

**CITY OF GREENBELT
BOARD OF ELECTIONS**

***Report to City Council:
Review of Council Referrals Regarding Proposed Election Code Changes***

Background

At the September 17, 2018, meeting, City Council requested that the Board of Elections review several referrals regarding proposed election changes.

Review of Council Referrals

The Board of Elections has reviewed and approved the proposed amendments, and respectfully submits this report and the attachments as its Election Code report to the Council.

In summary, the amendments are as follows:

Electioneering: The amended Section 8-11 sets up a procedure whereby election judges, the City Clerk, and the Board of Elections may impose fees for violations.

Early Voting: The amended Section 8-13 adds the Municipal Center as an additional weekend polling place and also adds a week to the early voting period.

Campaign Finance Reports: The amendments expand campaign finance reporting requirements, as to subject matter and report format. They also provide for the payment of a \$50 fee for every full or partial business day a report is filed late, and they require the Board of Elections to review reports for Code compliance.

Minor amendments are suggested throughout, intended to consolidate subject matter in and readability of Election Code sections.

Another amendment the Board would like to include, involves the composition of the Board of Elections. Because of proposed added duties, the Board members agreed that their number should be increased from five to seven. That change in City law would be made by amending Section 16(a) of the City Charter.

Modifications of Council's Referral

A. Section 8-21 (c), on page 7. Rewrite the section, as follows:

As soon as practicable after a report is filed, the City Clerk shall forward a copy to the board of elections. The board shall review the report for compliance with this section.

B. Section 8-22 (a) (1), on page 10. Add this sentence:

The first interim report shall also state whether the candidate's campaign account was opened for the present campaign or was also open for a prior campaign.

C. Section 8-22 (b), on page 11. Rewrite the first sentence, with added language:

(b) For each full or partial business day a report is filed late, a candidate must pay a fee of \$50.00, to a maximum of \$500.00.

D. Section 8-22 (e), on page 11. Rewrite the section, as follows:

The board of elections is further authorized to strike the name of any candidate whom it finds has not substantially complied with financial reporting requirements.

~~Two changes here: As in 8-21 (c) above, the Board of Ethics is removed from the review process, and I've added the word "substantially" to the section. The idea as to the latter change is to allow the BOE to approve a report even if some details look sloppy or incompletely reported. We're looking for "substantial" but not necessarily "perfect" compliance.~~

E. New Section 8-22 (f), on page 11. Add this new subsection (f), and redesignate the present subsection (f) as subsection (g):

~~*(f) A candidate found to be in violation of financial reporting requirements may correct the violations, on terms approved by the board of elections. In reviewing a candidate's request, submitted in writing within ten business days of the date the City Clerk sends written notification of the violation or violations, the board shall consider the circumstances reported by the candidate and the reasons offered for the candidate's noncompliance.*~~

~~When Council members were discussing the question of correcting campaign financial reporting violations, they used the phrase "in good standing." I wasn't sure where that should go, but perhaps we should simply add a sentence to the new Section 8-22 (f):~~

(f) A candidate found to be in violation of financial reporting requirements may correct the violations, on terms approved by the board of elections. In reviewing a candidate's request, submitted in writing within ten business days of the date the City Clerk sends written notification of the violation or violations, the board shall consider the circumstances reported by the candidate and the reasons offered for the candidate's noncompliance. After reviewing the candidate's written request, the board is authorized to place the candidate again in good standing, for present and future elections.

F. Section 8-23, on page 13. Strike the suggested amending language, and restore the prior wording:

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.

Section 8-24, renumbered to 8-23 in the amended Code.

G. Section 8-25 (a), on page 17. Rewrite the first sentence:

(a) Each candidate or campaign treasurer shall establish an account in a financial institution for the sole purpose of accepting and disbursing campaign funds.

H. Section 8-25, on page 17. Add a new subsection (d):

(d) In the final campaign financial report, each candidate shall state whether the campaign account will remain open. If the account will be closed, the report shall state how any remaining funds will be disbursed.

Attachments: Proposed Amended Chapter 8 “Elections”, Greenbelt City Code

Board of Elections

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