

CHAPTER 7 ELECTIONS

ARTICLE I. IN GENERAL

Sec. 7-1. In general.

- (a) **Definitions.** In this chapter, the following words have the meanings indicated.
- (1) **Board.** "Board" means the Board of Supervisors of Elections of the City.
 - (2) **Election.** "Election" means any primary, general, or special election of the City.
- (b) **Computation of time.** In computing the times for the performing of any act under this chapter, Saturday, Sunday, or a legal holiday are included, except when the day on which the act should be performed occurs on a Saturday, Sunday or legal holiday, in which case the act must be performed on the next regular business day following the Saturday, Sunday or legal holiday. In the computation, the day of performing an act and the day of the election are excluded.

Sec. 7-2. Voter registration.

- (a) **Qualifications.** Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual is:
- (1) a citizen of the United States;
 - (2) a resident of the City as of the day the individual seeks to register; and
 - (3) at least 18 years old or will be at least 18 years old on or before the day of the next City election.
- (b) **Disqualifiers.** An individual may not become registered to vote if the individual:
- (1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment, including any term of parole or probation for the conviction;
 - (2) is under guardianship for mental disability; or
 - (3) has been convicted of buying or selling votes.
- (c) **Method of registering.** Persons qualified to register or change their current registration information may do so at any time the Frederick County Board of Elections office is open and accepting voter registration applications, except 30 days before or 10 days after a City election. Any registered voter who moves from the precinct in which the voter is registered, either to another state or to some other place within the state, or to another precinct of the City, shall, within 30 days after such move, notify the Frederick County Board of Elections office, in writing, of the address to which the voter has moved.
- (d) **Records.** All voter registration records are open for public inspection.

Sec. 7-3. Absentee voting.

- (a) **Requirements.** A registered voter in the City who is qualified to vote in a City election as an absentee voter shall personally complete the prescribed absentee ballot application and submit it to the office of the Board on or before the Tuesday preceding the election. Any registered voter in the City may vote by absentee ballot except to the extent preempted under an applicable federal law.
- (b) **Determination of valid registration; delivery of ballots.** Upon receipt of an absentee ballot application, the Board shall determine whether the applicant is a voter legally registered to vote in the election, and if it finds the applicant is not so registered, shall reject the application. If the Board finds that the applicant is a registered voter as stated in the application, it shall deliver to the applicant at the Board's office or shall mail to the applicant an absentee ballot and related information. Postage for mailing absentee ballot material to the voter shall be paid by the Board, and postage for the return of the absentee ballot shall be paid by the voter.
- (c) **Record of applications.** The Board shall keep a record of absentee ballot applications as they are received showing the names and residences of the applicants and where the ballot was delivered. These records are available for public inspection.
- (d) **Registration of absentee ballots.** Upon receipt of an application for an absentee ballot and the delivery to the registered voter of an absentee ballot, the Board shall indicate on the list delivered to the person's election precinct that the person is voting by absentee ballot.
- (e) **Late, in-person application.**
 - (1) **Requirements.** After the Tuesday preceding an election and before the time the polls close on election day, a qualified voter or the voter's authorized agent may apply in person for an absentee ballot.
 - (2) **Determination of valid registration; delivery of ballots.** Upon receipt of an absentee ballot application made under this subsection, the Board shall review the application. If the Board determines that the person meets the requirements of this section, it shall issue an absentee ballot to the applicant or the applicant's authorized agent. This absentee ballot shall be marked by the voter, placed in a sealed envelope, and returned to the office of the Board.
 - (3) **Agent.** If the voter does not apply in person, the voter shall designate an agent for the purpose of delivering the absentee ballot to the voter. The agent must be at least 18 years old and not a candidate on the voter's ballot. The agent shall execute an affidavit under penalty of perjury that the ballot was delivered to the voter who submitted the application, marked by the voter in the agent's presence, placed in a sealed envelope in the agent's presence, and returned under seal to the office of the Board.
- (f) **Canvassing of absentee ballots.** An absentee ballot is timely received, and will be counted, if it is postmarked on or before the date of the election and received by the Board no more than 24 hours after the closing of the polls on election day. Not later than the canvass of the votes cast at the polling places on election day, the Board shall proceed to count, certify and canvass the ballots contained in the absentee ballot

envelopes. If, during this time, the Board determines that the voter died before the date of the election, it shall reject and not count the deceased voter's absentee ballot.

- (g) **Penalties.** Any person who falsely applies for an absentee ballot under this section is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, incarceration of up to 2 years, or both in the discretion of the court.

Sec. 7-4. Conduct and operation of elections.

- (a) **Records.** All office procedures, transactions and record maintenance relating to any election of the City shall be conducted under the supervision of the Board. All election data must be preserved for at least 5 years after the date of the election. All voted ballots used in any election must be preserved for at least 2 years after the date of the election. Unused ballots must be retained until the election results have been certified, after which they may be destroyed.

(b) **Notice of elections.**

- (1) Twice before each City election, the Board shall give notice of elections by publishing notice in a newspaper of general circulation in the City.
- (2) Each notice must include the hours of the polls, listing of polling places, and the offices and questions to be voted upon at the election.
- (3) Except as otherwise provided in this paragraph, the first notice must be published at least 8 days before election day. If the Board of Aldermen has provided for early voting as part of a certain election, the first notice must be published at least 8 days before the first day of early voting for that election. At the same time the first notice is published, a copy of the specimen ballot listing the candidates' names and offices, party affiliation, and questions must also be published.
- (4) The second notice must be published the day before election day.

- (c) **Voting machines.** The use of voting equipment is hereby authorized for all City elections.

- (d) **Polls open.** For all City elections, the polls shall remain open from 7 a.m. to 8 p.m. on election day.

- (e) **Unofficial vote totals.** As soon as the polls have closed on election day, the judges of elections shall produce unofficial vote totals for each polling place and post them at the polling place in a prominent location, accessible to the public. The judges of elections shall complete all reports required by law and deliver to the Board's office all voted ballots, documents, and other election-related materials.

(f) **Voter assistance.**

- (1) **Instructions.** At the request of a voter, an election judge shall instruct the voter, before the voter enters the voting booth, regarding the marking of a ballot.

- (2) **Assistance to certain persons.** A voter who declares under oath to an election judge that the voter requires assistance in marking the ballot by reason of blindness, disability, or inability to read or write the English language may, except as otherwise provided in paragraph (3) of this subsection, choose any individual to assist the voter.
- (3) **Persons who may not assist a voter.** A voter may not choose a candidate, the voter's employer or agent of that employer, or an officer or agent of the voter's union to assist the voter in marking the ballot.
- (4) **Manner of giving assistance.** The person chosen by the voter to assist the voter may mark the ballot or operate the voting machine as directed by the voter. A person assisting a voter may not suggest or seek to persuade or induce any voter to vote for or against any candidate or question. If the person chosen by the voter is an election judge, an election judge of a different political party shall witness the assistance given by the election judge to the voter.
- (5) **Person accompanying voter into booth or machine.** Except as otherwise provided in this subsection, a voter may not be accompanied into a voting booth by an individual over the age of 12 years.

Sec. 7-5. Judges of election.

- (a) **Number.** On or before June 15, 2017, and on or before June 15 every 4 years after that, the Board shall appoint judges of elections for the next election. The Board shall determine the number of election judges to appoint, subject to the requirements of this subsection. For each precinct on election day, or at an early voting center during early voting, there shall be an equal number of election judges from each of the two principal political parties, as defined by Maryland law. If the total number of election judges for a precinct or at an early voting center is four or more, the Board may appoint one or more election judges for that precinct who are not registered with either of the principal political parties, as long as there are an equal number of election judges for that precinct from each of the principal political parties.
- (b) **General qualifications.** Except as otherwise provided in this section, all election judges serving on election day must be residents and registered voters in the election precinct in which they are appointed to serve. Election judges serving during early voting must be City residents and registered voters. All election judges must be persons of high character, integrity and capable of performing their duties in a satisfactory manner. The judges of elections must be able to speak, read and write the English language during the time of acting as a judge; must not hold nor be a candidate for any other public or political party office nor be a campaign manager or treasurer for a candidate or campaign committee. The Board may prescribe additional requirements as it may deem necessary for determining the qualifications of persons proposed for appointment as judges of elections.
- (c) **Residing outside precinct.** If a qualified individual residing in the election precinct cannot be found with reasonable effort, then the Board may appoint as election judge any registered voter residing in the City. If a qualified individual residing in the City cannot be found with reasonable effort, then the Board may appoint as election judge any registered voter residing in Frederick County.

- (d) **Minors.** A minor at least 17 years old who is a resident of the City may be appointed to be an election judge. A minor who is too young to be a registered voter shall demonstrate, to the satisfaction of the Board, that the minor meets all of the other qualifications for registration in the City.
- (e) **Vacancies.** Vacancies for any reason among the judges of elections shall be filled by the Board for the remainder of the unexpired term.
- (f) **Duties.** The election judges shall perform all necessary duties in regard to the conduct of the election at the polling places and early voting centers, including but not limited to providing voting assistance to a voter if requested by the voter to do so. All election judges are required, as part of their appointment, to attend a training session. The compensation of all judges of elections shall be determined by the Board of Aldermen.
- (g) **Oath of office.** All judges of election appointed by the Board shall be promptly notified of their appointment, with direction to appear before the Board, at a time designated in such notice, for the purpose of qualifying. Each judge shall take and subscribe to the following oath of office:

I, _____ residing at _____, in the State of Maryland, do swear that I will support the Constitution of the United States and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and Laws thereof and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, discharge the duties of election judge in The City of Frederick, according to the Constitution and Laws of this State.

Sec. 7-6. Recount of ballots.

- (a) **Scope and definition.**
 - (1) This section applies to the recount by petition of any primary, general, or special City election.
 - (2) In this section, the term "recount" means the entire process of resolving a challenge to the vote count reported for an election.
- (b) **Petition.**
 - (1) A candidate for Mayor or Alderman who has been defeated based on the results of a primary, general, or special election may petition the Board for a recount of the votes cast for the office sought.
 - (2) The petition must specify that the recount be conducted in all precincts or only in certain specified precincts designated in the petition. For purposes of this

section, absentee ballots and votes cast during early voting are each considered a separate precinct.

- (3) A petition must be filed with the Board, in writing, within 3 business days after the Board certifies the results of the canvass of ballots.
- (4) In a petition demanding the recount of votes that were cast on ballots and counted using an optical scan system, the petitioner shall specify whether the recount shall be conducted by:
 - (A) manually retabulating the election totals reports printed during the canvass;
 - (B) rescanning all ballots using:
 - (i) the same vote tabulating equipment that was used in the election; or
 - (ii) alternative vote tabulating equipment, if alternative equipment is available and its use is feasible; or
 - (C) manually retabulating all ballots.

(c) Counterpetition.

- (1) An opposing candidate of the petition under subsection (b) of this section may file a counterpetition if:
 - (A) the petition filed under subsection (b) did not specify all of the precincts in the City; and
 - (B) on completion of the recount, the outcome of the election is changed.
- (2) A counterpetition is a request for a recount of the votes for the office in the precincts not specified by the petitioner under subsection (b) of this section.
- (3) A counterpetition must be filed within 2 business days after the determination under paragraph (1)(B) of this subsection.

(d) Bond.

- (1) A petition or counterpetition filed under subsection (b) or subsection (c) of this section must be filed with a bond.
- (2) The Board shall determine and set the bond in an amount sufficient to pay the reasonable costs of the recount.

(e) Notice.

- (1) By the end of the next business day following the receipt of a petition or counterpetition, the Board shall deliver a notice of the recount, specifying the

date, time and place the recount will occur, and a copy of the petition or counterpetition, to all candidates to the office being contested.

- (2) Notices issued under this section will be sent via first class mail to the candidate's address as given in the certificate of candidacy.

(f) General conduct of recount.

- (1) The Board shall conduct the recount in accordance with this section.
- (2) The recount must begin within 5 business days after the Board receives the petition or counterpetition. The recount must continue daily, at least 8 hours each day, until completion, except that the Board may suspend the recount on Sundays and City holidays.
- (3) If the petition for recount is filed before the official canvass is completed, the Board shall finish the canvass and then conduct the recount in accordance with this section.
- (4) Every recount must be conducted publicly, open to candidates and their representatives, other parties to the recount, the media, and the general public.

(g) Verifying ballots.

- (1) The Board shall first ascertain that the ballot used in the contest to be recounted was the correct ballot.
- (2) For paper ballots on which the ballot information is printed, the determination shall be made as the ballots are manually counted, or by inspecting the ballots before machine tabulation.
- (3) The procedure for recounting absentee ballots will be the same as for recounting other ballots. Absentee ballots will be recounted in a way that assures voter confidentiality.

(h) Recount procedures. The Board shall recount the ballots on vote tabulating equipment or manually, as specified by the petitioner in accordance with subsection (b) of this section. In conducting the recount, the Board shall use procedures substantially similar to those regulations adopted by the State Board of Elections for the applicable recount method.

(i) Costs.

- (1) In this section, "petitioner" includes a counterpetitioner.
- (2) Before beginning the recount, the Board shall estimate and inform the petitioner of the anticipated number of hours needed to complete the recount and the cost per hour.

- (3) Except as otherwise provided in paragraphs (4) and (5) of this subsection, the petitioner shall pay the cost of the recount and recanvass and the petitioner's bond will be liable for the costs.
- (4) If more than one individual files a petition, the Board will apportion the costs between or among the petitioners as the Board deems reasonable.
- (5) The City will bear the costs if:
 - (A) the outcome of the election is changed;
 - (B) the petitioner has gained a number of votes equal to at least 2% of the total votes cast in the precinct or precincts being recounted; or
 - (C) the margin of difference in the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.1% or less of the total votes cast for those candidates.
- (6) After the recount is completed, the Board shall:
 - (A) determine the actual cost of the recount; and
 - (B) if the petitioner is liable for the cost under this section, collect the cost from the petitioner's bond. If the amount of the bond is insufficient, the petitioner shall pay the balance of the cost.
- (j) **Correction of returns.** After the recount is complete, the Board shall correct, as appropriate:
 - (1) the official returns; and
 - (2) any certificates that were issued on the basis of those returns.
- (k) **Challenges.**
 - (1) A challenge to any part of the recount may be made by any person with standing to file a petition for the recount being conducted under subsection (b)(1) of this section, even if that person was not the one who filed the actual petition.
 - (2) A challenge may be based on:
 - (A) the allowance or disallowance of a ballot;
 - (B) the allowance or disallowance of a vote;
 - (C) the tallying of votes;
 - (D) the aggregation of the vote count; or
 - (E) any other part of the recount that could affect the accuracy of the result.

- (3) If an individual seeks to challenge some action then being taken, the individual may ask the Board to temporarily stop the action so that the person can interpose a challenge.
- (4) A person making a challenge shall state the reason for the challenge.
- (5) If the challenge is to a ballot, the official whose action has been challenged shall:
 - (A) count the vote as the official believes proper; and
 - (B) set it aside with an attached notation on:
 - (i) how it was counted;
 - (ii) the nature of the challenge;
 - (iii) the name of the official; and
 - (iv) the name of the challenger.
- (6) The Board shall decide the challenge promptly and expeditiously so as not to delay the recount.
- (7) In making a decision on whether to allow or disallow a vote, the Board shall attempt to determine the intent of the voter.
- (8) A vote may not be disallowed except by unanimous vote of all members of the Board. The decision of the Board is final.

Sec. 7-7. Selection of polling places.

- (a) The Board shall provide for each election a suitable place or places in each precinct for voting. The polling places in each precinct should be as near the center of the voting population of the precinct and as convenient to the greater number of voters as is practicable. An election may not be held in any building that is used as, or connected by doors or hallways to, a place where alcoholic beverages are sold.
- (b) The Board may provide a centralized polling place to be used by the voters of one or more precincts in the City, subject to the approval of the Board of Aldermen.
- (c) If the Board is unable to find a suitable place for voting in any election precinct, it may provide a polling place for said precinct in any other adjacent precinct. Every polling place, to the extent feasible, must be structurally barrier free in order to permit reasonable access to disabled voters.

Sec. 7-8. Illegal electioneering.

- (a) **Electioneering boundary.** An individual may not canvass, electioneer, or post any campaign material in a polling place or early voting center or within a line, established by the election judges through the posting of signs, that is located as near as practicable to 100 feet from the entrance and exit used by the voters.

- (b) **Presence in polling place.** The only individuals permitted in a polling place or early voting center are the election officials, poll watchers, and the registered voters for that particular polling place or early voting center. A registered voter must vote and depart the polling place or early voting center within a reasonable amount of time. A voter who remains in the polling room without cause may be deemed to be engaging in illegal electioneering.
- (c) **Campaign paraphernalia.** Except as otherwise provided in this paragraph, a voter may wear into the polling place or early voting center a button, shirt, hat or other article of clothing with a campaign message on it. A poll watcher may not wear such campaign paraphernalia in the polling place or early voting center. An election judge or any other person who is authorized to remain in or near a polling place or early voting center for an extended period of time may not wear campaign paraphernalia while inside the polling place or early voting center or within the electioneering boundary.
- (d) **Penalties.** A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 1 year or both.

Sec. 7-9. Disturbing the peace.

- (a) **In general.** A person may not hinder or impede the conduct of official electoral activities by:
 - (1) breach of the peace;
 - (2) disorder; or
 - (3) violence or threat of violence.
- (b) **Penalties.** A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$1,000 or imprisonment for not less than 30 days nor more than 1 year or both.

ARTICLE II. FAIR ELECTION PRACTICES

Sec. 7-10. Purpose.

The intention of this article is that the conduct of elections should inspire public confidence and trust by assuring that full information on elections is provided to the public, including disclosure of campaign receipts and expenditures. Furthermore, the Mayor and Board of Aldermen believe that the residents of the City have the right to know the sources of funding received by candidates.

Sec. 7-11. Applicability.

The provisions of this article apply to all elections conducted in accordance with the Charter of the City of Frederick and this chapter.

Sec. 7-12. Definitions.

- (a) **In general.** In this article, the following terms have the meanings indicated.
- (b) **Business entity.** "Business entity" includes a corporation, a sole proprietorship, a general partnership, a limited liability company, a real estate investment trust, and any other business or entity.
- (c) **Campaign material.**
- (1) "Campaign material" means any material that:
- (A) contains text, graphics, or other images;
 - (B) relates to a candidate; and
 - (C) is published or distributed.
- (2) "Campaign material" includes, but is not limited to:
- (A) material transmitted by or appearing on the internet or other electronic medium; and
 - (B) an oral commercial campaign advertisement.
- (d) **Campaign finance entity.** "Campaign finance entity" means a personal treasurer or candidate committee.
- (e) **Candidate.**
- (1) "Candidate" means any person who files a certificate of candidacy for Mayor or Alderman of the City.
- (2) "Candidate" includes an individual, prior to that individual filing a certificate of candidacy, if a campaign finance entity has been established on behalf of that individual.
- (f) **Candidate committee.** "Candidate committee" means any combination of two or more individuals appointed or authorized by a candidate which has as a principal purpose to assist or attempt to assist in any manner the promotion of the success of that candidate. A citizen's association, not otherwise a candidate committee, will not be deemed a candidate committee if it simply conducts a forum or sponsors a meeting for candidates to present information or express their views on issues to citizens in the community.
- (g) **Contribution.** "Contribution" means the gift, transfer or promise of a gift or transfer of money or other thing of value to any candidate, or the campaign finance entity of a candidate, to promote or assist in the promotion of the success of that candidate at any City election.
- (h) **Election cycle.** "Election cycle" means the period that begins on the 31st day following the date of a general election and ends on the 30th day after the next general election.

- (i) **Expenditure.** "Expenditure" means any gift, transfer, disbursement or promise of money or valuable thing by or on behalf of the campaign finance entity of a candidate to promote or assist in the promotion of the success of that candidate in any election.
- (j) **Political action committee.** "Political action committee" means a political committee that is not:
 - (1) a political party;
 - (2) a central committee;
 - (3) a slate;
 - (4) a political committee organized and operated solely to support or oppose a single candidate; or
 - (5) a political committee organized and operated solely to support or oppose a ballot issue.
- (k) **Political committee.** "Political committee" means a combination of two or more individuals that assists or attempts to assist in promoting the success or defeat of a candidate, political party, or question submitted to a vote at any City election.
- (l) **Transfer.** "Transfer" means a monetary contribution made by one campaign finance entity to another.

Sec. 7-13. Forms.

The Board shall create forms for use by individuals in performing actions required by this article. An individual must use the prescribed form.

Sec. 7-14. Campaign finance entities—In general.

- (a) **Establishment.** A candidate shall establish one or more campaign finance entities before or concurrent with the filing of a certificate of candidacy.
- (b) **Required.** Except as otherwise provided by law, all campaign finance activity for an election shall be conducted through a campaign finance entity. A campaign finance entity may not receive or disburse any money or other thing of value until it has been established in accordance with this article.

Sec. 7-15. Personal treasurers.

- (a) **Appointment.** A candidate using a personal treasurer as a campaign finance entity must appoint a personal treasurer on a form prescribed by the Board. The personal treasurer shall accept the appointment by signing that form. The form will include the personal treasurer's certification that the personal treasurer will serve until all duties have been performed or a successor is duly chosen.
- (b) **Resignation.** A personal treasurer who resigns shall do so on a form prescribed by the Board, signed by the personal treasurer and filed with the Board. The candidate

immediately shall appoint a new personal treasurer in accordance with this section. The personal treasurer's resignation will not be effective until a successor is registered with the Board. A personal treasurer, when resigning, shall certify that the personal treasurer has served until all duties have been performed and a successor was duly chosen.

- (c) **Qualifications.** Nothing in this section prevents the personal treasurer of any candidate from being the personal treasurer of another candidate. However, a candidate may not designate himself or herself as said candidate's own personal treasurer or act as personal treasurer of any other candidate. To be appointed or act as a candidate's personal treasurer in any election a person must be a registered voter in Frederick County.

Sec. 7-16. Candidate committees.

- (a) **Appointment.** A candidate using a candidate committee as a campaign finance entity must establish the candidate committee, and the candidate committee must appoint a treasurer, on a form prescribed by the Board. The treasurer shall accept the appointment by signing that form. The form will include the treasurer's certification that the treasurer will serve until all duties have been performed or a successor is duly chosen.
- (b) **Resignation.** A treasurer who resigns shall do so on a form prescribed by the Board, signed by the treasurer and filed with the Board. The candidate committee immediately shall appoint a new treasurer in accordance with this section. The resignation will not be effective until a successor is registered with the Board. A treasurer, when resigning, shall certify that all duties have been performed and a successor was duly chosen.
- (c) **Qualifications.** A treasurer of a candidate committee must be a registered voter in Frederick County.

Sec. 7-17. Campaign bank account.

- (a) **Required.** Every campaign finance entity shall maintain a separate bank account for deposit of all campaign contributions. Each such bank account must be opened in accordance with all applicable state and federal banking laws and must:
 - (1) be in a financial institution; and
 - (2) be registered in a manner that identifies it as the account of a campaign finance entity.
- (b) **Administration.** The campaign bank account described in subsection (a) of this section must be administered by the personal treasurer or the treasurer of the candidate committee. All contributions received by or on behalf of a campaign finance entity must be deposited into the campaign bank account.
- (c) **Reporting.** The campaign bank account is subject to the reporting requirements set forth in this article.

- (d) **Closure.** The campaign bank account may remain open, and funds accumulated in the account may be used, until the associated campaign finance entity is closed and any surplus funds are disposed of in accordance with section 7-24 of this article.

Sec. 7-18. Personal contributions and expenses of candidates.

The contributions of a candidate or the candidate's spouse to the candidate's own campaign are not subject to the limitations of this article, but must pass through the hands of the candidate's personal treasurer or the treasurer of the candidate's candidate committee and be reported as required in other provisions of this article. Personal expenses of the candidate for filing fees, telegrams, telephoning, travel and board are not considered contributions if paid for by the candidate or the candidate's spouse.

Sec. 7-19. Anonymous contributions.

- (a) **Anonymous contributions prohibited.** A campaign finance entity may not accept any contribution from an unidentified person or organization in furtherance of the candidate's nomination or election.
- (b) **Payment to City.** Any anonymous contribution received may not be used for any political purpose, but must be paid by the campaign finance entity to the City to help defray the expenses of the election. If the contribution is a thing of value rather than actual money, the campaign finance entity shall determine the fair market value of the thing of value and shall pay that amount to the City. All contributions payable to the City pursuant to this section shall be paid within 10 days after the receipt of the contribution by the campaign finance entity.

Sec. 7-20. Contributions from certain entities.

- (a) **Permitted contributions.** A campaign finance entity may accept contributions from business entities, political clubs, political committees, political action committees, federal committees and labor unions.
- (b) **Reporting.** For contributions from an entity specified in subsection (a) of this section, the name and address of the entity itself - not that of the person who signed the check on its behalf - must be entered in the treasurer's records and in the campaign finance reports filed in accordance with this article.

Sec. 7-21. Limit on contributions.

- (a) **Maximum amounts.** During any one election cycle, an individual, business entity, political club, political committee, political action committee, federal committee or labor union may not make any contributions that total greater than:
 - (1) \$1,000 to any one campaign finance entity of a candidate for Alderman; and
 - (2) \$2,500 to any one campaign finance entity of a candidate for Mayor.
- (b) **Transfers.** Transfers of funds between or among campaign finance entities of a candidate are not subject to the limitations set forth in this section.

- (c) **Affiliated entities.** Contributions by two or more business entities shall be considered as being made by one contributor if:
- (1) one business entity is a wholly owned subsidiary of another; or
 - (2) the business entities are owned or controlled by at least 51% of the same individuals or business entities.

Sec. 7-22. Campaign finance reports—In general.

- (a) **Reports required.** Every campaign finance entity shall file with the Board, in a format prescribed by the Board, a report of campaign contributions and expenditures in accordance with the provisions of this section. Campaign finance reports are required by all campaign finance entities, regardless of whether or not the candidate withdraws subsequent to filing a certificate of candidacy or the outcome of the election.
- (b) **Contents.** Each report must describe all contributions received and expenditures made in furtherance of the candidate's nomination or election by the campaign finance entity, from any other person or groups of persons. Each report shall contain the following information:
- (1) the name and address of the candidate and the campaign finance entity's treasurer;
 - (2) the office sought by the candidate;
 - (3) the date on which the report is filed;
 - (4) the name and current address of each contributor of election campaign contributions;
 - (5) the dollar amount of each contribution, or if not money, a description and estimated value of such non-monetary contributions, not including volunteer service;
 - (6) the date, dollar amount, and nature of each expenditure made; and
 - (7) written verification by the treasurer of the campaign finance entity.
- (c) **Retention.** The Board shall retain campaign finance reports for 5 years, during which they will be available for public inspection and copying during normal business hours.

Sec. 7-23. Campaign finance reports—Time for filing.

- (a) **Filing deadlines.**
- (1) The first report must be filed no later than 12 p.m. on the 30th day before the primary election.

- (2) The second report must be filed no later than 12 p.m. on the 30th day before the general election.
 - (3) The third report must be filed no later than 12 p.m. on the seventh day before the general election.
 - (4) The fourth report must be filed within 30 days after the general election.
- (b) **Reporting periods.** A report filed under this section must include all contributions received and expenditures made for the reporting period. For purposes of this subsection, the reporting period begins on the third day before the filing of the previous report, if any, and runs through the end of the fourth day before the filing of the current report.
- (c) **Annual report.** In addition to the reports required under subsection (a) of this section, a campaign finance entity that remains open shall file a campaign finance report on the third Wednesday in January of each year during which the campaign finance entity is in existence.
- (d) **Final report.** Before a campaign finance entity may be closed in accordance with this article, a final report must be filed. The fourth report required by subsection (a) of this section may be deemed the final report if it is clearly marked as such.

Sec. 7-24. Closure and disposition of surplus funds.

- (a) **Closure.** A campaign finance entity may continue in existence in perpetuity. It may be closed, at the option of the candidate, by the filing with the Board of a form prescribed by the Board. Any outstanding campaign finance reports must be filed before the Board may close the campaign finance entity. Upon closure of a campaign finance entity, any funds remaining in the associated bank account must be disposed of in accordance with subsection (b) of this section and the campaign bank account must be closed.
- (b) **Disposition of surplus funds.** Prior to the closure of a campaign finance entity, any remaining balance in a campaign finance entity's account shall be returned pro rata to the contributors or paid to:
- (1) the state or local central committee of the candidate's political party;
 - (2) a charitable organization registered or exempt from registration under the Maryland Charitable Solicitations Act;
 - (3) the Frederick County Board of Education;
 - (4) a nonprofit organization that provides services or funds for the benefit of pupils or teachers; or
 - (5) a public or private institution of higher education in the State of Maryland that possesses a certificate of approval from the Maryland Higher Education Commission, if the payment is designated for use by the institution solely to award scholarships, grants, or loans to students attending the institution.

Sec. 7-25. Campaign materials - Authority line.

- (a) Except as otherwise provided in this section, each item of campaign material shall contain, set apart from any other message, an authority line that states:
 - (1) as to campaign material published or distributed by a campaign finance entity, the name and address of the treasurer of each campaign finance entity responsible for the campaign material; and
 - (2) as to campaign material published or distributed by any other person, the name and address of the person responsible for the campaign material.
- (b) The authority line may omit an address that is on file with the Board.
- (c) If the campaign material is too small to include all the information specified in subsection (a) of this section in a legible manner, the authority line need only contain the name and title of the treasurer or other person responsible for it.
- (d) Campaign material that is published or distributed in support of or in opposition to a candidate, but is not authorized by the candidate, shall include the following statement:

This message has been authorized and paid for by (name of payor or any organization affiliated with the payor), (name and title of treasurer or president). This message has not been authorized or approved by any candidate.
- (e) The authority line for campaign material that is a commercial advertisement need only contain the information specified in subsection (a) of this section for one campaign finance entity or other person responsible for the advertisement.
- (f) Electronic campaign material published or distributed by a campaign finance entity must include the name and address of the treasurer of each campaign finance entity responsible for the campaign material. Upon request of the Board, a treasurer shall provide the Board electronic evidence of compliance with this paragraph.

Sec. 7-26. Violations and penalties.

- (a) **Responsibility for filing reports.** The candidate and the personal treasurer, or the candidate and the campaign committee treasurer, as applicable, are jointly and severally liable for filing all campaign finance reports required under this article.
- (b) **General penalty.** Except as otherwise provided in this section, any person who fails to perform any duty imposed by this article or willfully violates any provision of this article is guilty of a municipal infraction punishable by a fine of \$400.00.
- (c) **Failure to file report.** Any person who fails or refuses to file a campaign finance report as required by this article is guilty of a misdemeanor punishable by a fine of \$500.00, incarceration of up to 90 days, or both in the discretion of the court.
- (d) **Enforcement by Board.** The Board shall aid in the prosecution of all offenses under this article. When, in the judgment of the Board, there is probable cause for believing that an

offense has been committed, the Board shall cause a prosecution to be instituted in accordance with this article.