

**~~EMERGENCY~~ ORDINANCE NO. 931 (AMENDED AFTER INTRODUCTION)**

**AN ORDINANCE**

**AMENDING CHAPTER 14, “ELECTIONS”, TO ENHANCE THE EFFICIENCY OF THE CONDUCT OF CITY ELECTIONS AND TO STRENGTHEN THE CITY’S CAMPAIGN FINANCE REGULATIONS BY REQUIRING THE APPOINTMENT OF A TREASURER BY ANY CANDIDATE WHO ACCEPTS CONTRIBUTIONS FROM THIRD PARTIES, REQUIRING THE REPORTING OF ALL CONTRIBUTIONS WITHOUT THRESHOLD, INCREASING A CANDIDATE’S REPORTING OBLIGATIONS, AND INCREASING THE FINES FOR CERTAIN ELECTION-RELATED VIOLATIONS; ~~TO DELETE-DELETING~~ CERTAIN OBSOLETE PROVISIONS; AND ~~TO MAKE~~ MAKING OTHER CHANGES OF A HOUSEKEEPING NATURE**

**WHEREAS**, pursuant to the Local Gov’t Art., of the Maryland Annotated Code, the Mayor and Common Council of Westminster (“the City”) has the authority to enact ordinances to assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the municipality; and

**WHEREAS**, pursuant to the aforestated authority and the additional authority contained in Md. Code Ann., Local Gov’t Art., § 5-206, the City has enacted Chapter 14, “Elections”, of the City Code; and

**WHEREAS**, it has come to the attention of the Mayor and Common Council that the efficient conduct of City elections would be enhanced by certain modifications to Chapter 14 to reflect recent changes in election practices; ~~and~~

~~**WHEREAS**, the impending election cycle will begin in January, 2020, and the need to have the amendment effected by this Ordinance are deemed to be an emergency by the Mayor and Common Council sufficient to waive the requirements of Rule 39 of the Council’s Rules of Procedure that an ordinance be read twice at separate meetings so as to permit this Ordinance to be introduced and adopted at the same meeting.~~

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER**, that Chapter 14, “Elections”, of the Code of the City of Westminster, Section 14-1, “Declarations of Candidacy”, be and hereby is amended as follows:

§ 14-1. Declarations of candidacy.

A. [Nominations for the offices of Mayor and member of the Common Council which are filed pursuant to the provisions of Section 3 of the City Charter shall be made as follows:] Each PERSON WHO DESIRES TO BECOME A candidate for election [shall file a declaration of candidacy and shall meet the requirements as set forth in Section 3 of the City Charter as to qualifications.] AND

WHO MEETS THE REQUIREMENTS OF SECTION 3 OF THE CITY CHARTER MAY BECOME A CANDIDATE FOR ELECTION TO CITY OFFICE BY FILING A DECLARATION OF CANDIDACY IN CONFORMANCE WITH SUBSECTION B HEREOF.

B. Declarations of candidacy shall be filed under oath with the City Clerk. DECLARATIONS MAY BE FILED BEGINNING ON JANUARY 1 OF AN ELECTION YEAR AND MUST BE FILED NO [not] later than [5:00]4:30 p.m. on the Monday that is [four] SIX weeks before election day.], and an AN announcement shall be made by the City Clerk of the names of the persons who have filed such declarations at the first regular Council meeting following said filing deadline.

**Section 2.** **AND BE IT FURTHER ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER**, that Chapter 14, “Elections”, of the Code of the City of Westminster, Section 14-2, “Filing Fees”, be and hereby is amended as follows:

§ 14-2. Filing fees.

[A.] Each candidate for [nomination for] THE OFFICE OF Mayor [and] OR member of the Common Council shall pay a filing fee as provided in the General Fee Ordinance. All such payments shall be made to the City Clerk and shall accompany the declaration. These sums shall be retained by the City], and in the event that any candidate who has paid a filing fee shall withdraw his or her declaration of intention of candidacy by 11:00 a.m. 10 days prior to the day of the election or in the event that the name of any candidate who has paid a filing fee shall not appear on the official ballot by reason of death, the candidate's estate shall be entitled to a return of such filing fee].

**Section 3.** **AND BE IT FURTHER ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER**, that Chapter 14, “Elections”, of the Code of the City of Westminster, Section 14-2.1, “Campaign finances”, be and hereby is amended as follows:

§ 14-2.1. Campaign finances.

A. Findings and authority. The City finds that requiring candidates for election to City office to provide campaign finance information will promote and enhance the integrity of the election process. The City finds that the campaign finance requirements contained herein will promote the health, safety and general welfare of the City's residents. [Article XI-E of the Maryland Constitution, Md. Code Ann., Local Gov't Art., and the City's Charter authorize the City to enact ordinances for the protection and promotion of public safety, health, morals and welfare, including but not limited to matters relating to elections.]

\* \* \*

C. Record of contributions and expenditures.

(1) A candidate THROUGH HIS OR HER CAMPAIGN TREASURER shall keep a true and full record

of all contributions and expenditures.

(2) The record shall include:

(a) The full name and complete mailing address of every contributor who makes a contribution ~~for contributions which together exceeds \$50~~.

(b) The amount and form of every contribution ~~THAT, INDIVIDUALLY OR TOGETHER WITH OTHER CONTRIBUTIONS FROM THE SAME DONOR, EXCEEDS \$50.~~

(c) A full record of all disbursements, including the names and addresses of every recipient thereof.

(3) Records kept by the candidate shall be preserved for at least one year after the dates of the election for which the accounts were required. A candidate shall produce those records for examination upon the written request of the City Clerk or the Judges of Elections.

(4) ALL EXPENDITURES IN FURTHERANCE OF THE CANDIDATE'S CAMPAIGN SHALL BE MADE BY OR AT THE DIRECTION OF THE TREASURER, UNLESS THE CANDIDATE IS NOT REQUIRED TO APPOINT A TREASURER PURSUANT TO SUBSECTION D(3) OF THIS SECTION.

#### D. Campaign statement filing

(1) Each candidate shall file a campaign statement during each of the following periods:

(a) ~~[From the 25th to 20th day preceding an election in which the candidate is seeking election to an office.]~~ ON OR BEFORE APRIL 20 OF AN ELECTION YEAR, COVERING THE PERIOD BETWEEN THE APPOINTMENT OF A CAMPAIGN TREASURER AND APRIL 15.

(b) ~~[From the 10th to 7th day preceding such election]~~ ON OR BEFORE MAY 5 OF AN ELECTION YEAR, FOR THE PERIOD BETWEEN APRIL 15 AND MAY 1.

(c) Within 35 days following such election or not later than the day preceding the day upon which the candidate takes office, whichever occurs first.

(d) ON OR BEFORE JANUARY 1 OF EVERY YEAR FOLLOWING THE ELECTION, IF THE CAMPAIGN ACCOUNT IS NOT CLOSED OR ALL FUNDS ARE NOT EXPENDED ON OR BEFORE THE DATE OF THE PREVIOUS REPORT.

(2) Campaign statements shall be filed with the City Clerk during regular business hours and shall be made available to the public. Upon a showing of practical hardship, the City Clerk may extend the time for filing a campaign statement for up to three days; however, only one extension may be granted for each statement that is required.

(3) BEFORE A CANDIDATE MAY RAISE OR EXPEND ANY MONEY FOR HIS OR HER CAMPAIGN FROM ANY SOURCE OTHER THAN HIS OR HER OWN FUNDS, THE CANDIDATE MUST APPOINT A CAMPAIGN TREASURER BY FILING A CERTIFICATE OF APPOINTMENT ON A FORM TO BE DEVISED BY THE BOARD OF ELECTIONS. THE CAMPAIGN FINANCE REPORTS REQUIRED BY THIS SUBSECTION SHALL BE FILED AND SIGNED UNDER PENALTY OF PERJURY BY THE CAMPAIGN'S TREASURER. IF A CANDIDATE ACCEPTS CONTRIBUTIONS FROM ANY THIRD-PARTY THE TREASURER APPOINTED PURSUANT TO SUBSECTION D(3) SHALL ESTABLISH A SEGREGATED CAMPAIGN BANK ACCOUNT AND DEPOSIT SUCH FUNDS THEREIN.

#### E. Campaign statement contents.

(1) Each campaign statement filed pursuant to Subsection D shall contain the information:

(a) The cumulative total amount of all contributions and expenditures received by the candidate during the calendar year in which the election was held, as well as for the prior calendar year.

(b) The full name and mailing address of any person from whom [a] ANY contribution [or

contributions which together exceeds \$50] was received and the amount received from that contributor.

(2) [(c)] A candidate shall verify, in writing, under penalty of perjury, that the candidate has read the campaign statement and that it is true and complete, as far as the candidate knows.

[(2)](3) Where goods, materials, services, facilities or anything of value other than money is contributed or expended, the monetary value thereof shall be the fair market value.

[(3)](4) Loans of money, property or other things made to a candidate or committee during the period covered by the campaign statement shall be reported separately in the statement with the following information:

[(4)](5) If a loan has been forgiven or paid by a third person, it shall be reported.

\* \* \*

G. [Exceptions to campaign statement. A candidate shall not be required to file a campaign statement if neither the contributions received nor the expenditures made on behalf of the campaign exceeds \$50. However, between the 25th and the 20th day preceding the election, and again between the 10th and 7th day preceding the election, such a candidate shall file a written, notarized declaration attesting that neither contributions nor expenditures of the candidate have exceeded \$50.]

H. Duties of the City Clerk. The City Clerk shall have the following duties:

\* \* \*

[I.]H. Duties of the Board. In addition to other duties designated in this chapter and by the City's Charter, the Board shall determine whether the required campaign statements have been properly filed and make a public report to the Mayor and Common Council within 40 days after such election, including but not limited to, violations of this section.

\* \* \*

[J.]I Effect of nonfiling or late filing. The City Clerk shall not issue any certificate of election to any candidate until the candidate's campaign statements required by Subsection D or, if no campaign statement is required, the written declaration of exemption required under Subsection G has been filed in the form and at the place required.

[K.]J. Violations and penalties. In addition to all of the remedies provided by law, any nonfiling of the required campaign statement or any intentional filing of a false statement by a candidate shall be punished as a municipal infraction. The penalty for violation shall be a fine of \$400 for [each] A FIRST offense DURING ANY ELECTION CYCLE, \$800 FOR A SECOND OFFENSE DURING THE SAME ELECTION CYCLE, AND \$1000 FOR A THIRD OR SUBSEQUENT OFFENSE DURING THE SAME ELECTION CYCLE. Additionally, the City may institute any appropriate action or proceedings to prevent any violation of this section.

**Section 4.** AND BE IT FURTHER ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, that Chapter 14, "Elections", of the Code of the City of Westminster, Section 14-5, "Judges of Election", be and hereby is amended as follows:

§ 14-5. Judges of Election.

A. For each regular and special City election, the Mayor shall designate at least three citizens of the City for each polling place who are qualified and legal voters thereof to serve as Judges, at least 10 days before such election, and shall direct the City Clerk to issue to them a commission authorizing them to conduct such election in the manner herein set forth and requiring a statement of the results thereof to be made and returned by them to the Mayor and Common Council, to which commission shall be annexed an oath, to be taken by the Judges before a person duly authorized to administer oaths, that they will faithfully and honestly discharge the duties of the Judges of Election and shall permit all persons to vote who, in their judgment, shall be qualified according to the law and ordinances and will in all things execute the office of Election Judges to the best of their knowledge and ability and without favor or partiality. The Mayor may appoint alternate Election Judges, who may serve at the request of the chairperson of the Board in the event of the absence of a regular Election Judge.

B. IT SHALL BE THE DUTY OF THE ELECTION JUDGES TO KEEP THE POLL BOOKS OR LISTS CONTAINING A COLUMN HEADED "NUMBER" AND ANOTHER HEADED "NAMES OF VOTERS". ALL ENTRIES THEREIN SHALL BE MADE IN INK, AND THE NAME OF EACH PERSON WHO SHALL VOTE SHALL BE ENTERED ON EACH OF THE POLL BOOKS, THE NUMBER OF SUCH VOTER BEING PLACED OPPOSITE HIS OR HER NAME IN THE COLUMN HEADED "NUMBER."

**Section 5.** AND BE IT FURTHER ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, that Chapter 14, "Elections", of the Code of the City of Westminster, Section 14-6, "Clerk of Election", be and hereby is amended as follows:

§ 14-6. Clerk of Elections.

[The City Clerk's duty shall be to keep the poll books or lists containing a column headed "Number" and another headed "Names of voters"; all entries therein shall be made in ink, and the name of each person who shall vote shall be entered on each of the poll books by the Clerk having charge thereof, the number of such voter being placed opposite his name in the column headed "Number."]

A. THE CITY CLERK SHALL BE THE CLERK OF ELECTIONS. IT SHALL BE THE DUTY OF THE CITY CLERK TO DISTRIBUTE ABSENTEE BALLOTS TO PERSONS ENTITLED TO RECEIVE THEM.

B. A PERSON REQUESTING AN ABSENTEE BALLOT UNDER SECTION 5.1 OF THE CITY CHARTER SHALL SEND A REQUEST FOR SUCH A BALLOT TO THE CITY CLERK AFTER JANUARY 1 OF AN ELECTION YEAR, OR SHALL REQUEST A BALLOT IN PERSON OR THROUGH A REPRESENTATIVE AT CITY HALL DURING REGULAR BUSINESS HOURS BEGINNING ON THE TUESDAY THAT IS THREE WEEKS BEFORE AN

ELECTION.

C. IF A REQUEST BY MAIL FOR AN ABSENTEE BALLOT IS RECEIVED AT LEAST FIFTEEN DAYS BEFORE AN ELECTION, THE CITY CLERK WILL MAIL A BALLOT TO THE VOTER TEN OR MORE DAYS BEFORE THE ELECTION. IF A REQUEST FOR AN ABSENTEE BALLOT IS RECEIVED FEWER THAN FIFTEEN DAYS BEFORE THE ELECTION, THE CITY CLERK WILL USE REASONABLE EFFORTS TO MAIL A BALLOT IN TIME FOR THE VOTER TO CAST HIS OR HER BALLOT BY MAIL.

D. A PERSON WHO APPEARS AT CITY HALL DURING REGULAR BUSINESS HOURS ON OR AFTER THE TUESDAY THAT IS THREE WEEKS BEFORE AN ELECTION AND AT LEAST 24 HOURS BEFORE THE ELECTION TO REQUEST A BALLOT WILL BE GIVEN A BALLOT.

**Section 6.** AND BE IT FURTHER ORDAINED AND ENACTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, that Chapter 14, "Elections", of the Code of the City of Westminster, Section 14-8, "Qualifications of voters", be and hereby is amended to read as follows:.

§ 14-8. Qualifications of voters.

[Each] A person IS ELIGIBLE TO VOTE IN A CITY ELECTION IF:

A. THE PERSON IS qualified to vote for delegates to the General Assembly of Maryland; and [who]

B. THE PERSON RESIDES IN THE CITY ON THE DATE OF A CITY ELECTION,

C. THE PERSON has resided within the City not less than six months preceding the election; and

D. [whose] THE PERSON'S name appears upon the [books of registered voters as provided in Section 5 of the City Charter] CARROLL COUNTY VOTER REGISTRATION LIST. [shall be entitled to cast one ballot.]

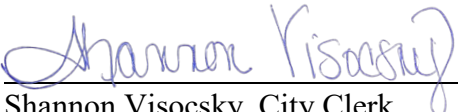
**Section 7.** BE IT FURTHER ORDAINED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER that this Emergency Ordinance shall. take effect ten (10) days after the date of its passage and approval, unless it is returned unsigned by the Mayor at the next meeting of The Mayor and Common Council together with the Mayor's reasons for withholding his signature therefrom, and is not passed thereafter by the votes of four-fifths of the members of the Common Council, and further provided that it is posted after adoption for not less than two weeks in some conspicuous location in the City Hall and recorded in a book provided for that purpose.

Sponsored by: Joe Dominick, Mayor  
Gregory Pecoraro, Council President


INTRODUCED this 21st day of December, 2020

  
\_\_\_\_\_  
Shannon Visocky, City Clerk

ADOPTED this 21st day of December, 2020

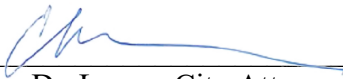
  
\_\_\_\_\_  
Shannon Visocky, City Clerk

APPROVED this 21st day of December, 2020.

  
\_\_\_\_\_  
Joe Dominick, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

this 22 day of December, 2020:

  
\_\_\_\_\_  
Elissa D. Levan, City Attorney