



Effective: January 8, 2019

AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING THE CODE OF THE CITY OF NEW CARROLLTON, CHAPTER 50 “ELECTIONS” TO ADD §50-2A “NOMINATING PETITIONS” REQUIRING THAT CANDIDATES IDENTIFY THE OFFICE FOR WHICH THEY ARE RUNNING IN THEIR NOMINATING PETITION; §50-35 “AUTHORITY LINE” CLARIFYING THE CIRCUMSTANCES UNDER WHICH AN AUTHORITY LINE IS REQUIRED AND WHAT IT IS TO CONTAIN; §50-36 “VOTE COUNT” CLARIFYING THE PROCESS FOR COUNTING VOTES AND WHO MAY BE PRESENT DURING THE COUNT; §50-37 “CHALLENGERS AND WATCHERS” CLARIFYING WHAT CHALLENGERS AND WATCHERS ARE PERMITTED TO DO; AND §50-38 “CERTIFICATION OF CANDIDATES ELECTED” REQUIRING, CONSISTENT WITH THE CITY CHARTER, THAT ALL SUCCESSFUL CANDIDATES BE QUALIFIED FOR THE OFFICE TO WHICH THEY ARE ELECTED

WHEREAS, the City of New Carrollton Board of Elections, in conjunction with the City Clerk, reviews the operation of each City election after the election; and

WHEREAS, the City of New Carrollton Board of Elections recommends changes to the City Election Code to clarify various processes employed in City elections, namely, nominating petitions, authority lines, counting of votes, poll watchers and challengers and certification of successful candidates, to ensure that the policies and processes are clear; and

WHEREAS, upon review of the proposed changes the City Council for New Carrollton concurs that the changes are necessary for the efficient operation of City elections.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of New Carrollton that City Code, Chapter 50 “Elections”, be and hereby is amended to add §50-2A “Nominating Petitions” to read as follows:

§50-2A NOMINATING PETITIONS

TO QUALIFY AS A CANDIDATE FOR ELECTIVE OFFICE OF THE CITY, AN INDIVIDUAL MUST FILE A NOMINATING PETITION WITH THE BOARD OF ELECTIONS AS PROVIDED FOR IN CITY CHARTER, §C-7.B. IDENTIFYING THE OFFICE SOUGHT. NO PERSON SHALL FILE A NOMINATING PETITION FOR MORE THAN ONE OFFICE IN ANY ELECTION, NOR SHALL A PERSON BE A

CANDIDATE FOR ELECTION, WRITE-IN OR OTHERWISE, TO MORE THAN ONE OFFICE IN ANY ELECTION.

BE IT FURTHER ENACTED AND ORDAINED by the City Council of New Carrollton that City Code, Chapter 50 "Elections", Article IV "Miscellaneous" be and hereby is amended to read as follows:

Article IV Miscellaneous

§50-35 AUTHORITY LINE

A. (1) 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:

(I) AS TO CAMPAIGN MATERIAL PUBLISHED OR DISTRIBUTED BY A CAMPAIGN FINANCE ENTITY:

- 1. THE NAME AND ADDRESS OF THE TREASURER OF EACH CAMPAIGN FINANCE ENTITY RESPONSIBLE FOR THE CAMPAIGN MATERIAL; AND**
- 2. AS TO EACH TREASURER NAMED UNDER THIS ITEM, THE NAME OF EACH CAMPAIGN FINANCE ENTITY FOR WHICH THE TREASURER IS ACTING; AND**

(II) AS TO CAMPAIGN MATERIAL PUBLISHED OR DISTRIBUTED BY ANY OTHER PERSON, THE NAME AND ADDRESS OF THE PERSON RESPONSIBLE FOR THE CAMPAIGN MATERIAL.

(2) THE AUTHORITY LINE MAY OMIT AN ADDRESS THAT IS ON FILE WITH THE CITY BOARD OF ELECTIONS.

(3) IF THE CAMPAIGN MATERIAL IS TOO SMALL TO INCLUDE ALL OF THE INFORMATION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IN A LEGIBLE MANNER, THE AUTHORITY LINE NEED ONLY CONTAIN THE NAME AND TITLE OF THE TREASURER OR OTHER PERSON RESPONSIBLE FOR IT.

(4) THE AUTHORITY LINE FOR CAMPAIGN MATERIAL THAT IS A COMMERCIAL ADVERTISEMENT NEED ONLY CONTAIN THE INFORMATION SPECIFIED IN PARAGRAPHS (1) AND (2) ABOVE FOR ONE CAMPAIGN FINANCE ENTITY OR OTHER PERSON RESPONSIBLE FOR THE ADVERTISEMENT.

B. 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.

§50-36 VOTE COUNT

A. THE BOARD OF ELECTIONS SHALL TALLY THE MACHINE VOTES ONCE THE POLLS HAVE BEEN CLOSED. ONCE THE VOTING MACHINE TALLIES HAVE BEEN COMPLETED, THOSE RESULTS WILL BE PUBLICLY ANNOUNCED AS THE UNOFFICIAL RESULTS OF THE CITY ELECTION.

B. WITHIN TWENTY-FOUR (24) HOURS AFTER THE CLOSING OF THE POLLS, THE BOARD OF ELECTIONS, IN THE PRESENCE OF THE CITY CLERK, ANY CANDIDATE, AND THE DULY ACCREDITED WATCHERS WITHIN THE POLLING PLACE, SHALL CANVASS THE VOTING MACHINES OR OTHER VOTING SYSTEM AND COUNT ANY PAPER BALLOTS, REGULAR AND ABSENTEE, TO DETERMINE THE VOTE CAST FOR EACH CANDIDATE AND/OR ANY QUESTIONS ON THE BALLOT.

C. THE BOARD OF ELECTIONS SHALL MEET THE DAY FOLLOWING THE ELECTION, AND SHALL DETERMINE AND DECLARE WHAT PERSONS HAVE BEEN ELECTED, ISSUE CERTIFICATES OF ELECTION TO SUCH PERSONS AND CERTIFY THE RESULTS OF THE ELECTION TO THE MAYOR AND MAYOR PRO TEM AS PROVIDED IN CITY CHARTER, §C-7 "ELECTIONS".

§50-37 CHALLENGERS AND WATCHERS

A. A CHALLENGER OR WATCHER OFFICIALLY REPRESENTING A CANDIDATE IN ANY CITY ELECTION HAS THE RIGHT TO:

- (1) ENTER THE POLLING PLACE ONE-HALF HOUR BEFORE THE POLLS OPEN;**
- (2) ENTER OR BE PRESENT AT THE POLLING PLACE AT ANY TIME WHEN THE POLLS ARE OPEN; AND**
- (3) REMAIN IN THE POLLING PLACE UNTIL THE COMPLETION OF ALL TASKS ASSOCIATED WITH THE CLOSE OF THE POLLS AND THE ELECTION JUDGES LEAVE THE POLLING PLACE.**

B. A CHALLENGER OR WATCHER MAY NOT ATTEMPT TO:

- (1) ASCERTAIN HOW A VOTER VOTED OR INTENDS TO VOTE;**
- (2) CONVERSE IN THE POLLING PLACE WITH ANY VOTER;**
- (3) ASSIST ANY VOTER IN VOTING; OR**
- (4) PHYSICALLY HANDLE AN ORIGINAL ELECTION DOCUMENT.**

§50-38 CERTIFICATION OF CANDIDATES ELECTED

ALL CANDIDATES MUST MEET THE QUALIFICATIONS FOR THE OFFICE FOR WHICH THEY ARE NOMINATED. ONLY THOSE SUCCESSFUL CANDIDATES WHO ARE QUALIFIED TO SERVE FOR THE OFFICE FOR WHICH THEY ARE ELECTED SHALL BE ELIGIBLE TO HOLD OFFICE.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, A CANDIDATE WHO FAILS TO MEET THE QUALIFICATIONS FOR THE OFFICE FOR WHICH THEY ARE NOMINATED SHALL BE DEEMED TO HAVE WITHDRAWN THEIR CANDIDACY AND FORFEITED THEIR RIGHT TO OFFICE. IN THE EVENT THAT A WRITE-IN CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES IS NOT QUALIFIED TO HOLD OFFICE, THEN THE QUALIFIED CANDIDATE WITH THE NEXT HIGHEST NUMBER OF VOTES FOR THAT OFFICE SHALL BE DECLARED THE WINNER AND WILL BE SWORN TO OFFICE, PROVIDED THAT PERSON HAS COMPLIED WITH THE PROVISIONS OF CITY CODE, CHAPTER 50.

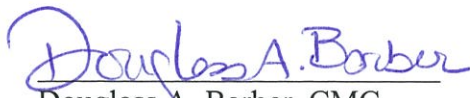
BE IT FURTHER ENACTED AND ORDAINED by the City Council of New Carrollton, that this Ordinance shall become effective following adoption and approval by the Mayor, or passage by the Council over the Mayor's veto.

Introduced by the City Council of New Carrollton, Maryland on the 21st day of November, 2018.

Adopted and enacted by the City Council of New Carrollton, Maryland on the 19th day of December, 2018.

Attest:

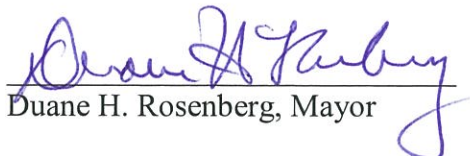
City of New Carrollton


Douglass A. Barber, CMC
City Clerk


Richard Bechtold, Chair City Council

Date: December 20, 2018

Approved:


Duane H. Rosenberg, Mayor

Date: December 20, 2018