

## ORDINANCE NO. 2318

AN ORDINANCE of the City of Salisbury amending Sections 1.08.020 Duties of the Election Board, 1.12.030 Campaign Contributions, and 1.12.040 Financial Disclosure Statements to be Filed by the Candidate or Treasurer, of the Salisbury Municipal Code to eliminate primary elections.

**WHEREAS**, the City of Salisbury has decided it is in the best interest of the City to eliminate primary elections for elected City positions; and

**WHEREAS**, the Salisbury Municipal Code refers to the primary elections in Title 1, General Provisions; and

**WHEREAS**, the City desires to amend the Code to reflect the elimination of primary elections.

**NOW, THEREFORE**, be it enacted and ordained by the Council of the City of Salisbury, Maryland, that Sections 1.08.020, 1.12.030 and 1.12.040 of the Salisbury Municipal Code, be amended as follows:

### **1.08.020 Duties of the Election Board**

The city board shall generally supervise the conduct of the system of appointment and registration, nomination by petition, and general, ~~primary~~ and special elections in accordance with the provisions of the City Charter and ordinances of the council; specifically including the following duties:

- A. Observe polls;
- B. Observe opening of absentee ballots;
- C. Hear contests concerning voting and the validity of any ballot.

### **1.12.030 Campaign contributions.**

- A. No candidate for mayor or for member of the city council shall receive campaign contributions in excess of two hundred fifty dollars (\$250.00) per individual or entity per campaign in cash and/or for in-kind services of a commercial nature. ~~The two hundred fifty dollar (\$250.00) amount is a total for both the primary and general election.~~
- B. The contributions or loans of a candidate or the candidate's spouse to the candidate's own campaign are not subject to the limitations of Subsections A and C of this section, but must pass through the hands of the candidate's treasurer and be reported as required in other provisions of this chapter. Personal expenses of the candidate for filing fees, telegrams, telephoning, travel and board, shall not be considered contributions if paid for by the candidate or the candidate's spouse.
- C. No loan may be made to the campaign of a candidate or accepted on behalf of the campaign, without express written consent of the candidate. Written consent constitutes

the personal guaranty of the candidate for repayment of the loan, only if it expressly so provides. The aggregate amount of all outstanding loans to the campaign of a candidate shall not exceed five hundred dollars (\$500.00) per campaign. ~~for both the primary and general election.~~ A loan shall not be forgiven in an amount in excess of two hundred fifty dollars (\$250.00). Subsection B of this section is an exclusion to the requirements of this subsection.

- D. Contributions of ~~such~~ in-kind services of a commercial nature shall be valued at a rate commensurate with the cost of purchasing similar materials or services.
- E. All campaign contributions shall be received by the date of the general election. Any campaign contributions received after the date of the general election shall be returned to the contributor.

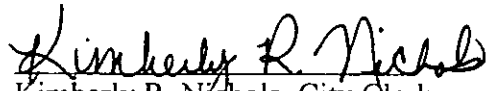
#### **1.12.040 Financial disclosure statements to be filed by the candidate or treasurer.**

- A. The candidate and/or treasurer shall file a complete and accurate financial disclosure statement detailing the contents of the account books no later than ~~seven days prior to the primary election and~~ seven days prior to the general election. The financial disclosure statement shall include, but not be limited to, the name, address, amount of contribution and the date all contributions were received. Contributions of in-kind materials or services shall be valued as stated in Section 1.12.020(B). Each financial disclosure statement filed shall also contain a full and complete record of expenses and list any expenses incurred by not yet paid.
- B. A final disclosure statement shall be filed no later than forty-five (45) days after the date of the general election. After payment of all campaign expenditures, any surplus funds shall be paid by the treasurer to either: (1) the city of Salisbury to help defray the expenses of the election; (2) a charitable organization as defined in the Annotated Code of Maryland, Business Regulation Article, Title 6 as amended from time-to-time; or (3) a political club, committee, or party of the candidate's choice.
- C. No financial disclosure statements shall be required if the contributions received total less than six hundred dollars (\$600.00) for the ~~primary and general~~ elections; however, a statement under oath shall be filed by the candidate and treasurer that no financial disclosure statement is required pursuant to this section. Such statement, if applicable, shall be filed seven days prior to the ~~primary elections and seven days prior to the general~~ election.
- D. Each financial disclosure statement shall include a representation certifying under oath that the contents of the statement are true and correct and shall be signed by the candidate and treasurer.
- E. The foregoing provisions shall also apply to unsuccessful candidates.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 23 day of March, 2015 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 13 day of April, 2015.


ATTEST:

  
Kimberly R. Nichols, City Clerk

  
Jacob R. Day, City Council President

Approved by me, this 17<sup>th</sup> day

of April, 2015.

  
James Ireton, Jr.,  
Mayor

# City of Salisbury



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COUNCIL MEMBER  
EUGENIE P. SHIELDS  
COUNCIL MEMBER  
TIMOTHY K. SPIES  
COUNCIL MEMBER

TO: City Council Members  
FROM: Kim Nichols, City Clerk  
DATE: March 18, 2015  
SUBJECT: Ordinances to Amend City Code to Eliminate Primary Elections

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At its December 15, 2014 Work Session Council discussed eliminating the primary elections in the City of Salisbury Council and Mayoral elections. After further discussion and reviewing the Charter Amendment Resolution and attached Ordinances during the March 2, 2015 Work Session, Council reached unanimous consensus to advance the legislation.

The following two ordinances will update the City Code Sections 1.08.020 (Duties of the Election Board), 1.12.030 (Campaign Contributions), 1.12.040 (Financial Disclosure Statements to be Filed by the Candidate or Treasurer), and 1.08.300 (to change the number of Councilmanic districts in the City) to correspond with the City Charter.