

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 23-O-05

Date Introduced: March 27, 2023

Sponsored By: Council President Hiob, Councilwoman Ridgley, Councilwoman Landbeck

Public Hearing: April 10, 2023

Amendments Adopted: None

Date Adopted: April 24, 2023

Date Effective: May 15, 2023

AN ORDINANCE concerning:

ELECTION LAWS REVISIONS

FOR the purpose of revising regulations regarding elections in the City of Aberdeen; specifying certain requirements for absentee and mail-in ballots; modifying and adding to regulations relating to campaign finance for City municipal elections; providing for the form of certificates of candidacy; and generally relating to the regulation of municipal elections in the City of Aberdeen.

BY repealing and reenacting, with amendments
Chapter 36 ELECTIONS
Sections 36-1, 36-2, 36-4.A. and 36-5.A.
Code of the City of Aberdeen (2010 Edition as amended)

BY adding
Chapter 36 ELECTIONS
Sections 36-4A and 36-11
Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:

CAPS INDICATES MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Sections 36-1, 36-2, 36-4.A. and 36-5.A., of Chapter 36 ELECTIONS, of the

Code of the City of Aberdeen (2010 Edition as amended), are repealed and reenacted, with amendments, to read as follows:

CHAPTER 36 ELECTIONS

§ 36-1. **Qualifications of candidates.**

A certificate of candidacy, as referenced in the City Charter, in a form RECOMMENDED BY THE MAYOR AND approved by the CITY COUNCIL ((City Manager)), shall be submitted by each candidate to the Board of Elections or its authorized representative during the prescribed time period. The certificate of candidacy must be accompanied by a fee of \$25. Candidates may withdraw their candidacy no later than 30 days prior to election, in writing. The candidate must satisfy all qualifications for office as established in the Aberdeen City Charter. The certificate of candidacy must state the period during which the candidate has been domiciled in the City.

§ 36-2 **Review by Board of Elections.**

Within five business days after the last day for filing certificates of candidacy, the Board of Elections shall review the certificates of candidacy to determine whether the candidates are eligible for election to the office which each candidate seeks. Within 10 business days after last day for filing a certificate of candidacy, the Ethics Commission shall review each candidate's financial disclosure form required by Chapter 43 of this Code and report its findings to the Board of Elections in that same time period. In the event that the Board shall find that the candidate is not eligible for election, or that the candidate has not satisfactorily completed the financial disclosure form, the Board shall reject the certificate of candidacy and so advise the candidate. THE CANDIDATE SHALL HAVE TWO (2) BUSINESS DAYS TO REMEDY AND RESUBMIT THE FINANCIAL DISCLOSURE FORM FOLLOWING NOTIFICATION FROM EITHER THE BOARD OF ELECTIONS OR THE ETHICS COMMISSION. FAILURE OF A CANDIDATE TO TIMELY FILE A CORRECTED FINANCIAL DISCLOSURE FORM SHALL RESULT IN DISQUALIFICATION OF THE CANDIDATE.

§ 36-4 **Campaign treasurer and campaign contribution accountability.**

((The)) THE candidate shall name a treasurer who will be responsible for receiving and disbursing all campaign funds AND SHALL IDENTIFY THE NAME OF AN ESTABLISHED CAMPAIGN FINANCE ACCOUNT TO RECEIVE CONTRIBUTIONS. The treasurer's name must appear on all campaign materials, advertisements, etc. No other individual or group may spend money directly to aid the candidate unless the person/group is identified and so states that information; all such support should be directed through the treasurer. The campaign treasurer shall provide to the Board a telephone number with answering service capabilities, an e-mail address, or both, that the candidate and/or campaign treasurer will regularly monitor during the campaign. For printed campaign material, the treasurer's name and/or authority line shall appear in such a manner that it

is clearly legible. For each electronic campaign material, including web pages, social media, and robotic telephone calls, a message acknowledging that the treasurer and candidate approve of the electronic campaign material shall be provided in the electronic campaign material. The treasurer shall provide the Board electronic evidence that this approval message was included on each electronic campaign material.

§ 36-5 Reporting and disposition of contributions and expenditures.

A. A report(s) of all moneys spent and received shall be filed with the Aberdeen Board of Elections on a form provided by the Board. The initial and subsequent reports shall be consecutively filed as follows:

(1) FOR CANDIDATES WHO FILE A NOTICE OF CANDIDACY INTENT DECLARATION, NO LATER THAN THE FRIDAY BEFORE LABOR DAY IMMEDIATELY PRECEDING ANY MUNICIPAL ELECTION;

~~((1))~~ (2) No later than the fourth Tuesday immediately preceding any municipal election;

~~((2))~~ (3) No later than the second Friday immediately preceding any election which shall be complete through and including the preceding Sunday;

~~((3))~~ (4) No later than the third Tuesday after the municipal election; AND

~~((4))~~ (5) No later than January 31 following a municipal election, the candidate shall file a final report with the Board. That report shall give a full account of how any surplus funds were disposed of in compliance with § 36-5B.

SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that new Sections 36-4A and 36-11 be and they are hereby added to Chapter 36, ELECTIONS, of the Code of the City of Aberdeen (2010 Edition as amended), to follow immediately after Sections 36-4 and 36-10, respectively, and to read as follows:

CHAPTER 36 ELECTIONS

§ 36-4A. PRECANDIDACY CAMPAIGN CONTRIBUTIONS.

A. ANY PERSON WHO INTENDS TO SOLICIT OR RECEIVE CONTRIBUTIONS, INCUR EXPENSES OR LOAN FUNDS TO THE PERSON'S CAMPAIGN ("CAMPAIGN FINANCE ACTIVITY") PRIOR TO FILING A CERTIFICATE OF CANDIDACY SHALL SUBMIT A NOTICE OF CANDIDACY INTENT DECLARATION TO THE BOARD OF ELECTIONS, BUT NOT EARLIER THAN THE FIRST BUSINESS DAY IN AUGUST. A PERSON MAY NOT ENGAGE IN ANY

1 CAMPAIGN FINANCE ACTIVITY UNTIL THE PERSON HAS FILED A NOTICE OF
2 CANDIDACY INTENT DECLARATION. A NOTICE OF CANDIDACY INTENT
3 DECLARATION IS NOT REQUIRED TO BE FILED BY PERSONS WHO REFRAIN
4 FROM ANY CAMPAIGN FINANCE ACTIVITY PRIOR TO FILING A CERTIFICATE
5 OF CANDIDACY.
6

7 B. A NOTICE OF CANDIDACY INTENT DECLARATION SHALL INCLUDE THE
8 NAME OF THE CANDIDATE, THE ADDRESS OF THE CANDIDATE'S DOMICILE
9 AND PREFERRED CONTACT INFORMATION, THE DESIGNATION OF A
10 CAMPAIGN TREASURER, AND THE NAME OF AN ESTABLISHED CAMPAIGN
11 FINANCE ACCOUNT TO RECEIVE CAMPAIGN CONTRIBUTIONS.
12

13 C. SUBJECT TO THE SUBMISSION OF A NOTICE OF CANDIDACY INTENT
14 DECLARATION TO THE BOARD OF ELECTIONS AS REQUIRED BY
15 SUBSECTIONS A. AND B., PROSPECTIVE CANDIDATES MAY BEGIN
16 ENGAGING IN CAMPAIGN FINANCE ACTIVITY ON OR AFTER THE FIRST
17 BUSINESS DAY IN AUGUST OF THE ELECTION YEAR IN WHICH THE
18 CANDIDATE INTENDS TO BE A DECLARED AND CERTIFIED CANDIDATE.
19

20 **§ 36-11 ABSENTEE/MAIL-IN BALLOTS.**

21 A. ABSENTEE BALLOTS, WHICH MAY BE REFERRED TO AS MAIL-IN BALLOTS
22 FOR THE PURPOSES OF THIS SECTION, MAY BE REQUESTED BY ELIGIBLE
23 REGISTERED VOTERS OF THE CITY OF ABERDEEN THROUGH THE HARFORD
24 COUNTY BOARD OF ELECTIONS. THE CITY MUST PROVIDE NOTICE OF
25 APPLICATION AVAILABILITY, THE DEADLINES FOR REQUESTING AND
26 CASTING A MAIL-IN BALLOT, AND THE METHODS FOR CASTING A MAIL-IN
27 BALLOT AS SPECIFIED IN SUBSECTIONS B. AND C. OF THIS SECTION.
28

29 B. MAIL-IN BALLOTS MAY BE MAILED TO THE CITY OF ABERDEEN BOARD OF
30 ELECTIONS AT THE CITY'S MAILING ADDRESS AT CITY HALL. IN ORDER TO
31 BE ACCEPTED, A MAILED BALLOT MUST BE POSTMARKED BY 8:00 P.M. ON
32 ELECTION DAY AND MUST BE RECEIVED AT CITY HALL BY THE FINAL
33 CANVASSING OF BALLOTS ON THE FRIDAY IMMEDIATELY FOLLOWING
34 ELECTION DAY.
35


36 C. IN ADDITION TO CASTING A MAIL-IN BALLOT BY MAIL AS PROVIDED BY
37 SUBSECTION B., A MAIL- IN BALLOT MAY ALSO BE CAST BY DEPOSITING IT
38 IN A SECURE DROP BOX LOCATED AT CITY HALL DESIGNATED BY THE CITY
39 BOARD OF ELECTIONS FOR THAT PURPOSE, OR BY HAND DELIVERING IT TO
40 THE DESIGNATED CITY POLLING SITE ON ELECTION DAY. IN ORDER TO BE

1 COUNTED, A MAIL-IN BALLOT CAST AS PROVIDED IN THIS SUBSECTION C.
2 MUST BE DEPOSITED IN THE DROP BOX OR DELIVERED TO THE DESIGNATED
3 POLLING SITE NOT LATER THAN 8:00 P.M. ON ELECTION DAY OR BY THE
4 CLOSE OF POLLS, WHICHEVER IS LATER.
5

6 **SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF**
7 **ABERDEEN**, that this Ordinance shall become effective at the expiration of twenty (20) calendar
8 days following adoption.

COUNCIL OF THE CITY OF ABERDEEN

Patrick L. McGrady, Mayor



Adam M. Hiob, Council President



Sandra J. Landbeck, Councilwoman

Timothy W. Lindecamp, Councilman



Tandra A. Ridgley, Councilwoman

ATTEST:



Monica A. Correll, City Clerk

SEAL:

Date

April 24, 2023