be conducted by ward and precinct in
14 accordance with the applicable provisions of this title. All voters' applications, medical
15 certificates, notarial affidavits, certifications, ballot envelopes and ballots, to have voters'
16 applications and all documentation kept separately from ballots cast in polling precincts, shall
17 be kept separate and apart from ballots cast at the regular voting places and retained for six
18 months after the date of election at which they were cast, unless, prior to that time, the board
19 is ordered by a court of competent jurisdiction to keep the same for any longer period. The
20 board may appoint those numbers of temporary judges as the board may deem necessary to
21 adequately and promptly carry out the provisions of this section.
- 22 F. Any absentee ballot voted for a person who has ceased to be a candidate shall not be counted
23 for that candidate but the vote shall not invalidate the remainder of the ballot.
- 24 G. If the absentee resident who marked a ballot dies before election day, the ballot shall be
25 counted if the ballot is postmarked or received before the absentee resident's death, and the
26 fact that the absentee resident later may be shown actually to have been dead on election day
27 shall not invalidate the ballot or the election.
- 28 H. For the purposes of absentee ballots, if the board determines that the provisions for filling out
29 and signing the oath on the outside of the ballot envelope substantially have been complied
30 with and that the person signing the voter's oath is entitled to vote under this title in any
31 precinct of the City, and already has not voted in the precinct on election day, they shall open
32 the ballot envelope and remove the ballot and place it in a ballot box or ballot boxes prepared
33 for that purpose. If an oath is unsigned, it is automatically excluded from the count. When any
34 ballot envelope is opened, the board shall enter in the appropriate register the fact that the
35 voter whose name appears on the envelope has voted, using the initials "A.B." to indicate the
36 vote has been by absentee ballot. If there is more than one ballot in the ballot envelope, all
37 shall be rejected. Absentee ballots may be marked by any kind of pencil or ink.
- 38 I. For the purposes of provisional ballots, if the board determines that the voter is entitled to vote
39 under this title in any precinct of the City and has not already voted in the precinct on election
40 day, they shall open the ballot envelope, remove the ballot and place it in a ballot box or ballot
41 boxes prepared for that purpose. When any ballot envelope is opened, the board shall enter in
42 the appropriate register the fact that the voter whose name appears on the envelope has voted,
43 using the initials "P.B." to indicate the vote has been by provisional ballot. If there is more
44 than one ballot in the ballot envelope, all shall be rejected. Provisional ballots may be marked
45 by any kind of pencil or ink.

- 1 J. If the board receives from the same person, prior to the deadline for receipt of absentee ballots,
2 more than one absentee ballot, it shall count, certify and canvass only the absentee ballot
3 contained in the ballot envelope on which the voter's oath was last executed, and if the oath
4 on two or more of the ballot envelopes containing absentee ballots are dated the same or if
5 both are undated, none of the ballots received from such persons shall be counted.
6

7 **4.28.110 - Contests and appeals.**
8

9 Contests relating to registration, voting or the validity of any absentee ballot shall be decided
10 by the board. No registration shall be denied and no ballot rejected except by unanimous vote of
11 the board members present and voting, provided at least two members are present ~~and that they~~
12 ~~are not of the same major political party.~~
13

14 **Chapter 4.32 - BOARD OF CANVASSERS**

15 **4.32.010 - Organization—Oath—Sessions.**
16

17 On the Tuesday following every ~~primary~~, general or special election, the Board of Elections
18 shall be reconstituted as the Board of Canvassers and shall meet at the office of the board. The
19 Board of Canvassers shall elect a chair and secretary from their number. Each member of the Board
20 of Canvassers shall recite an oath, under the penalty of perjury, to truly canvass, add up and declare
21 the votes as required by law. The Board of Canvassers has the same powers as the Board of
22 Supervisors of Elections. All questions arising in the course of their proceedings shall be
23 determined by a majority of the canvassers. All the sessions, deliberations and proceedings of the
24 Board of Canvassers shall be public. All candidates and their counsel shall have the right to attend
25 and inspect the original statements and returns, and all other documents and records.
26

27 **4.32.060 - Declaration of election.**
28

29 In the canvass of votes by the Canvassing Board, the board shall declare who is elected ~~or~~
30 ~~nominated, as the case may be,~~ to ~~or for~~ any City PUBLIC office.
31

32 **Chapter 4.44 - FAIR ELECTION PRACTICES**

33 **4.44.020 - Treasurer for candidate.**
34

35 A. Designation:

- 36 1. Each candidate for ~~nomination for, or~~ election to, public ~~or party~~ office, upon or before,
37 and as a condition precedent to qualifying as a candidate, shall appoint one campaign
38 treasurer and shall file the name and address of the campaign treasurer with the board as
39 provided in Subsection C of this section. Each treasurer so appointed shall accept the
40 appointment, in writing, prior to the filing of the person's name as treasurer. The board
41 shall not accept any certificate of candidacy, either finally or conditionally, unless the
42 name of the treasurer previously has been filed with it as provided in this subsection.
43 2. A treasurer who resigns shall do so on a form prescribed by the board, signed by the
44 resigning treasurer, filed with the board. The candidate immediately shall appoint and file
45 the name and address of the successor treasurer in accordance with this section.

- 1 3. A member of the board, or any permanent, part-time or temporary employee of the board,
2 may not be a candidate, or campaign manager or treasurer of any candidate, combination
3 of candidates or political committee, during any part of the person's tenure in PUBLIC
4 office or employment.
- 5 B. The form for appointment of a treasurer and the acceptance of the appointment by the treasurer
6 shall be prescribed by the board.
- 7 C. A person may not act as treasurer or campaign manager unless the form required in Subsection
8 B of this section is filed with the board. The treasurer or campaign manager of any candidate
9 shall not be the treasurer or campaign manager of another candidate or political committee,
10 nor hold office of any other political committee, unless the political committee is appointed
11 by the candidate filing. A candidate for public ~~or party~~ office ~~or nomination to public or party~~
12 ~~office~~ may not serve as the candidate's own treasurer or act as the campaign manager or
13 treasurer of any other candidate or political committee. ~~However, those candidates for party~~
14 ~~office who are members of central committees are not prohibited from being the treasurer of~~
15 ~~a central committee during their candidacy. A treasurer or campaign manager shall be a~~
16 ~~registered voter of the City.~~
- 17 D. The treasurer shall receive, keep and disburse all sums of money or other valuable things
18 which may be collected, received or disbursed by the candidate or committee or any of its
19 members. The treasurer shall give a written receipt for any contribution upon request, and also
20 shall keep full and accurate records of all receipts requested. The treasurer also shall keep, and
21 retain for a period of two years following the election, full and accurate records of all receipts
22 and expenditures.
- 23 E. Any candidate, after filing the name of a treasurer as prescribed in Subsection A of this
24 section, may choose, at any time after the filing, to join a group, combination or organization
25 of candidates, commonly known as a "slate," at which time the candidate shall notify the board
26 in writing that the candidate has joined the slate and the date on which the candidate did so.
27 The treasurer of the slate shall report in the same manner as the treasurer of any political
28 committee as prescribed in this chapter.

29
30 **4.44.030 - Political committee chair and treasurer.**

- 31
32 A. Each political committee, except political clubs, shall appoint and maintain continuously a
33 chair and a treasurer, whose names and residence addresses, together with the names and
34 residence addresses of its principal officer, shall be filed with the board. The chair, treasurer
35 and other principal officers all shall be registered voters of the City. At the time of the filing,
36 the treasurer shall declare in writing whether the ~~partisan organization or~~ political committee
37 will exist indefinitely. The treasurer shall receive, keep, and disburse all sums of money, or
38 other valuable things, which may be collected, received, or disbursed by the committee ~~or~~
39 ~~organization~~ or by any of its members for any purpose for which the committee ~~or organization~~
40 exists or acts. The treasurer shall give a written receipt for any contribution upon request; and
41 also shall keep full and accurate records of all receipts and expenditures, which shall be
42 retained by the treasurer for a period of two years following the election. Unless the chair,
43 treasurer and other officers are appointed and filed as required in this subsection, it is unlawful
44 and a violation of this chapter for a ~~central committee, partisan organization or~~ political
45 committee, or any of its members, to collect, or receive or disburse money, or other valuable
46 things, for the foregoing purposes. A chair or treasurer of a committee ~~or organization~~ who

1 resigns or otherwise ceases to be chair or treasurer, as the case may be, shall notify the board
2 on a form prescribed by the board signed by the chair or treasurer. A new appointment must
3 be made and filed immediately in accordance with this section.

- 4 B. If any committee, including a political club, directly or indirectly, expends fifty-one dollars
5 or more to aid or oppose the nomination or election of any candidate, regardless of the purpose
6 for which the committee is formed, the treasurer of the committee, or in the case of a political
7 club an officer of the club, shall report on the form prescribed in this chapter, a statement of
8 contributions and expenditures to the treasurer appointed by the candidate being so aided. The
9 statement shall be included in, or attached to, the statement of contributions and expenditures
10 reported by the treasurer of the candidate as provided in this chapter; however, a political club
11 only need report that amount which is actually contributed to a candidate. This subsection
12 applies to any committees located outside of the City with respect to any expenditures of funds
13 within the City.
14

15 **4.44.040 - Anonymous contributions—Surplus funds.**
16

- 17 A. Any money or other thing of value received from any unknown person or source by any
18 treasurer, or other persons or committee authorized to incur obligations or to pay or defray
19 obligations or expenses under the provisions of this chapter, shall not be used for any political
20 purpose whatsoever, but shall be paid by the treasurer, or other persons or committee receiving
21 the money or thing, to the City to help defray the expenses of the election.
- 22 B. Prior to the time of filing the final report required by this chapter, any surplus funds remaining
23 after payment of all campaign expenditures shall be:
- 24 1. ~~Paid to the City central committee of the party of which the candidate is a member or for~~
25 ~~which the political committee is acting; or~~
- 26 2. ~~PAID~~ PAID to the City to help defray the expenses of the election in all other cases.
- 27 C. This section does not apply to ~~any central committee or to any partisan organization or~~
28 ~~political committee which has been declared to have an indefinite existence.~~
29

30 **4.44.060 - Contributions and expenses of noncandidates.**
31

32 No person other than a candidate, to aid or promote the success or defeat of any ~~political party~~
33 ~~or~~ principle or of any proposition submitted to vote at any public election, or of any candidate for
34 ~~nomination for, or~~ election to public ~~or party~~ office, shall make a payment or contribution of money
35 or property or incur any liability or promise any valuable thing to any person other than to the
36 treasurer of a candidate or treasurer of a political committee in their official capacity. A
37 contribution may be made directly to a candidate, provided the candidate reports such contribution
38 to the treasurer. Nothing in this chapter limits or affects the right of any person to volunteer time
39 or a personal vehicle for transportation incident to any election or to expend money for proper
40 legal expenses in maintaining or contesting the results of any such elections, nor does anything in
41 this section preclude any person from expressing personal views on any subject, hiring halls,
42 holding receptions, buying newspaper space and radio or television time, provided, that coincident
43 with such statement or advertising notice shall be given that the views so expressed are the person's
44 own, and that the statement so made is a "paid political advertisement."
45

46 **4.44.080 - Election reports required.**

- 1
2 A. A candidate to public ~~or party~~ office, and the treasurer designated by that candidate shall file
3 and sign the report or statement of contributions, loans and expenditures as prescribed in
4 accordance with this chapter with the board. Election reports as specified below are required
5 by all candidates for public ~~or party~~ office, whether or not ~~the candidate's name appears on~~
6 ~~the primary ballot~~, the candidate withdraws subsequent to filing the candidate's certificate of
7 candidacy or the candidate is unsuccessful in the election. Each report filed shall contain all
8 contributions received and expenditures made in furtherance of the candidate's ~~nomination or~~
9 election by the candidate personally or, with the knowledge of the candidate, by any other
10 person or groups of persons. The report shall be completed, except as otherwise provided in
11 this section, through and including the Sunday immediately preceding the day by which that
12 report is to be filed. The initial report filed shall contain all contributions and loans received
13 and expenditures made since the date of the last preceding election to fill the office for which
14 the person is a candidate. Each subsequent report shall contain all contributions and loans
15 received and expenditures made since the end of the period for which the last preceding report
16 was filed. A statement to that effect must be included on the forms prescribed pursuant to this
17 chapter. The reports shall be filed as follows:
18 1. ~~No later than the fourth Tuesday preceding any primary election;~~
19 2. ~~No later than the Tuesday immediately preceding any primary election;~~
20 31. No later than the fourth Tuesday preceding any general election;
21 42. No later than the Tuesday immediately preceding any general election;
22 53. No later than seven days prior to any special election;
23 64. No later than July 1st in any year in which there is no election for City Council
24 notwithstanding special elections; and
25 75. No later than December 1st following a general election. This report shall cover the
26 balance of the preceding election cycle which ends on the day of the general election.
27 B. Any report filed pursuant to Subdivisions 1 through 6 of Subsection A of this section shall be
28 completed through and including the previous Sunday.
29 C. If a candidate does not intend to receive contributions or make expenditures of one hundred
30 dollars or more, exclusive of the candidate's filing fee, the candidate and the candidate's
31 treasurer jointly may execute an affidavit to that effect on a form prescribed by the board. If
32 the candidate, in fact, does not receive contributions or make expenditures of one hundred
33 dollars or more, no further reports need be filed pursuant to this section. The affidavit shall be
34 filed not later than the date by which the first report is due. If at any time the cumulative
35 contributions to or expenditures by a candidate who has filed such an affidavit equal or exceed
36 one hundred dollars, the candidate and the candidate's treasurer thereafter shall file all reports
37 required by this section, and failure to do so constitutes a failure to file and the commission
38 of a misdemeanor, subject to the penalties prescribed in this chapter.
39 D. It is the responsibility of the candidate and treasurer, jointly and severally, if it is the statement
40 of a committee, to file all reports or statements in full and accurate detail.
41 E. The chair and the treasurer of any ~~central committee~~, political committee; ~~or partisan~~
42 ~~organization~~, excluding the chairmen and treasurers of political clubs, shall file the report or
43 statement of contributions, loans and expenditures as prescribed in accordance with this
44 chapter with the board at each of the times and for the respective periods specified in this
45 section.
46

1 **4.44.100 - Reporting deadlines—Failure to file.**
2

- 3 A. A person may not become a candidate for public ~~or party~~ office in any election in the City, a
4 certificate of candidacy may not be accepted on a person's behalf, and a person may not
5 become a treasurer for a candidate or committee unless the person has filed or had filed on the
6 person's behalf all reports or statements required by Section 4.44.080 and Subsection C of this
7 section to be filed by that person, as a candidate, chair or treasurer, during the five calendar
8 years preceding the election in which the person seeks to become a candidate or treasurer.
- 9 B. A late filing fee shall be assessed for forms not filed pursuant to Section 4.44.080 of this Code.
10 1. For pre-election reports and affidavits not timely filed, a fee of twenty dollars shall be
11 assessed each day for the first six days and ten dollars each day thereafter.
12 2. For post-election reports not timely filed, a fee of ten dollars shall be assessed each day.
13 3. The maximum assessable fee shall be two hundred fifty dollars per report and shall be
14 computed from the day immediately following the due date and include the day of filing.
15 4. Fees assessed under this subsection shall not be paid directly or indirectly from campaign
16 funds and shall constitute a personal liability of the candidate and treasurer if the
17 campaign finance entity is a personal treasurer or chairman and treasurer for all other
18 campaign finance entities.
- 19 C. For the purposes of this section, the failure to provide all of the information called for on the
20 forms prescribed pursuant to Section 4.44.090, to the extent applicable, is a failure to file
21 under Section 4.44.100B of this Code if the board has notified the candidate and treasurer, or
22 chairman and treasurer, in writing, of the particular deficiencies and a properly corrected
23 report has not been filed within thirty days of service of notice. After the thirtieth day, and in
24 the absence of a filed corrected report, all sanctions provided for in this section and in Section
25 4.48.210 shall be applicable without the necessity of further notice to the candidate, chair or
26 treasurer under this subsection or Subsection B. of this section.
- 27 D. A person may not be deemed elected to any public ~~or party~~ office in this City, or enter upon
28 the duties of the office or receive any salary or emoluments from the office, until all of the
29 reports and statement of contributions and expenditures required to be filed by the person
30 pursuant to Section 4.44.080 of this Code have been filed and assessed fees paid. A candidate
31 may not be sworn in until the board certifies that all the reports and statements required by
32 those sections have been filed and assessed fees paid.
- 33 E. The provisions of this section, and the provisions of Section 4.44.080 with respect to the filing
34 of reports or statements, are mandatory and not directory. However, a candidate may not be
35 disqualified for failure to file a report or statement if the failure is found by a court of
36 competent jurisdiction to be for just cause.
37

38 **4.44.110 - Recordkeeping.**
39

40 The board shall receive, file and preserve all reports, statements and accounts relating to
41 campaign contributions and expenditures which are required to be filed by this chapter. These
42 reports, statements and accounts shall be kept as part of the records of the officer or board for a
43 period not to exceed five years or for at least one year beyond the length of the term of the public
44 ~~or party~~ office for which every candidate to whom these reports, statements or accounts apply, has
45 offered for ~~nomination or~~ election, regardless whether the candidate is successful, unsuccessful or
46 resigns, or for a longer period if ordered by a court of competent jurisdiction. These reports,

1 statements and accounts shall be subject and open to inspection by any resident of this City during
2 the hours in which the office in which the reports, statements and accounts are kept is open.
3 Thereafter, the reports, statements and accounts may be retained or destroyed, at the discretion of
4 the board.

5
6 **4.44.130 - Prohibited practices.**
7

8 A. A person shall not:

- 9
- 10 1. Directly or indirectly, personally or by another, give or offer or promise to any person
11 any money, gift, advantage, preferment, aid, emolument or any valuable thing whatever,
12 for the purpose of inducing or procuring any person to vote, or refrain from voting, for or
13 against any person, or for or against any measure or proposition at any election;
 - 14 2. Directly or indirectly, receive, accept, request or solicit from any person, candidate,
15 committee, association, organization or corporation, any money, gift, advantage,
16 preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of
17 inducing or procuring any person to vote, or refrain from voting, for or against any person,
18 or for or against any measure or proposition at any election;
 - 19 3. In consideration of any money, gift, advantage, preferment, aid, emolument, or any
20 valuable thing whatsoever, paid, received, accepted, or promised to the advantage of that
21 person or any other person, vote or refrain from voting for or against any person, or for
22 or against any measure at any election;
 - 23 4. Directly or indirectly, pay, give, contribute or promise any money or other valuable thing,
24 to defray, or towards defraying the costs or expenses of any campaign or election, to any
25 person, committee, company, organization or association, other than to a treasurer;
26 however, this subsection does not apply to dues regularly paid for membership in any
27 political club if all money expended by the club or in connection with the costs or
28 expenses of any campaign or election will be paid out by the club only through a treasurer
29 as provided in this chapter, or to volunteered time, personal vehicles, personal advertising
30 or costs and expenses incident to the expression of personal views in accordance with the
31 provisions of Section 4.44.060;
 - 32 5. Directly or indirectly, personally or through another person, make a payment, or promise
33 of payment, to a treasurer, or candidate, in any other name than the person's own; nor
34 shall a treasurer or candidate knowingly receive a payment, or promise of payment, and
35 enter the same or cause the same to be entered in the treasurer's accounts in any other
36 name than that of the person by whom the payment or promise of payment is made;
 - 37 6. Being an employer, pay one's employees the salary or wages due in "pay envelopes,"
38 upon which there is written or printed or in which there is enclosed any political motto,
39 device or argument containing threats, express or implied, intended or calculated to
40 influence the political opinions or actions of the employees, or within ninety days of an
41 election put, or otherwise exhibit in the establishment or place where one's employees are
42 engaged in labor, any handbill or placard containing any threat, notice or information that
43 if any particular ticket or candidate is elected or defeated, work in one's place or
44 establishment will cease, in whole or in part, the establishment be closed up or the wages
45 of one's employees reduced, or other threats, express or implied, intended or calculated
46 to influence the political opinions or actions of one's employees;

- 1 7. Publish or distribute by any written or electronic means including but not limited to any
2 pamphlet, circular, card, sample ballot, dodger, poster, advertisement or any printed,
3 multigraphed, photographed, typewritten or written matter or statement or any matter or
4 statement which may be copied by any device or method now known for printing or
5 copying or which may be used for making copies or printed or written matter in any form
6 whatever for publication or distribution, relating to or concerning any candidate,
7 including a write-in candidate, or prospective candidate for public ~~or party~~ office or for
8 the acceptance or defeat of any proposition unless the pamphlet, circular, card, sample
9 ballot, dodger, poster, advertisement or other form of publication described in this
10 subsection clearly indicates the name of the candidate or committee responsible for the
11 literature and contains, but set apart from the name of the candidate or committee, an
12 authority line which includes the name and address of the person, treasurer or campaign
13 manager responsible for the publication or its distribution; except, that if the person,
14 treasurer or campaign manager has furnished the address to the appropriate board, the
15 literature need not contain an address, except that this paragraph does not apply to a
16 person exercising the rights described in Section 4.44.060;
- 17 8. Being a candidate, make any payment, contribution, expenditure or promote or incur any
18 liability to pay, contribute or expend from personal financial resources any money or
19 thing in value in excess of that authorized by this chapter;
- 20 9. Contribute, in any one election cycle, any money, or tangible thing of value greater than:
21 a. One thousand dollars to any candidate for Alderman; and
22 b. Two thousand five hundred dollars to any candidate for Mayor.
- 23 B. Exceptions. Contributions by a candidate to the candidate's own campaign are exempted from
24 the limitations set forth in this section.
- 25 C. Every person who is guilty of any prohibited practices described in this section shall be
26 punished as provided in Chapter 1.20 of this code for a misdemeanor, and shall be ineligible
27 for any public ~~or party~~ office, for the period of four years from and after the time of the
28 commission of the offense.

29
30 **4.44.140 - Advertising.**

31
32 A person, candidate, campaign manager, treasurer, ~~partisan organization~~ or political
33 committee, including political clubs, ~~or party committee~~ may not expend any money for printing,
34 publication or broadcasting of any political matter whatsoever, unless the matter purports on its
35 face to be paid political advertisement and printed, published or broadcast by authority of the
36 person, campaign manager or treasurer for the named candidate, ~~partisan organization, party~~
37 ~~committee~~ or political committee, including political clubs.

38
39 **4.44.150 - Violation—Petition.**

- 40
41 A. At any time within thirty days after any ~~regular primary or~~ general election, and within fifteen
42 days of any special election, any defeated candidate at that election, or any ten duly qualified
43 voters at such election, may present to the circuit court for the County a petition setting forth
44 under oath that prohibited practices, contrary to the provisions of a specified section or
45 sections of this chapter, were committed by the successful candidate or candidates or in the
46 person of the candidate or candidate's agent or agents at or preliminary to such election,

1 naming the successful candidate or candidates as defendants, and praying that alleged fact be
 2 investigated. If the court finds that any successful candidate so petitioned against in person,
 3 or in the person of the candidate's agent or agents acting for or in the candidate's behalf,
 4 engaged in prohibited practices, the election shall be void, except as provided in this section.
 5 In case of a void election the Mayor, within five days after the receipt of the court's decision,
 6 shall issue a proclamation declaring the election void, and the vacancy in the PUBLIC office
 7 to have been filled by the election shall be filled in the same manner as would be required by
 8 law in case the vacancy had arisen from the death of the successful candidate after election.

- 9 B. If any candidate has been found or decided to have engaged in any prohibited practice, the
 10 candidate is ineligible for election or appointment to any public office or employment for the
 11 period of four years from the date of the election. If the finding or decision is that a successful
 12 candidate engaged in prohibited practices only through the candidate's agent without the
 13 knowledge or consent of the candidate, and that no prohibited practice was committed with
 14 the candidate's sanction or connivance, then the election of such candidate shall not be void,
 15 and the candidate shall not be subject to any ineligibility.

16
 17 **Chapter 4.48 – OFFENSES AND PENALTIES**

18 **4.48.030 - Neglect or fraud by officials.**

19
 20 No judge, or any officer or official of registration, revision, election or canvass or any member
 21 of any committee, or of the governing body, ~~of any political party~~ participating in ~~primary~~
 22 GENERAL elections under this title, of whom any duty is required in this title, willfully shall
 23 neglect such duty, or engage in any corrupt or fraudulent conduct or practice in the execution of
 24 that person's duty.

25
 26 **4.48.120 - Fraudulent certificates or endorsements.**

27
 28 No person shall falsely make or fraudulently deface or fraudulently destroy any certificate of
 29 candidacy ~~or certificate of nomination~~ or any part of a certificate, or file any certificate, knowing
 30 the certificate or any part of the certificate to be falsely made, or suppress any certificate of
 31 candidacy ~~or certificate of nomination~~ which has been filed, or any part of a certificate, or forge
 32 or falsely make the official endorsement on any ballot.

33
 34
 35 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
 36 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall be construed to apply only
 37 prospectively and may not be applied or interpreted to have any effect on the 2021 Primary and
 38 General Municipal Elections.

39
 40 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
 41 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect contingent on the passage
 42 of CA-2-21, shall become effective on January 1, 2021, and if CA-2-21 does not take effect, this
 43 ordinance, with no further action required by the City Council, shall be null and void.

44
 45
 46 **Explanation:**

1
2
3
4

UPPERCASE indicates matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.