

Chapter 8

ELECTIONS*

* **Charter References:** Elections, § 14 et seq.
State Law References: Election code, Anno. Code of Md., Art. 33, § 1-1 et seq.

Art. I. In General, §§ 8-1--8-20

Art. II. Campaign Contributions and Expenditures, §§ 8-21--8-26

ARTICLE I.

IN GENERAL

Sec. 8-1. Precincts.

For purposes of city elections, the city shall be divided into five (5) precincts, and the boundaries of each precinct shall be the same as those established by the county for those portions of precincts 3, 6, 8, 13 and 18 of the Twenty-first Election District located within the city.

(Code 1971, § 7-1; Ord. No. 1300, 6-22-09)

Sec. 8-2. Voter registration.

(a) Registration of persons wishing to vote in city elections shall be made in accordance with the provisions of section 18 of the charter.

(b) Reserved.

(Code 1971, § 7-2; Ord. No. 907, 3-23-81; Ord. No. 1109, 8-16-93)

Sec. 8-3. Polling places; maintenance of registration records.

The board of elections, by motion before each election, shall designate the polling place for each precinct; and the city clerk shall include in any notices of election the location of the polling place for each precinct. The city clerk shall maintain voter registration records for each precinct, and all voters shall be required to cast their ballot at the polling place for the precinct in which they reside.

Sec. 8-4. Absentee voting.

(a) Residents of the city who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by absentee ballot in municipal elections, as provided in this section.

(b) For purposes of this Code, an "absentee ballot" is a ballot not used in a polling place, and "election day" means the day of a municipal election.

- (c) Voting by absentee ballot in municipal elections shall be as follows:
- (1) Except for an emergency absentee ballot, as provided below, a voter may apply for an absentee ballot for a municipal election without stating a reason.
 - (2) Applications for absentee ballots shall be made in writing to the city clerk not earlier than twenty (20) days nor later than 12:00 noon of the last day before election day.
 - a. Applications shall include the voter's name and signature as they appear on the registration list, city domicile address, and telephone number. Each absentee ballot issued requires a separate application.
 - b. A voter who has not been issued an absentee ballot but is unable to vote at a polling place because of illness or accident or required absence, where the voter suffers the illness or injury or learns of the required absence at a time when applying for an absentee ballot would be untimely or impractical, may be issued an emergency absentee ballot. An application for an emergency absentee ballot shall give the reason why it is needed and all other information required for regular absentee ballots. Emergency absentee ballots shall be cast in the same manner as regular absentee ballots.
 - c. A qualified voter domiciled in the city but residing outside the continental United States for the 30-day period ending on election day may apply for an absentee ballot by facsimile, if the application contains all information required of other absentee applicants and a certification that the voter meets the qualification, domicile, residency, and time requirements in this paragraph. No ballot may be cast by facsimile.
 - (3) To be counted, an absentee ballot must reach the office of the city clerk not later than two (2) hours before the polls close on election day.
 - (4) To cast it, the voter must complete the absentee ballot, place it in a blank, sealed envelope, and then place the sealed envelope in the absentee envelope on which are written the voter's name as registered and signature. The voter shall mail or deliver the absentee envelope to the city clerk's office. The city clerk shall check it against the list of applications for absentee ballots. An absentee envelope that does not correspond to a name on the absentee ballot application list shall not be opened. Absentee envelopes that contain more than one blank, sealed envelope shall be kept by the city clerk, and those absentee ballots shall not be counted. If a ballot is submitted in a properly signed and sealed absentee envelope without being contained in a blank, sealed envelope, then the board shall determine by majority vote whether a violation of the voter's privacy has occurred or whether the ballot may be counted. If a determination is made to count the ballot, then a member of the board shall place the ballot in a blank, sealed envelope.
 - (5) After the time has passed for receipt of absentee ballots on election day, as provided above, the city clerk shall deliver the sealed, blank envelopes to the clerks appointed by the board of elections for the counting of absentee ballots. The city clerk shall advise the absentee ballot clerks of the numbers of absentee ballots issued and absentee envelopes returned, and shall keep

the same record of the absentee ballots as is kept by the clerks of election at their polling places.

- (6) Upon receipt of the sealed, blank envelopes, the absentee ballot clerks shall deposit them in the ballot box. The absentee ballot clerks shall open the sealed envelopes and determine that no envelope contains more than one (1) ballot. Ballots in sealed envelopes that contain more than one (1) ballot shall not be counted.
- (7) The city clerk shall furnish voters absentee ballots for runoff elections as soon as runoff ballot forms are available. Otherwise, absentee balloting for runoff elections shall be as provided in this section.
- (8) A voter for whom an absentee ballot has been issued may vote only by casting the absentee ballot. If an absentee ballot is lost or destroyed and not returned in the absentee envelope to the city clerk, a second ballot may be issued.
- (9) If an absentee ballot is challenged by the city clerk or an absentee ballot clerk for noncompliance with this section, it may not be counted until the board of elections determines that it is valid. Absentee ballot validity shall be determined by rules adopted by the board.
- (10) If, before ballots are counted on election day, the city clerk or board of elections determines that a voter who cast an absentee ballot died before election day, then the ballot shall not be counted. But if, in a case of an absentee voter's death, neither the city clerk nor the board of elections determines until after ballots have been counted that the voter died before election day, then the ballot shall be counted, and neither the ballot nor the election may be held invalid because the voter died before election day.

(Code 1971, § 704; Ord. No. 916, 8-10-81; Ord. No. 966, 3-4-85; Ord. No. 1109, 8-16-93; Ord. No. 1152, 11-12-96; Ord. No. 1260, 8-8-05; Ord. No. 1289, 8-13-07)

State Law References: Authority of municipality to provide for absentee ballots, Anno. Code of Md., Art. 23A, § 47.

Sec. 8-5. Appointment of judge of election and clerks.

(a) The council shall authorize by resolution the number of judges and election clerks that shall serve at each precinct for each election. Such resolution shall be adopted no later than at the second regular meeting of the council held in September preceding the regular council election and at least ten (10) days preceding a special election. If the council shall not adopt a resolution within that time, the number of judges and clerks last authorized by the council for a regular council election shall be the number authorized for the forthcoming election and the number last authorized for a special election shall be the number authorized for a forthcoming special election.

(b) The board of elections shall appoint the judges and clerks not less than seven (7) days preceding an election and may designate additional persons to be alternate judges and clerks should an appointed judge or clerk not be able to serve on election day. Alternate judges and clerks shall not receive compensation unless they are required to work as a judge or clerk or to attend any training sessions(s) for which a training stipend is paid to judges and clerks.

(c) Nothing herein shall prevent the board of elections from appointing persons to serve as judges or clerks to fill any vacancy that occurs up to and including the time of election.

(Code 1971, § 7-5; Ord. No. 1240, 7-14-03; Ord. No. 1260, 8-8-05)

Sec. 8-6. Director of the count and assistants.

The judge of election shall serve as the director of the count for each precinct and the election clerks shall serve as assistants in taking the count.

(Code 1971, § 7-6)

Sec. 8-7. Reports of votes cast.

Each director of the count (judge of the election) shall certify in writing to the board of election, as soon after the count is completed as possible, the number of votes cast at the election, the number of votes cast for each candidate, the number of votes cast in favor or opposed to each referendum question placed on the ballot and the number of invalid ballots. The director of the count shall also break down the votes cast to the number cast by each voting machine and shall provide such other information as the board of elections or council shall require. The election clerks shall witness the count and the certification of the count.

(Code 1971, § 7-7)

Sec. 8-8. Preparation of certification of election results.

Upon the receipt of the certification of counts from all polling places, the board of elections shall total the counts and shall certify to the city clerk as to the total votes cast in the election for each candidate and for each referendum question. The board of elections also shall certify as to the names of those candidates elected and those candidates who must participate in a runoff election, if any, and as to the approval or disapproval of each referendum question.

(Code 1971, § 7-8)

Sec. 8-9. Posting and filing certification of election results.

The city clerk shall post upon a bulletin board in the municipal building provided for public notices, a copy of the certification of the election count and shall file with the city council the certification as the first order of business at the first meeting following the election, and such certification shall be made a part of the minutes of the council for that meeting.

(Code 1971, § 7-9)

Sec. 8-10. Campaign materials; authority line.

- (a) For purposes of this Code, "campaign material" means any material that:
 - (1) Contains text, graphics, or other images;
 - (2) Relates to a candidate, a prospective candidate, or the approval or rejection of a question; and
 - (3) Is published or distributed.
- (b) 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 the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same.

- (c) The authority line need state only the name and title of the responsible person if:
 - (1) The name and address of the responsible person has been filed with the city clerk; or
 - (2) The campaign material item is too small to include all the information specified in paragraph (b) of this section in a legible form.

(d) Campaign material that is published or distributed in support of or in opposition to a candidate without being authorized by the candidate shall include the following statement: "This message has been authorized and paid for by (name of payer or any organization affiliated with the payer), (name and title of treasurer or president). This message has not been authorized or approved by any candidate."

(e) Any person who violates this section shall be guilty of a misdemeanor and subject to the penalties in chapter 1.

(Ord. No. 1260, 8-8-05)

Editors Note: Ordinance No. 1260, adopted August 8, 2005 amended § 8-10 in its entirety to read as herein set out. Former § 8-10 pertained to literature and derived from § 12-3 of the 1971 Code.

State Law References: Similar provisions, Anno. Code of Md., Art. 33, § 26-16(7).

Sec. 8-11. Conducting electioneering activities near polling places.

No person may canvass, electioneer or post any campaign literature or material in a polling place or within a one hundred fifty-foot radius from the entrance and exit of the building closest to that part of the building in which voting occurs.

(Ord. No. 1077, 10-28-91; Ord. No. 1261, 8-8-05)

Editors Note: Ord. No. 1077, adopted Oct. 28, 1991, did not specifically amend this Code; hence, inclusion of its provisions as § 8-11 herein was at the discretion of the editor.

Sec. 8-12. Acceptance of nomination.

Any person accepting a nomination for office of member of the council shall file along with the nominating petition an affidavit containing a sworn statement, providing at least the candidate's name, date of birth, residence address and social security number. The statement shall be made on forms provided by the city clerk and approved by the city solicitor. Any candidate who fails to comply with the filing requirements contained herein, or files a false statement shall be deemed unqualified and the board of elections shall remove that candidate's name from the ballot prior to election.

(Ord. No. 1129, 12-12-94)

Sec. 8-13. Early voting.

(a) Residents of the city who are qualified voters registered with the Prince George's County Board of Elections have the right to vote by early voting in municipal elections, as provided in this section.

(b) For purposes of this Code, an "early voting ballot" is a ballot not used in a polling place on

election day nor for "absentee voting," and "election day" means the day of a municipal election.

- (c) Voting by early voting in municipal elections shall be as follows:
 - (1) Early voting will begin on the third Saturday prior to the election and end on the first Friday prior to the election on the following schedule: Third Saturday (9:00 a.m. to 1:00 p.m.) and third Sunday (11 a.m. to 2:00 p.m.) prior to the election in Greenbelt East; second Saturday (9:00 a.m. to 1:00 p.m.) and second Sunday (11 a.m. to 2:00 p.m.) prior to the election in Greenbelt West; and Mondays, Wednesdays, Thursdays and Fridays (9:00 a.m. to 5:00 p.m.) and Tuesdays (9:00 a.m. to 8:00 p.m.) in the municipal building throughout this period.
 - (2) To cast an early voting ballot, the voter must complete the ballot on the premises, place it in a blank, sealed envelope, and then place the sealed envelope in the early voting envelope on which are written the voter's name as registered and signature. The voter shall place the early voting envelope in the designated early voting ballot box. Early voting envelopes that contain more than one blank, sealed envelope shall be kept by the city clerk, and those early voting ballots shall not be counted. If a ballot is submitted in a properly signed and sealed early voting envelope without being contained in a blank, sealed envelope, then the board shall determine by majority vote whether a violation of the voter's privacy has occurred or whether the ballot may be counted. If a determination is made to count the ballot, then a member of the board shall place the ballot in a blank, sealed envelope.
 - (3) The city clerk shall deliver the ballot box containing the early voting sealed, blank envelopes to the early voting clerks appointed by the board of elections for the counting of early voting ballots. The city clerk shall advise the early voting clerks of the numbers of early voting ballots cast, and shall keep the same record of the early voting ballots as is kept by the clerks of election at their polling places.
 - (4) Upon receipt of the ballot box containing the early voting sealed, blank envelopes, the early voting clerks shall open the sealed envelopes and determine that no envelope contains more than one (1) ballot. Ballots in sealed envelopes that contain more than one (1) ballot shall not be counted.
 - (5) If an early voting ballot is challenged by the city clerk or an early voting ballot clerk for noncompliance with this section, it may not be counted until the board of elections determines that it is valid. Early voting ballot validity shall be determined by rules adopted by the board.

(Ord. No. 1302, 8-10-09)

Secs. 8-14--8-20. Reserved.

ARTICLE II.

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES*

* **State Law References:** State fair campaign practices laws, Anno. Code of Md., Art. 33, §§ 26-2--26-21.

Sec. 8-21. Report required.

Each candidate for the office of council member and the designated campaign treasurer shall file with the city clerk reports as specified below which shall list each contribution, including any contribution of an in-kind service, and expenditure of more than twenty-five dollars (\$25.00) in furtherance of the candidate's nomination and election. The reports shall also include a total amount of all contributions and expenditures including those of twenty-five dollars (\$25.00) or less. The reports shall include all contributions received and expenditures made by the candidate or, with the knowledge of the candidate or the candidate's treasurer, by any other person. The reports shall include contributions made by the candidate or a member of his/her immediate family. All reports filed shall be available for examination by any member of the public during the normal office hours of the city clerk.

(Code 1971, § 7-11; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-22. Deadline for filing report.

A first interim report of campaign contributions and expenditures received since the date of the last preceding regular election and prior to the seventh Monday preceding the election shall be filed no later than 12:00 p.m. on the sixth Friday preceding the election. A second interim report of campaign contributions and expenditures received between the seventh Monday preceding the election and prior to the third Monday preceding the election shall be filed no later than 12:00 p.m. on the second Friday preceding the election. A final report of campaign contributions and expenditures not previously reported shall be filed no later than 12:00 p.m. of the Friday following the election.

(Code 1971, § 7-12; Ord. No. 983, 5-5-86; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-23. Form; affirmation of report.

The reports shall be made on forms provided by the city clerk and approved by the city solicitor. The reports shall be subscribed and sworn to (or affirmed) by the candidate and by the candidate's treasurer.

(Code 1971, § 7-13; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-24. Contributions not required to be reported.

The name of any person who shall pay or share in the paying of the total cost of an advertisement or printed matter in support of a candidate which prominently displays the person's name and the names of all other persons who may be sharing in the cost and who has otherwise made no contribution to the candidate in excess of twenty-five dollars (\$25.00) shall not be required to be reported by the candidate or by the candidate's treasurer as having made a campaign contribution. The name of any person who shall make a contribution on behalf of more than one candidate shall not be reported if the contribution is shared equally by the candidates for whose benefit it is made and if the contribution amounts to not more than twenty-five dollars (\$25.00) for each candidate sharing in and benefiting from the contribution.

(Code 1971, § 7-14; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-25. Appointment of campaign treasurer.

Each candidate for nomination to the office of council member shall appoint one campaign treasurer and

shall file the name and address of the campaign treasurer, together with the treasurer's acceptance of the appointment in writing, on a form provided by, and returned to, the city clerk.
(Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-26. Failure to appoint a treasurer or file reports.

Any candidate who fails to appoint a treasurer or file the interim reports as required herein shall be deemed unqualified and the board of elections shall remove that candidate's name from the ballot prior to the election. Any candidate who fails to file the final report, if elected, shall not take office until such time as said report is filed. No person shall be deemed qualified for a future election to city council or allowed to submit a nomination petition who is in violation of any city election law and/or reporting requirements pursuant to the city Code.
(Ord. No. 1130, 12-12-94; Ord. No. 1185, 6-21-99; Ord. No. 1260, 8-8-05; Ord. No. 1303, 8-10-09)

Sec. 8-27. Campaign account.

Each candidate or campaign treasurer shall establish a bank account for the sole purpose of accepting and dispersing campaign funds. This bank account shall be separate from any other bank account owned or maintained by the candidate or campaign treasurer.

If a candidate has funds remaining in their account and wishes to disperse these funds for a purpose other than an expense of their campaign, they can donate the funds to another candidate, elected official and/or a qualified charitable organization. This section does not apply to funds donated by the candidate to his campaign.
(Ord. No. 1303, 8-10-09)