



Ordinance 18-04
Chapter 50 Elections
The Code of the City of New Carrollton

Effective: February 21, 2018

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON REPEALING CHAPTER 122 “VOTING” OF THE CODE OF THE CITY OF NEW CARROLLTON AND RE-ENACTING CHAPTER 122 WITH AMENDMENTS AS CHAPTER 50 “ELECTIONS” OF THE CODE OF THE CITY OF NEW CARROLLTON TO ENCOMPASS ALL ISSUES RELATING TO CITY ELECTIONS

WHEREAS, the City Board of Elections reviewed the provisions of the Charter of the City of New Carrollton relating to City elections, Chapter 122 “Voting” of the City Code, and the Board of Elections Handbook and has recommended certain amendments to the City Code to create a new chapter that addresses all issues relating to City elections; and

WHEREAS, the City Council has reviewed the suggested changes and agrees that it would be in the best interest of the City to adopt them; and

WHEREAS, City Charter, Sec. C-10 “General Powers of Council” states that every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto. An emergency ordinance becomes effective on the date specified in the ordinance; and

WHEREAS, the City Council desires to make this Ordinance an Emergency Ordinance so that it will become effective for the 2017 election cycle.

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ARTICLE I GENERAL

§50-1. METHODS, HOURS AND PLACES OF REGISTRATION.

A. METHOD, HOURS AND PLACES OF REGISTRATION SHALL BE ESTABLISHED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS.

B. IN ADDITION TO REGISTRATION PROCEDURES ESTABLISHED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS, MAIL REGISTRATION FORMS SHALL BE MADE AVAILABLE AT CITY HALL DURING OFFICE HOURS

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BOLD UNDERLINED CAPS: INDICATE LANGUAGE ADDED TO THE ORDINANCE AFTER INTRODUCTION.

4. KEEPING DETAILED, FULL, ACCURATE ACCOUNTS, IN A PROPER BOOK OR BOOKS TO BE PROVIDED AND PRESERVED BY THE TREASURER, OF ALL CONTRIBUTIONS AND MONEY OR VALUABLE THINGS RECEIVED BY OR PROMISED TO AND ALL EXPENDITURES, DISBURSEMENTS AND PROMISES OF PAYMENT OR DISBURSEMENTS OF MONEY OR VALUABLE THINGS.

5. FILING ALL CAMPAIGN FINANCE REPORTS.

C. A CANDIDATE MAY NOT ACT AS HIS OR HER OWN TREASURER OR AS TREASURER FOR ANY OTHER CANDIDATE OR CAMPAIGN COMMITTEE IN ANY CITY CAMPAIGN.

D. NEITHER A MEMBER OF THE BOARD OF ELECTION SUPERVISORS NOR ANY PERMANENT, PART-TIME, OR TEMPORARY EMPLOYEE OF THE BOARD, DURING SUCH PERSON'S TENURE IN OFFICE OR EMPLOYMENT, MAY BE A CANDIDATE OR TREASURER OF ANY CANDIDATE, COMBINATION OF CANDIDATES, OR CAMPAIGN COMMITTEE, NOR MAY ANY MEMBER OR EMPLOYEE ACTIVELY PARTICIPATE IN A CITY POLITICAL CAMPAIGN. MEMBERSHIP IN A POLITICAL PARTY, WITHOUT FURTHER ACTION IN CONNECTION WITH A CITY POLITICAL CAMPAIGN, SHALL NOT BE DEEMED TO BE ACTIVELY PARTICIPATING IN A CITY POLITICAL CAMPAIGN.

§50-5. CAMPAIGN CONTRIBUTIONS AND DISBURSEMENTS – CAMPAIGN FINANCE REPORTS.

A. EVERY CANDIDATE FOR ELECTED OFFICE SHALL FILE REPORTS OF CAMPAIGN CONTRIBUTIONS AND DISBURSEMENTS. THE FIRST REPORT IS DUE UPON FILING OF A CANDIDATE'S REQUIRED DOCUMENTATION FOR NOMINATION. A SECOND REPORT IS DUE THE TENTH (10TH) DAY PRECEDING THE ELECTION. A THIRD REPORT IS DUE IN THE OFFICE OF THE CLERK OF THE CITY COUNCIL ON THE TENTH (10TH) DAY FOLLOWING THE ELECTION OR TWO BUSINESS DAYS PRIOR TO THE CANDIDATE BEING SWORN-IN, WHICHEVER SHALL FIRST OCCUR. A FINAL REPORT(S), IF APPLICABLE, SHALL BE FILED SIX MONTHS AFTER THE ELECTION, ONE YEAR AFTER THE ELECTION, AND ANNUALLY THEREAFTER UNTIL NO CASH BALANCE, UNPAID BILL, OR DEFICIT REMAINS. REPORTS REQUIRED TO BE FILED SHALL BE FILED WITH THE BOARD OF ELECTION SUPERVISORS NO LATER THAN 12:00 NOON ON THE DAY THAT THEY ARE DUE.

B. EACH STATEMENT SHALL CONTAIN THE FOLLOWING INFORMATION:

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F. NO CANDIDATE'S NAME SHALL BE PLACED ON THE BALLOT UNTIL SUCH TIME AS THEIR REPORTS HAVE BEEN REVIEWED AND APPROVED.

G. IN-KIND CONTRIBUTIONS MUST BE INCLUDED ON CAMPAIGN CONTRIBUTION AND DISBURSEMENT REPORTS.

§50-6 PAYMENT OF LATE FILING FEE.

THERE IS A LATE FILING FEE FOR EACH REPORT OR STATEMENT OF CONTRIBUTIONS AND DISBURSEMENT REPORT THAT IS NOT FILED WITHIN THE TIME PRESCRIBED. THE FEE IS TEN DOLLARS (\$10.00) FOR EACH DAY OR PART OF A DAY THAT A REPORT IS OVERDUE. THE CLERK TO THE BOARD OF ELECTION SUPERVISORS SHALL RECEIVE AN OVERDUE REPORT OR STATEMENT EVEN IF ANY LATE FILING FEE DUE HAS NOT BEEN PAID, BUT THE REPORT OR STATEMENT SHALL NOT BE CONSIDERED OFFICIALLY RECEIVED UNTIL ALL FEES HAVE BEEN PAID. UPON THE RECEIPT BY THE CLERK OF AN OVERDUE REPORT OR STATEMENT, NO FURTHER LATE FILING FEES SHALL BE CURRED, NOTWITHSTANDING THE FACT THAT THE REPORT OR STATEMENT IS NOT CONSIDERED OFFICIALLY FILED. A LATE FILING FEE MAY NOT BE PAID, DIRECTLY OR INDIRECTLY, FROM CONTRIBUTIONS TO THE CANDIDATE OR CAMPAIGN COMMITTEE AND, WHEN PAID, MAY NOT BE TREATED AS A CONTRIBUTION OR AN EXPENDITURE.

§50-7. - ELECTIONEERING.

NO PERSON SHALL CANVASS, ELECTIONEER OR POST ANY CAMPAIGN MATERIAL, OR OTHER HANDOUTS OF ANY KIND, IN ANY POLLING PLACE OR WITHIN A ONE-HUNDRED-FOOT RADIUS FROM THE FRONT OF THE POLLING LOCATION. POLLING PLACES AND VOTING STATIONS SHALL BE FREQUENTLY CLEANED TO ENSURE THE REMOVAL OF CANDIDATE PARAPHERNALIA AND OTHER MATERIAL OF THE CANDIDATE. ALL POLITICAL SIGNS SHALL COMPLY WITH THE CITY CODE. NO ELECTION SIGNS SHALL BE ALLOWED ON ANY CITY OWNED PROPERTY, EXCEPT ON ELECTION DAY AND ON EARLY VOTING DAYS AT VOTING LOCATIONS, NOR SHALL ELECTION SIGNS BE ALLOWED WITHIN A RIGHT-OF-WAY. CAMPAIGNING SHALL NOT BE PERMITTED AT ANY TIME ON CITY PROPERTY, EXCEPT ON ELECTION DAY. AUTHORITY LINE MUST APPEAR ON ALL CAMPAIGN MATERIALS.

§50-8. RESERVED

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§50-12. PERSONS WHO MAY VOTE AS ABSENTEE VOTERS.

RESIDENTS OF THE CITY WHO ARE QUALIFIED VOTERS AND ARE REGISTERED TO VOTE IN ELECTIONS OF THE CITY OF NEW CARROLLTON SHALL HAVE THE RIGHT TO VOTE BY ABSENTEE BALLOT IN ELECTIONS AS PROVIDED FOR IN THIS ARTICLE.

§50-13. ASSISTANCE IN MARKING BALLOTS, ETC. FOR DISABLED PERSONS.

ANY QUALIFIED VOTER WHO IS BLIND, HAS IMPAIRED VISION OR IS PHYSICALLY DISABLED AND IS, FOR ONE OF THESE REASONS, UNABLE TO MARK THEIR ABSENTEE BALLOT AND SIGN THE REQUIRED OATH MAY BE ASSISTED IN VOTING BY ANY PERSON SELECTED BY THE VOTER. ANY PERSON RENDERING ASSISTANCE TO A VOTER PURSUANT TO THIS SECTION SHALL EXECUTE A CERTIFICATION THAT HE OR SHE IS RENDERING ASSISTANCE AT THE VOTER'S REQUEST WITHOUT ANY ATTEMPT TO INFLUENCE THE VOTER IN ANY MANNER.

§50-14. APPLICABILITY.

THIS ARTICLE APPLIES TO ALL GENERAL AND SPECIAL CITY ELECTIONS.

§50-15. APPLICATIONS.

A QUALIFIED REGISTERED VOTER DESIRING TO VOTE IN ANY CITY ELECTION AS AN ABSENTEE VOTER SHALL MAKE APPLICATION, IN WRITING, TO THE BOARD FOR AN ABSENTEE BALLOT, WHICH APPLICATION MUST BE RECEIVED BY THE BOARD NO LATER THAN 5:00 P.M. ON THE FRIDAY PRIOR TO THE ELECTION. THE APPLICATION SHALL CONTAIN AN AFFIDAVIT WHICH SHALL SET FORTH THE FOLLOWING INFORMATION UNDER PENALTY OF PERJURY:

(1) THE VOTER'S NAME AND RESIDENCE ADDRESS, INCLUDING THE STREET NUMBER.

(2) THAT THE PERSON IS A QUALIFIED VOTER AT THE RESIDENCE ADDRESS GIVEN.

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D. ONE (1) BALLOT TO AN APPLICANT. NOT MORE THAN ONE (1) ABSENTEE BALLOT SHALL BE MAILED TO ANY ONE (1) APPLICANT UNLESS THE BOARD HAS REASONABLE GROUNDS TO BELIEVE THAT THE ABSENTEE BALLOT PREVIOUSLY MAILED HAS BEEN LOST, DESTROYED OR SPOILED.

§50-18. PRINTING OF BALLOTS AND INSTRUCTIONS; FORM; AFFIDAVIT.

A. PRINTING OF BALLOTS AND INSTRUCTIONS. IN SUFFICIENT TIME PRIOR TO ANY ELECTION, THE BOARD SHALL HAVE PRINTED AN ADEQUATE NUMBER OF ABSENTEE BALLOTS WITH INSTRUCTIONS TO ABSENTEE VOTERS.

B. FORM OF BALLOTS. THE BALLOTS SHALL CONTAIN THE WORDS "ABSENTEE BALLOT" PRINTED IN LARGE LETTERS IN A CLEAR SPACE ON THE TOP OF THE BALLOT. UNDERNEATH THESE WORDS SHALL BE PRINTED THE FOLLOWING WARNING: "MARK BALLOT BY PLACING AN 'X' IN THE PROPER BLANK AFTER EACH CANDIDATE OR QUESTION. DO NOT ERASE OR MAKE ANY OTHER MARK."

C. AFFIDAVIT REQUIRED. EACH ABSENTEE VOTER SHALL SIGN THE OATH OF ABSENTEE VOTER WHICH IS PART OF THE APPLICATION AND RETURN IT TO THE BOARD.

§50-19. CANVASSING OF BALLOTS.

A. OPENING OR UNFOLDING BALLOTS. THE BOARD SHALL NOT OPEN OR UNFOLD ANY ABSENTEE BALLOT AT ANY TIME PRIOR TO THE CLOSING OF THE POLLS AND THE BEGINNING OF THE CANVASS OF THE ABSENTEE BALLOTS.

B. PROCEDURE GENERALLY. AT ANY TIME AFTER THE CLOSING OF THE POLLS AND NOT LATER THAN THE CANVASS OF THE VOTES CAST AT THE REGULAR VOTING PLACE IN THE CITY AT ANY ELECTION, THE BOARD SHALL PROCEED TO COUNT, CERTIFY AND CANVASS THE ABSENTEE BALLOTS

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E. PLACING BALLOT IN BALLOT BOX AND ENTRY IN REGISTRY; MORE THAN ONE (1) BALLOT IN ENVELOPE; MARKING BALLOTS. IF THE BOARD DETERMINES THAT THE PROVISIONS FOR FILLING OUT AND SIGNING THE OATH ON THE OUTSIDE OF THE BALLOT ENVELOPE HAVE BEEN SUBSTANTIALLY COMPLIED WITH AND THAT THE PERSON SIGNING THE VOTER'S OATH IS ENTITLED TO VOTE UNDER THIS CHAPTER AND HAS NOT ALREADY VOTED THEREIN ON ELECTION DAY, THEY SHALL OPEN THE BALLOT ENVELOPE AND REMOVE THE BALLOT THEREFROM AND PLACE IT IN A BALLOT BOX PREPARED FOR THAT PURPOSE. WHEN ANY BALLOT ENVELOPE IS OPENED, THE BOARD SHALL ENTER IN THE APPROPRIATE REGISTER THE FACT THAT THE VOTER WHOSE NAME APPEARS THEREON HAS VOTED, USING THE INITIALS "A.B." TO INDICATE THE VOTE HAS BEEN BY ABSENTEE BALLOT. IF THERE IS MORE THAN ONE (1) BALLOT IN THE BALLOT ENVELOPE, ALL SHALL BE REJECTED. ABSENTEE BALLOTS MAY BE MARKED BY ANY KIND OF PENCIL OR INK.

F. MORE THAN ONE (1) BALLOT RECEIVED FROM SAME PERSON. IF ANY BOARD RECEIVES FROM THE SAME PERSON PRIOR TO THE CLOSING OF THE POLLS ON ELECTION DAY MORE THAN ONE (1) ABSENTEE BALLOT, IT SHALL COUNT, CERTIFY AND CANVASS ONLY THE ABSENTEE BALLOT CONTAINED IN THE BALLOT ENVELOPE ON WHICH THE VOTER'S OATH WAS FIRST EXECUTED, AND IF THE OATH ON TWO (2) OR MORE OF THE BALLOT ENVELOPES CONTAINING ABSENTEE BALLOTS ARE DATED THE SAME OR IF BOTH ARE UNDATED, NONE OF THE BALLOTS RECEIVED FROM SUCH PERSON SHALL BE COUNTED.

ARTICLE III. EARLY VOTING

§50-30. EARLY VOTING

EARLY VOTING AT MUNICIPAL ELECTIONS FOR THE OFFICE OF MAYOR AND COUNCIL MEMBERS, OR UPON PROPOSITION SUBMITTED TO THE QUALIFIED

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IN ADDITION TO THE REGISTRATION AND ELECTION LAWS OF MARYLAND, A CANDIDATE MUST ALSO COMPLY WITH THE FOLLOWING:

(A) NO ELECTION SIGNS ON CITY PROPERTY, EXCEPT ON ELECTION DAY AND ON EARLY VOTING DAYS AT VOTING LOCATIONS.

(B) NO CAMPAIGNING AT ANY TIME ON CITY PROPERTY, EXCEPT ON ELECTION DAY AND EARLY VOTING DAYS AT VOTING LOCATIONS.

(C) NO CANDIDATE SHALL USE THE CITY SEAL ON ANY ELECTION MATERIAL.

(D) CANDIDATES SHALL HAVE AN AUTHORITY LINE ON ALL CAMPAIGN MATERIAL.

THE BOARD OF ELECTIONS SUPERVISORS AND CITY CODE ENFORCEMENT OFFICERS HAVE THE AUTHORITY TO REMOVE ANY ELECTION SIGN THAT IS NOT IN COMPLIANCE WITH THE REQUIREMENT FOR AN AUTHORITY LINE.

THE BOARD OF ELECTIONS SUPERVISORS HAS THE AUTHORITY TO HAVE A CANDIDATE REMOVED FROM THE POLLING LOCATION AFTER VIOLATION OF THE PROHIBITION ON ELECTIONEERING WITHIN ONE HUNDRED (100) FEET OF A POLLING LOCATION.

ALL CANDIDATES SHALL BE RESPONSIBLE FOR ANY AND ALL ACTIONS OF THEIR POLL WATCHERS AND CAMPAIGN WORKERS BEFORE AND DURING AN ELECTION.

THE BOARD OF ELECTIONS SUPERVISORS HAS THE AUTHORITY TO REMOVE A CANDIDATE OR HIS OR HER POLL WATCHER FROM IMPEDING THE FLOW OF TRAFFIC AT THE POLLS ON ELECTION DAY.

THE BOARD OF ELECTIONS SUPERVISORS HAS THE AUTHORITY TO IMPOSE REASONABLE REQUIREMENTS TO ENSURE THE ORDERLY PROCESS OF THE ELECTION INCLUDING THE CONDUCT OF THE CANDIDATES, POLL WATCHERS AND CHALLENGERS.

Section 3. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall become effective immediately following adoption and approval by the Mayor, or passage by the Council over the Mayor's veto.

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