ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING CHAPTER 34, "ELECTIONS", ARTICLE I, "GENERAL PROVISIONS" §34-3, "DEFINITIONS", ARTICLE II, "CONDUCT OF ELECTIONS", §34-5, "POLLING PLACES; HOURS OF VOTING", §34-6, "ABSENTEE BALLOTING", AND §34-9, "ELECTIONEERING; PROHIBITED PRACTICES", ARTICLE III "FAIR ELECTION PRACTICES", §34-15, "CAMPAIGN FINANCE REPORTS", AND ARTICLE IV, "VIOLATIONS AND PENALTIES; PUBLIC RECORDS; SEVERABILITY", §34-18, "VIOLATIONS AND PENALTIES" AND CHAPTER 110 "FEES AND PENALTIES", §110-2, "PENALTIES" TO PROVIDE FOR EARLY VOTING, REQUIRE THAT INDIVIDUALS INDEPENDENTLY MAKING EXPENDITURES REGISTER AND FILE A REPORT AFTER SPENDING $100 OR MORE IN AN ELECTION CYCLE FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION, PROHIBIT THE CITY FROM REQUIRING AN INDIVIDUAL TO PROVIDE A REASON THAT THE INDIVIDUAL WILL BE UNABLE TO VOTE IN PERSON ON ELECTION DAY IN ORDER TO VOTE BY ABSENTEE BALLOT AND REQUIRE ADDITIONAL INFORMATION IN THE ABSENTEE BALLOT APPLICATION, CLARIFY THE NO ELECTIONEERING AREA AS ENCOMPASSING THE ADJACENT PARKING LOTS AND 100 FEET FROM THE ENTRANCE TO THE POLLING PLACE, AND REQUIRE AN ELECTIONEERING AREA TO BE ESTABLISHED WITHIN THE 100 FEET, ADD SEVERAL SECTIONS TO §34-9, "ELECTIONEERING; PROHIBITED PRACTICES", INCLUDING BY REFERENCE §§16-203, 16-205 AND 16-804 OF THE STATE ELECTION ARTICLE TO PROHIBIT DISOBEYING THE LAWFUL COMMAND OF AN ELECTION OFFICIAL, INTERFERING WITH ELECTION OFFICIALS AND TAMPERING WITH ELECTRONIC VOTING SYSTEM

WHEREAS, pursuant to the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the "City") has the power to provide for elections for municipal purposes; and

WHEREAS, the City has adopted Chapter 34, "Elections", to regulate municipal elections; and

WHEREAS, the City's Supervisors of Elections have recommended certain changes to the Election code with respect to early voting, requiring that independent individual expenditures

CAPS	: Indicate matter added to existing law.
Bold § numbers	: Indicate section numbers added to existing law
[~~Brackets~~]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

over a certain amount be reported, prohibiting any form of compensation based on the number of voter registrations collected, and requiring that individuals independently making expenditures register and file a report after spending $100 or more in an election cycle for campaign material that is a public communication and requiring additional information to be provided in the application for an absentee ballot; and

WHEREAS, the General Assembly has adopted HB 829, which prohibits the City from requiring an individual to provide a reason that the individual will be unable to vote in person on election day in order to vote by absentee ballot, which must be incorporated into the City's Election law; and

WHEREAS, there is a need to change the Election Chapter to clarify the electioneering area; and

WHEREAS, several additional provisions from the State Election Code are appropriate to add to §34-9, "Electioneering; prohibited practices".

WHEREAS, the Mayor and Council have determined that it is in the public interest to adopt the foregoing recommended amendments to the City's Election law.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 34, "Elections", Article II, "Conduct of Elections", §34-5, "Polling places; hours of voting", be and is hereby repealed, reenacted and amended to read as follows:

§ 34-5 **Polling places; hours of voting.**

Polling places FOR ELECTION DAY shall be designated by the Supervisors of Elections with the approval of Mayor and Council and shall remain open from 7:00 a.m. to 8:00 p.m. THE POLLING PLACES AND HOURS FOR ONE OR MORE EARLY VOTING DAYS SHALL BE DESIGNATED BY THE SUPERVISORS OF ELECTIONS WITH THE APPROVAL OF

MAYOR AND COUNCIL. All qualified voters who are waiting in line to vote at the time of the official closing of the polls shall be permitted to vote.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 34, "Elections", Article II, "Conduct of Elections" §34-6, "Absentee balloting", be and is hereby repealed, reenacted and amended to read as follows:

§34-6 Absentee balloting.
A. Applicability of state law. The procedures and provisions of §§ 9-301, 9-302, 9-303, excluding § 9-303(c), 9-306, EXCLUDING §9-306(B)(2) AND (3), 9-307, 9-308, 9-309, 9-310 and 11-302 of the Elections Article of the Annotated Code of Maryland, [~~2003 Volume~~] AS AMENDED, are hereby incorporated, with the exception that those terms referring to "Baltimore City" or "county" or "state" or an agency, board or department thereof shall be construed to refer to the City of College Park or its counterpart agency, board or department, as the case may be. [~~An "X" is the only mark on an absentee ballot that will be accepted by the Supervisors of Elections.~~]
B. Qualifications for absentee voting. Any qualified voter registered to vote in the elections of the City of College Park is entitled to vote by absentee ballot. [~~if the voter:~~
~~(1) May be absent on election day from the City;~~
~~(2) Because of accident, illness or physical disability, will be unable to go to the polling place on election day;~~
~~(3) Because of confinement in or restriction to an institution, will be prevented from going to a polling place on election day;~~
~~(4) Because of a death or serious illness in the voter's immediate family, will be unable to go to the polling place on election day; or~~
~~(5) Is a full-time student at an institution of higher education located outside the City, and academic requirements prevent the voter from going to the polling place on election day.~~

~~An individual may vote by absentee ballot if authorized under applicable federal law~~.]

C. Applications for absentee ballots.
(1) Application. An application for an absentee ballot signed by the voter may be made:
(a) On a form produced by the [~~Board of Election~~] Supervisors OF ELECTIONS and supplied to the voter on request; or
(b) On a form provided under federal law; or
(c) In a written request that includes;
[1] The voter's name and residence address;

[2] The voter's date of birth;
[3] The address to which the ballot is to be mailed, if different from the residence address; and
[4] TELEPHONE NUMBER
[5] MARYLAND DRIVER'S LICENSE OR ID CARD NUMBER
[6] LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER
[7] DATE ON WHICH MOVED TO THE CURRENT ADDRESS
~~The reason, as authorized in § 34-6B of this chapter, for absentee voting~~].
(2) Deadline for receipt of application. Except for a late application under Subsection C(2)(a) of this section, application for an absentee ballot must be received by the [~~Board of Election~~] Supervisors OF ELECTIONS not later than the Tuesday or, if not on Tuesday, seven days preceding the election, at the time specified by the [~~Board of Election~~] Supervisors OF ELECTIONS.
(a) Late application.
[1] Beginning six days preceding the election, through the closing of the polls on election day, a registered voter or the voter's duly authorized agent may apply in person for an absentee ballot at the City Clerk's office [~~if the voter is qualified for absentee voting under § 34-6B of this article~~].
[2] A special application for an absentee ballot issued under this subsection shall be supplied by the [~~Board of Election~~] Supervisors OF ELECTIONS or the City Clerk to the voter or the voter's duly authorized agent.
[3] [~~The application shall be made under penalty of perjury, but without a formal oath, specifying the reason for absentee voting.~~
~~[4]~~] After review of the application, if the [~~Board of Election~~] Supervisors OF ELECTIONS finds that the voter qualifies for absentee voting, the City Clerk shall issue an absentee ballot to the voter or the voter's duly authorized agent.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 34, "Elections", Article II, "Conduct of Elections" §34-9, "Electioneering; prohibited practices", be and is hereby repealed, reenacted and amended to read as follows:

§ 34-9 Electioneering; prohibited practices.

A. No person shall canvass, electioneer or post any political matter, TO INCLUDE INFORMATION THAT ADVOCATES FOR OR AGAINST ANY CANDIDATE OR MEASURE ON THE BALLOT, IN ANY POLLING PLACE OR WITHIN THE BOUNDARIES OF THE PARKING LOT ADJACENT TO THE ~~a three-hundred-foot radius~~

~~from the entrance and exit of the~~] building where ballots are cast OR ON PUBLIC PROPERTY WITHIN ONE-HUNDRED FEET OF THE ENTRANCE TO THE POLLING PLACE; provided, however, that the [~~Board of Election~~] Supervisors OF ELECTIONS[~~may~~] SHALL designate aN [~~specific~~] area OF SUFFICIENT SIZE within [~~this radius~~] ONE-HUNDRED FEET OF THE ENTRANCE TO THE POLLS for electioneering and the dissemination of CITY election-related information. The [~~designation of such an area is permissible only if it will~~] DESIGNATED AREA WILL BE LOCATED AS CLOSE AS PRACTICABLE TO THE POLL ENTRANCE BUT SHALL not impede access to the polling place and will not require any person to traverse the location in order to access the polling place. Polling places and voting stations shall be frequently cleaned to ensure the removal of candidate literature and paraphernalia.

B. The provisions of §§ 16-201, 16-202, **16-203,** 16-204, **16-205,** 16-302, 16-303, 16-304, 16-501, 16-601, 16-701, 16-801, 16-802, 16-803, **16-804,** 13-601, and 13-602(A)(1) through (3) of the Election Law Article of the Annotated Code of Maryland, [~~2003 Edition~~] AS AMENDED, are hereby made applicable to elections conducted in the City of College Park, except that violations shall be considered municipal infractions and are punishable as provided in §38-[~~8~~] 9 of the City Code and Chapter 110, Fees and Penalties.

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Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 34, "Elections", Article III, "Fair Election Practices" §34-15, "Campaign finance reports", be and is repealed, re-enacted and amended to read as follows:

§34-15 Campaign finance reports; INDEPENDENT EXPENDITURE REPORT.

A. Each candidate, [~~and~~] the treasurer of each political committee, AND ANY PERSON MAKING AGGREGATE INDEPENDENT EXPENDITURES OF $100.00 OR MORE IN AN ELECTION CYCLE FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION, shall file reports disclosing contributions and expenditures with the City Clerk for the Supervisors of Elections. Even if no contributions or expenditures have been made during the period covered by the report, a statement to that effect must be filed BY A CANDIDATE AND TREASURER OF EACH POLITICAL COMMITTEE. [~~R~~]CANDIDATE Reports required under this section may be electronically filed in an acceptable format at an address designated by the City Clerk, if prior to filing the candidate has authorized electronic filing on a form provided by the Supervisors of Elections and has designated one or more e-mail or other addresses from which reports will be filed.

(1) Initial and pre-election reports.

(a) – (b) * * * *

(C) WITHIN 48 HOURS AFTER A PERSON MAKES AGGREGATE INDEPENDENT EXPENDITURES OF $100.00 OR MORE IN AN ELECTION CYCLE FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION, THE PERSON SHALL FILE A REGISTRATION FORM AND INDEPENDENT EXPENDITURE REPORT WITH THE SUPERVISORS OF ELECTIONS. A PERSON WHO FILES AN INDEPENDENT EXPENDITURE REPORT UNDER THIS SUBSECTION SHALL FILE AN ADDITIONAL INDEPENDENT EXPENDITURE REPORT WITH THE SUPERVISORS OF ELECTIONS WITHIN 48 HOURS AFTER MAKING AN EXPENDITURE OF $100.00 OR MORE FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION FOLLOWING THE CLOSING DATE OF THE PERSON'S PREVIOUS INDEPENDENT EXPENDITURE REPORT.
"PERSON" INCLUDES AN INDIVIDUAL, A PARTNERSHIP, A COMMITTEE, AN ASSOCIATION, A CORPORATION, A LABOR ORGANIZATION, OR ANY OTHER ORGANIZATION, BUSINESS, OR GROUP OF PERSONS. "PERSON" DOES NOT INCLUDE A CANDIDATE OR POLITICAL COMMITTEE REQUIRED TO REPORT UNDER §34-15 OF THIS CHAPTER.

[~~(c)~~] [D]If a political committee is formed later than noon on the 14th calendar day prior to an election, it shall file an intent to file report in a form prescribed by the Board of Election Supervisors, as soon as it has been formed and shall file its initial report no later than noon on the second day immediately preceding the election.
(2) A post-election report shall be filed after the election BY A CANDIDATE OR A POLITICAL COMMITTEE TREASURER, but no later than 4:00 p.m. of the 14th day following the election. This report shall include all contributions received and expenditures made since the last report was filed.
(3) –(4) * * * *
B. Contents of reports – CANDIDATES AND POLITICAL COMMITTEES.
(1) – (6) * * * *
C. CONTENTS OF REPORTS – INDEPENDENT EXPENDITURE
AN INDEPENDENT EXPENDITURE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:
(1) THE IDENTITY OF THE PERSON MAKING THE INDEPENDENT EXPENDITURES AND OF THE PERSON EXERCISING DIRECTION OR CONTROL OVER THE ACTIVITIES OF THE PERSON MAKING THE INDEPENDENT EXPENDITURES;
(2) THE BUSINESS ADDRESS OF THE PERSON MAKING THE INDEPENDENT EXPENDITURES;
(3) THE AMOUNT AND DATE OF EACH INDEPENDENT EXPENDITURE DURING THE PERIOD COVERED BY THE REPORT AND THE PERSON TO WHOM THE EXPENDITURE WAS MADE;
(4) THE CANDIDATE OR BALLOT ISSUE TO WHICH THE INDEPENDENT EXPENDITURE RELATES AND WHETHER THE INDEPENDENT EXPENDITURE SUPPORTS OR OPPOSES THAT CANDIDATE OR BALLOT ISSUE; AND

(5) THE IDENTITY OF EACH PERSON WHO MADE CUMULATIVE DONATIONS OF $250.00 OR MORE TO THE PERSON MAKING THE INDEPENDENT EXPENDITURES DURING THE PERIOD COVERED BY THE REPORT.
FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE CONSIDERED TO HAVE MADE AN INDEPENDENT EXPENDITURE IF THE PERSON HAS EXECUTED A CONTRACT TO MAKE AN INDEPENDENT EXPENDITURE. THE COST OF CREATING AND DISSEMINATING CAMPAIGN MATERIAL, INCLUDING ANY DESIGN AND PRODUCTION COSTS, SHALL BE CONSIDERED IN DETERMINING THE AGGREGATE AMOUNT OF INDEPENDENT EXPENDITURES MADE BY A PERSON FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION UNDER THIS SECTION. THE TREASURER OR OTHER INDIVIDUAL DESIGNATED BY AN ENTITY REQUIRED TO FILE AN INDEPENDENT EXPENDITURE REPORT UNDER THIS SECTION SHALL SIGN EACH INDEPENDENT EXPENDITURE REPORT; AND IS RESPONSIBLE FOR FILING INDEPENDENT EXPENDITURE REPORTS IN FULL AND ACCURATE DETAIL.

D. Late reports.
(1) * * * *
(2) Any candidate [~~and~~] treasurer AND INDIVIDUAL who fails to file a report within the time prescribed in this section shall be subject to a late filing fee as prescribed in Chapter 110, Fees and Penalties.
(3) –(4) * * * *
[~~D.~~] [E.] Incomplete or inaccurate reports.
(1) The City Clerk shall refuse to accept for filing and shall reject as incomplete any report submitted for filing that lacks the information required by Subsections B(1) and (6) AND C(1) AND (6) of this section. All other reports shall be received for filing and transmitted promptly to the Supervisors of Elections.
(2) The Supervisors of Elections shall assure that all reports received for filing are in substantial compliance with this section. In the event that the Supervisors determine that a report fails to provide all of the information required under SubsectionS B AND C of this section, the Supervisors shall notify the candidate and treasurer, [~~or~~] treasurer of a political committee, OR INDIVIDUAL in writing, of the particular deficiencies. A properly corrected report shall be filed within three days of service of such notice.

(3) For the purposes of this section, the failure to provide complete and accurate information on a campaign report form OR AN INDIVIDUAL EXPENDITURE REPORT is a failure to file, provided that the candidate and treasurer, [~~or~~] political committee treasurer OR INDIVIDUAL has been notified by the Supervisors, in writing, of the deficiency and has failed to file a corrected report in accordance with this section.
(4) * * * *
~~[E.]~~ F. Liability for late or inaccurate reports and for late filing fees.
(1) –(2) * * * *
(3) IT IS THE RESPONSIBILITY OF THE INDIVIDUAL TO FILE AN EXPENDITURE REPORT AND ANY UPDATED REPORTS AND TO PAY ALL LATE FILING FEES. A

LATE FILING FEE MAY NOT BE PAID, DIRECTLY OR INDIRECTLY, FROM CONTRIBUTIONS TO THE INDIVIDUAL OR ENTITY.
A. In general. Within 48 hours after a person makes aggregate independent expenditures of $100.00 or more in an election cycle for campaign material that is a public communication, the person shall file a registration form with the Supervisors of Elections. "Person" includes an individual, a partnership, a committee, an association, a corporation, a labor organization, or any other organization or group of persons. "Person" does not include a candidate or political committee required to report under §34-15 of this Chapter.

Section 5. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 34, "Elections", Article IV, "Violations and Penalties; Public Records; Severability", §34-18, Violations and penalties", be and is hereby repealed, reenacted and amended to read as follows:

§ 34-18 Violations and penalties.
Except as otherwise provided herein, investigations and determinations of violations of this chapter shall be conducted by the Ethics Commission of the City of College Park in accordance with the provisions of Chapter 38 of the Code. A violation of this chapter is punishable as prescribed in §38-[~~8~~]9, and Chapter 110, Fees and Penalties.

Section 6. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 110 "Fees and Penalties", §110-2, "Penalties" be and is hereby repealed and reenacted with amendments as follows:

§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

Chapter/Section	**Violation**	**Penalty**
	* * * * *	
Ch. 34-15 Campaign finance	Late reports (late filing fee)	$25 per day or

Reports and INDIVIDUAL EXPENDITURE REPORTS		fraction thereof; maximum of $250
	Incomplete or inaccurate report; or failure to file report	$400
	False statement	$400

Section 7. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for **7:30** P.M. on the **11th** day of **September**, 2018, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on October 2, 2018 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the **14th** day of **August** 2018.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 11th day of September 2018.

EFFECTIVE the 2nd day of October, 2018.

ATTEST:

By: Janeen S. Miller
Janeen S. Miller, CMC, City Clerk

CITY OF COLLEGE PARK

By:
Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Suellen M. Ferguson, City Attorney